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GOVERNMENT NOTICES

Miscellaneous Instruments

ROADS AND MARITIME SERVICES

NSW LIGHT VEHICLE AGRICULTURAL AND LOAD EXEMPTION MINISTERIAL ORDER 2015

I, Duncan Gay, Minister for Roads, Maritime and Freight, pursuant to section 19 of the *Road Transport Act 2013* (NSW), make the following Order.

DUNCAN GAY, MLC
Minister for Roads, Maritime and Freight

Dated, this 5th day of May 2015

PART 1 – PRELIMINARY

Explanatory note:

The object of this Order is to exempt light vehicles and light combinations used for agricultural and load carrying (including carrying a sailing boat or yacht) purposes from the application of particular provisions within the *Road Transport (Mass, Loading and Access) Regulation 2005* (NSW) and Schedule 2 of the *Road Transport (Vehicle Registration) Regulation 2007* (NSW).

This Order is made under section 19 of the *Road Transport Act 2013* (NSW).

1 Name of Order

This Order is the *NSW Light Vehicle Agricultural and Load Exemption Ministerial Order 2015*

2 Commencement

This Order has effect on and from publication in the *NSW Government Gazette*.

3 Effect

This Order remains in force up to and including 30 October 2019 unless it is revoked earlier.

4 Interpretation

Words and expressions used in this Order have the same meaning as in the *Road Transport Act 2013* (NSW) unless otherwise stated.

5 Definitions

In this Order:

agricultural combination means a combination consisting of at least 1 agricultural vehicle.

agricultural implement means a vehicle without its own automotive power, built to perform agricultural tasks.

agricultural machine means a machine with its own automotive power, built to perform agricultural tasks.

agricultural vehicle means an agricultural implement or agricultural machine.

Forward Projection means:

- a) in relation to all vehicles and combinations to which this Order applies, except vehicles and combinations carrying an indivisible item which is a sailing boat or yacht, means projection in front of the headlights of the vehicle; and
- b) in relation to vehicles and combinations carrying an indivisible item which is a sailing boat or yacht, means projection of the sailing boat or yacht beyond the front of the trailer.

indivisible item means an item that cannot be divided without extreme effort, expense or risk of damage to it and which cannot be carried on a vehicle without exceeding a width limit applying to the vehicle; and in the case of a sailing boat or yacht includes its equipment.

Limited Access Location means a road, area or zone where travel by a vehicle is not permitted unless the vehicle complies with the conditions specified for that particular road, area or zone.

major road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,

- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transit way,
- (i) a State work.

NSW Urban Zone means the routes and zones which Roads and Maritime Services has identified as the NSW Urban Zone in the notice titled ‘Notice of Suitable Routes and Areas – Travel Times, Zones and Travel Conditions – Load Carrying Vehicles’ and the ‘notice of suitable routes and areas – Travel Times, Zones and Travel Conditions – Agricultural Vehicles’ as published on its website.

NSW Eastern Zone means the routes and zones which Roads and Maritime Services has identified as the NSW Eastern Zone in the notice titled ‘Notice of Suitable Routes and Areas – Travel Times, Zones and Travel Conditions – Agricultural Vehicles’ as published on its website.

NSW Western Zone means the routes and zones which Roads and Maritime Services has identified as the NSW Western Zone in the notice titled ‘Notice of Suitable Routes and Areas – Travel Times, Zones and Travel Conditions – Agricultural Vehicles’ as published on its website.

NSW Regional Zone means the routes and zones which Roads and Maritime Services has identified as the NSW Regional Zone in the notice titled ‘Notice of Suitable Routes and Areas – Travel Times, Zones and Travel Conditions – Load Carrying Vehicles’ as published on its website.

pilot vehicle means a motor vehicle that accompanies an oversize vehicle to warn other road users of the oversize vehicle’s presence.

rear marking plate means a plate that:

- (a) warns other road users that the vehicle to which the plate is attached is an oversize vehicle; and
- (b) complies with ‘Standards Bulletin VSB12—Rear Marking Plates’ published by the Vehicle Safety Branch of the Western Australian Department of Planning and Infrastructure.

Rear Overhang has the definition provided in the *Road Transport (Vehicle Registration) Regulation 2007* (NSW).

Rear Overhang Load means the distance between the rear overhang line (as that term is defined in the *Road Transport (Vehicle Registration) Regulation 2007* (NSW)) and the extreme rear of the sailing boat or yacht including any of its equipment.

Safe parking area means an area at which vehicles to which this Order applies may be parked lawfully and safely.

PART 2 – APPLICATION OF ORDER

6 Vehicles to which this Order applies

6.1 This Order applies to a light vehicle or a light combination which is or includes:

- a) an agricultural vehicle, or
- b) a vehicle designed to carry and carrying an indivisible item;

that, alone or together with any load exceeds a dimension limit described in the *Road Transport (Mass, Loading and Access) Regulation 2005* (NSW) or Schedule 2 of the *Road Transport (Vehicle Registration) Regulation 2007* (NSW).

Note 6.1(a): references to “a vehicle or combination” within this Order, means a vehicle or combination to which this Order applies unless otherwise specified.

Note 6.1(b): the total mass of all the vehicles constituting a light combination may exceed 4.5 tonnes provided that none of the individual vehicles in the light combination has a Gross Vehicle Mass (GVM) that exceeds 4.5 tonnes.

Note 6.1(c): this Order contains requirements for pilot vehicles.

7 Vehicles to which this Order does not apply

7.1 This Order does not apply to heavy vehicles as defined in the *Heavy Vehicle National Law* (NSW).

Note: heavy vehicle means a vehicle with a GVM or an Aggregate Trailer Mass (ATM) of more than 4.5 tonnes, including a combination consisting of at least one vehicle with a GVM or ATM of more than 4.5 tonnes.

PART 3 – DECLARATION

8 Declaration

8.1 The following dimension limits are declared not to apply to a vehicle or combination that complies with the operating conditions of this Order:

- (a) the requirements of clauses 71, 72, 74 and 75 of Schedule 2 of the *Road Transport (Vehicle Registration) Regulation 2007*; and
- (b) clause 53 (1) of the *Road Transport (Mass, Loading and Access) Regulation 2005*.

9 Routes and zones of operation

- 9.1 A vehicle or combination operating under this Order may only use the routes and travel in the zones, including the Limited Access Zones, that Roads and Maritime Services has identified, by notice titled 'notice of suitable routes and areas' published on its website as suitable for use at the times specified and in the manner of travel specified for the type of vehicle or combination concerned.

PART 4 – DIMENSION LIMITS

10 Dimension limits

- 10.1 A vehicle that complies with the operating conditions of this Order must comply with the dimension limits stated in table 1.

Note: Other than as specified in this Order, a vehicle or combination must comply with the provisions of the *Road Transport (Mass, Loading and Access) Regulation 2005* (NSW) and the *Road Transport (Vehicle Registration) Regulation 2007* (NSW).

Table 1: Maximum Overall Dimension Limits

Item	Vehicle	Height (metres)	Width (metres)	Length (metres)	Rear Overhang Limit (metres)	Forward Projection (metres)
1	Agricultural machine (single vehicle) travelling in the NSW Eastern or NSW Urban Zone	4.3	5.0	12.5	4.5	Nil
2	Agricultural machine (single vehicle) travelling in the NSW Western Zone	4.3	6.0	12.5	4.5	Nil
3	Agricultural combination travelling in the NSW Eastern or NSW Urban Zone	4.3	5.0	25.0	4.5	Nil
4	Agricultural combination travelling in the NSW Western Zone	4.3	6.0	25.0	4.5	Nil
	Agricultural combination consisting of a grain auger – travelling in the NSW Urban zone	4.3	3.0	23.0	The lesser of; 5.5 or 53% of the auger length or	Nil
	Agricultural combination consisting of a grain auger – travelling in the NSW Eastern Zone	4.3	3.5	25.0	The lesser of; 9.0 or 53% of the auger length	Nil

Item	Vehicle	Height (metres)	Width (metres)	Length (metres)	Rear Overhang Limit (metres)	Forward Projection (metres)
	Agricultural combination consisting of a grain auger – travelling in the NSW Western Zone	4.3	3.5	25.0	The lesser of; 10.0 or 53% of the auger length	Nil
5	Single light vehicle carrying an indivisible item (non-agricultural)	4.3	3.5	12.5	The lesser of; 3.7 or 60% of the distance between the centre of the front axle and the rear overhang line	Nil
6	Light vehicle combination carrying an indivisible item (non-agricultural)	4.3	3.5	19.0	The lesser of; 3.7 or 60% of the distance between the centre of the front axle and the rear overhang line	Nil
7	Light vehicle or combination carrying an indivisible item that is a sailing boat or yacht	4.3	For any part of the load projecting beyond the rear of the trailer of a combination, 2 Otherwise, 3.5	19.0 for a combination or 12.5 for a vehicle	When carrying a sailing boat or yacht, the Rear Overhang Load, 5. Otherwise, 3.7	1.2

PART 5 – OPERATING CONDITIONS

11 Making a vehicle smaller

- 11.1 A vehicle or combination without a load must be reduced to its smallest practicable dimensions, with any booms fully retracted.
- 11.2 The projection from the rear of a vehicle or combination must be minimised as far as practicable.

12 Warning devices for oversize vehicles

- 12.1 Clause 12 does not apply to a vehicle or combination carrying an indivisible item that is a sailing boat or yacht.
- 12.2 A vehicle or combination, alone or together with any load, that is wider than 2.5m must have:
- one warning sign attached to the front of the vehicle, and
 - one warning sign attached to the rear of the vehicle or, if it is carrying a rear-projecting load, to the rear of the load; and
 - 4 brightly coloured red, red and yellow, or yellow flags, each at least 450mm by 450mm, fixed as follows:
 - a flag must be attached at each side of the front of the vehicle or, if a load projects from the front of the vehicle, at each side of the front of the load;
 - a flag must be fixed at each side of the rear of the vehicle or, if a load projects from the rear of the vehicle, at each side of the rear of the load.
- 12.3 A light vehicle or light combination, together with its load, is not wider than 2.5m, and whose length is more than 22m, must have a warning sign attached to the rear of the vehicle or, if a load projects from the rear of the vehicle, to the rear of the load.
- 12.4 After sunrise and before sunset, a vehicle or combination must display a warning light if the vehicle, together with any load, is wider than 3.0m.
- 12.5 A warning sign must be displayed on the left and right sides of any rigid projection extending more than 1.2m in front of the body of a vehicle or combination.

- 12.6 The warning lights and signs must comply with the requirements set out in Part 3 of Schedule 8 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* (NSW).
- 13 Additional warning devices for agricultural vehicles or combinations**
- 13.1 An agricultural vehicle or agricultural combination wider than 2.5m, or an agricultural combination longer than 22m, must have a warning light attached to its highest practicable point when it is on a major road.
- 13.2 A warning sign must be attached to the rear of an agricultural implement being towed by a tractor.
- 14 Travelling at night or in low visibility**
- 14.1 A vehicle or combination which is or includes an agricultural vehicle may not travel between sunset and sunrise.
- 14.2 A vehicle or combination wider than 2.5m which is carrying an indivisible item or any load, and which is not or does not include an agricultural vehicle:
- (a) Is not permitted to travel between sunset and midnight.
 - (b) Is only permitted to travel between midnight and sunrise in the NSW Urban Zone and the NSW Regional Zone:
 - (i) on routes and areas determined by Roads and Maritime Services to be suitable and published in the relevant notice on its website;
 - (ii) if the vehicle or combination does not exceed 2.7m in width; and
 - (iii) if the vehicle or combination exceeds 2.7m in width but does not exceed 3.5m in width, it must be accompanied by at least one pilot vehicle.
- 14.3 Despite clauses 14.1 and 14.2, where travel commenced before sunset and sunset occurs during the journey, the operator is permitted to continue to travel for a distance not exceeding 10 kilometres for the sole purpose of stopping at a safe parking area.
- 14.4 A vehicle to which this Order applies may not travel if, due to circumstances such as fog, heavy rain, smoke or other conditions visibility is less than 250m.
- 14.5 If a vehicle or combination is already travelling when visibility is reduced to the level described in clause 14.4, the driver must drive the vehicle into the nearest safe parking area, and wait until visibility improves beyond that level before continuing to travel.
- 15 Additional warning devices at night**
- 15.1 Clause 15 does not apply to:
- (a) a vehicle or combination carrying an indivisible item that is a sailing boat or yacht; or
 - (b) an agricultural vehicle or combination.
- 15.2 Between sunset and sunrise, an oversize vehicle or combination must display:
- (a) lights showing yellow to the front and red to the rear (known as *side markers*) no more than 2.0m apart along both sides of the vehicle and along any front or rear projection, and
 - (b) two red lights (known as *rear markers*) fixed to the rear of any rear-projecting load, within 400mm of each side of the load, and at least 1 metre but not more than 2.1m above the ground, and
 - (c) a warning light if the vehicle or combination, together with any load, is wider than 2.5m.
- 16 Headlights**
- 16.1 A vehicle or the towing vehicle in a combination must have its low-beam headlights on while travelling between sunrise and sunset.
- 16.2 A vehicle or combination that has fitted to it daytime running lights may use the daytime running lights instead of headlights during the day time.
- 17 Allowing other vehicles to overtake**
- 17.1 This clause applies if there is no separate lane for overtaking traffic.
- 17.2 If traffic banks up behind a vehicle or combination to which this Order applies, its operator must move it to the side of the road, and if necessary, stop as soon as it is safe to do so to allow following vehicles to overtake.
- 18 Assessing Routes**
- 18.1 A vehicle or combination must not be driven along a route if to do so would be likely to cause:
- (a) disruption to telecommunication, electricity, rail, gas, water or sewage services (relevant services);
 - (b) damage to a road (including a bridge), structure, rail crossing or tree (relevant property).
- 18.2 Clause 18.1 does not apply if the entity responsible for the relevant services or relevant property has given permission for the vehicle or combination to travel along the route and the vehicle or combination is driven in accordance with the permission.

19 Carrying goods in addition to an indivisible item

- 19.1 A vehicle or combination must not carry more than 1 indivisible item unless:
- (a) the vehicle together with its load complies with this Order and the GCM does not exceed 4.5 tonnes; and
 - (b) the vehicle carrying more than 1 indivisible item does not cause the vehicle together with its load to exceed a dimension requirement that would not be exceeded if the vehicle carried only 1 of the indivisible items.
- 19.2 A load-carrying vehicle carrying 1 or more indivisible items must not carry any other goods unless:
- (a) the vehicle together with its load complies with this Order and the GCM does not exceed 4.5 tonnes; and
 - (b) the other goods are contained within the limits set by this order and the road transport legislation.
- 19.3 Despite clause 19.2 above, a vehicle or combination may also carry equipment, tools, substances or detached parts to be used in conjunction with the vehicle being carried.
- 19.4 A vehicle or combination carrying a sailing boat or yacht must not carry more than one indivisible item of that kind during any one journey.

20 Agricultural vehicles not to use freeways

- 20.1 An oversize agricultural vehicle or combination must not be driven on a freeway.

21 Agricultural implements not to carry loads

- 21.1 An agricultural implement must not carry a load or passengers.

22 Speed limits for agricultural implements without brakes

- 22.1 An agricultural implement without brakes must not be towed at a speed greater than the lesser of:
- (a) 20 km/h less than the speed limit applying to the section of road on which the implement is travelling, and
 - (b) 50 km/h.

23 Restriction on towing other vehicles

- 23.1 An agricultural implement, agricultural machine or a vehicle carrying an indivisible item must not tow another vehicle.

24 Use of pilot vehicle

- 24.1 Subject to any additional travel conditions published in accordance with clause 9 of this Order, an agricultural vehicle and agricultural combination of a width described in Table 2 must be accompanied by a pilot vehicle as stated in Table 2.
- 24.2 An agricultural vehicle or agricultural combination that is travelling less than 500m is not required to comply with Table 2 or Table 3.
- 24.3 Subject to any additional travel conditions published in accordance with clause 9 of this Order, a grain auger combination of a width and/or rear overhang described in Table 3 must be accompanied by a pilot vehicle as stated in Table 3.

Table 2: requirements for pilot vehicles for agricultural vehicles and combinations

Area of operation	Wider than 3.7m but not wider than 4.5m	Wider than 4.5m but not wider than 6m
If the terrain limits a clear view of approaching traffic to less than 500 m	1 pilot vehicle	2 pilot vehicles
A major road	1 pilot vehicle	2 pilot vehicles
If there is a clear view of approaching traffic for at least 500 m, but not on a major road	nil	1 pilot vehicle

Table 3: requirements for pilot vehicles for grain auger combinations

Area of operation	Rear overhang exceeds 5.5m	Rear overhang exceeds 7 and/or width exceeds 3m	Rear overhang exceeds 9m
NSW Urban Zone	1 pilot vehicle	N/A	N/A
NSW Eastern Zone	nil	1 pilot vehicle	N/A
NSW Western Zone	nil	nil	1 pilot vehicle

25 Operating conditions for pilot vehicles

- 25.1 This clause 25 applies if:
- (a) an agricultural vehicle or agricultural combination must be accompanied by a pilot vehicle as set out in Table 2 or 3 above; or
 - (b) a vehicle or combination is required to be accompanied by a pilot vehicle for travel on a route or zone specified in a notice titled 'notice of suitable routes and areas' published on the Roads and Maritime Services website as per clause 9.1.
- 25.2 A pilot vehicle must be a light vehicle with at least 4 wheels.
- 25.3 A pilot vehicle must have a warning sign attached to its roof.
- 25.4 Both faces of a warning sign on a pilot vehicle must show:
- (a) the word 'OVERSIZE', in black capital letters at least 200mm high, and complying with AS 1744 'Forms of Letters and Numerals for Road Signs', in typeface Series C(N); and
 - (b) the words 'LOAD AHEAD', in black capital letters at least 100mm high, and complying with AS 1744 'Forms of Letters and Numerals for Road Signs', in typeface Series D(N).
- Note:** AS 1744 'Forms of Letters and Numerals for Road Signs' may be purchased from Standards Australia.
- 25.5 The bottom of the letters of the word 'OVERSIZE' must be at least 300mm from the bottom of the warning sign and the bottom of the letters of the words 'LOAD AHEAD' must be at least 100mm from the bottom of the warning sign.
- 25.6 A pilot vehicle must only have a warning light attached:
- (a) above or below the warning sign; or
 - (b) at each side of the warning sign.
- 25.7 A warning light attached to a pilot vehicle, when switched on, must:
- (a) be a yellow coloured light of rotating and flashing effect; and
 - (b) flash between 120 and 200 times a minute; and
 - (c) have a power of at least:
 - (i) if LED technology is used; 25W; or
 - (ii) if another technology is used; 55W; and
 - (d) not be a strobe light.
- 25.8 The low-beam headlights on a pilot vehicle must be switched on when it is accompanying a vehicle during the daytime.
- 25.9 A pilot vehicle must not tow a trailer or carry goods, but it may carry equipment or substances for use in connection with the vehicle or combination that it is accompanying or for restraining a load on that vehicle or combination.
- 25.10 If 1 pilot vehicle accompanies a vehicle or combination, the pilot vehicle must travel:
- (a) behind the vehicle or combination if they are on a divided road; or
 - (b) in front of the vehicle or combination if they are on a road that is not divided.
- 25.11 If 2 pilot vehicles accompany a vehicle or combination, 1 pilot vehicle must travel in front of the vehicle or combination, and the other behind it.
- 25.12 A pilot vehicle must travel far enough away from the vehicle or combination it is accompanying to give adequate warning to other road users of the presence of the vehicle or combination, taking into account traffic speed, weather, visibility and other driving conditions.

26 Additional conditions for indivisible items – sailing boats and yachts

- 26.1 A combination carrying an indivisible item that is a sailing boat or yacht:
- (a) Must have brake and tail lights on its trailer, direction indicators, number plate lights, reflectors and a number plate. These items must be clearly visible and not obscured.
 - (b) To ensure that the items are not obscured, the brake and tail lights, indicators, reflectors and number plate and any number plate lights may be attached to:
 - (iv) A removable panel or panels constructed of wood, metal or other suitable material that can be fitted to the trailer or at the rear of the load when a sailing boat or yacht is not being carried; or
 - (v) A retractable panel or panels constructed of wood, metal or other suitable material that can be fitted to the sailing boat or yacht when it is being carried.

- 26.2 Where a vehicle or combination is carrying a sailing boat or yacht and the length of the Rear Overhang Load exceeds the Rear Overhang:
- (a) A warning signal, such as a red flag or other suitable object, not less than 300mm square must be fitted at the extreme rear of the load.
 - (b) The warning signal, such as a flag, must be clearly visible at all times.
 - (c) At night or during adverse weather conditions, the warning signal must be a red light that can be seen for 200 meters.
- 26.3 A vehicle or combination towing a sailing boat or yacht must not travel above 90km/hr.
- 26.4 The forward projection of a sailing boat or yacht may not extend beyond the rear axle of the towing vehicle in a combination.

27 Carrying a copy of the Order and notice

- 27.1 A copy of this Order must be carried in the driving compartment of a vehicle or combination operating under this Order and must be produced in response to a request by a police officer or an authorised officer.
- 27.2 A copy of the relevant 'notice of suitable routes and areas' must be carried if the vehicle is required by this Order or in the notice to be accompanied by a pilot vehicle.

Note: This obligation may be satisfied by producing a legible electronic version of this Order and the relevant notice of suitable routes and areas.

By Authority