



Waverley Traffic Committee Charter

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PREFACE

The Charter of the Waverley Traffic Committee (WTC) is based on 'A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees)' issued by the Roads and Traffic Authority (RTA) in November 2006.

The Charter sets out the policy and framework for Council to exercise the traffic functions delegated to it by the RTA. It outlines Council's delegated functions, the limitations that apply to Council when exercising its delegated functions and the responsibilities of the various parties involved in the process.

The Charter also sets out the operation of the WTC, including its purpose, delegation, membership and meeting procedure, and of the Regional Traffic Committee (RTC) including the procedure for making an appeal to the RTC.

The RTA document, 'A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees)', has been prepared in accordance with NSW legislation (as at November 2006) and in consultation with the RTA's Legal Branch, the NSW Police, LGSA and representatives from a number of metropolitan councils.

INTRODUCTION

The Roads and Traffic Authority (RTA) is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices, such as regulatory signs, or traffic control facilities, such as medians.

The RTA believes that the most effective means of dealing with the number and range of traffic related matters, particularly those which arise on local roads, is to deal with them at the local level. The RTA has therefore delegated certain aspects of the control of traffic on local roads to the councils of local government areas.

Note: The legislative power to control traffic through the authorisation of traffic control devices lies with the RTA and the delegation of this power does not remove the RTA's ability to exercise those delegated functions should circumstances warrant such action.

This introductory section sets out the legislative framework for the delegation of RTA functions to Council and the requirements on Council when exercising those functions.

DELEGATION OF FUNCTIONS

The provisions regarding the delegation of traffic related functions by the RTA to Council are prescribed in the following legislation:

- The Transport Administration Act, 1988
- The Road Transport (Safety & Traffic Management) Act, 1999
- The Roads Act 1993

The Transport Administration Act, 1988 confers the following powers to the RTA:

- To exercise the functions relating to safety and traffic management set out in Section 52A;
- To delegate its functions to other public agencies such as councils (Section 50);
- To give directions to public authorities in relation to RTA functions under Part 6 (Section 53A).

The Road Transport (Safety & Traffic Management) Act, 1999 provides for a system of traffic laws relating to all vehicles (motorised and nonmotorised) and pedestrians found in subordinate legislation made under the Act. Principally, these are:

- Road Transport (Safety and Traffic Management)(Road Rules) Regulation, 1999 and
- Australian Road Rules, 1999.

The Roads Act 1993 – Part 8 (Sections 114 to 124) deals with the regulation of traffic on public roads by erecting notices or barriers or taking any other action which may be necessary in order to manage traffic (see Attachment 1 for this legislation).

The reference to regulating traffic in Part 8 of the Roads Act should not be confused with the authorisation of prescribed traffic control devices under Division 1 of Part 4 (Sections 50 to 55) of the Road Transport (Safety and Traffic Management) Act, 1999. For the purposes of Part 8, regulating traffic includes such things as implementing road closures and other physical

restrictions. Road closures effected by this part of the legislation remain as public roads after the road closure.

Council can regulate traffic for the specific reasons set out in Division 1 of Part 8 (Section 115) of the Roads Act, 1993 such as carrying out work on a road, whereas the RTA can regulate traffic for any purpose.

If Council wishes to regulate traffic for purposes other than those specified in Division 1 of Part 8 (Section 115) of the Roads Act, 1993 (eg for amenity reasons), it must seek the advice of the Waverley Traffic Committee. The procedures for regulating traffic by way of road closures and other physical restrictions are set out in Division 2 of Part 8 (Sections 116 to 119) of the Roads Act, 1993.

What Functions have been Delegated to Council

The delegation of traffic regulating functions to Council is carried out by the RTA and is defined in the RTA document, 'Delegation to Councils – Regulation of Traffic' (the Delegation) (see at Attachment 2).

The functions delegated to Council in the Delegation are:

1. Authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the Road Transport (Safety & Traffic Management) Act, 1999 (see Attachment 3 for this legislation);
2. Regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the Roads Act (see Attachment 4 for this legislation);
3. Authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the Road Transport (Safety and Traffic Management)(Road Rules) Regulation, 1999 on public roads other than classified roads (see Attachment 5 for this legislation).

Council may sub-delegate its powers to Councillors, the General Manager or an employee of Council for delegation 1 and 3 above.

Council may not sub-delegate delegation 2 above.

LIMITATIONS

The exercise of functions delegated to Council is subject to a number of conditions or limitations as documented in Schedule 4 (Limitations) of the Delegation (see Attachment 2). Council:

1. Is only permitted to authorise the implementation of certain traffic control facilities and prescribed traffic control devices on roads and road related areas within its area of operations. Council cannot exercise a function on a classified road as defined under the Roads Act.
2. May only authorise prescribed traffic control devices contained in the RTA document 'Regulatory Signs', excluding those labelled as "Not delegated to Council" (eg, clearways, bus lanes, bus only lanes and transit lanes).
3. Must not exercise delegated functions listed in Schedule 4 of the Delegation including referral of issues for formal advice until a TMP has been assessed by the RTA.
4. Is not empowered to authorise traffic control lights.
5. Is not empowered to interfere with traffic control lights, including the addition of any signs.
6. May authorise portable traffic control lights for roadworks (see RTA's document, 'Portable Traffic Signals Guide to Use').
7. Cannot authorise an internally illuminated traffic control device.
8. May authorise "Roadwork Speed Limit" signs under the conditions outlined in the Delegation.
9. May sub-delegate traffic management powers (delegated functions), in respect of Division 1 of Part 4 (Traffic control devices) of the STMA, and Division 2 of Part 5 (Special Event parking schemes) of the STMR.
10. May not sub-delegate traffic management powers (delegated functions), in respect of Division 2 of Part 8 (Sections 116 to 119) of the Roads Act.
11. Must obtain the advice of the NSW Police and the RTA prior to exercising its delegated powers.

12. Must establish a Local Traffic Committee (LTC).

EXERCISING DELEGATED FUNCTIONS

Council may only exercise their delegated functions in accordance with the Delegation. Council may sub-delegate certain powers to Councillors, the General Manager or an employee of Council.

The Delegation requires Council to seek the advice of the RTA and the NSW Police prior to exercising their delegated functions. This is normally done through the Waverley Traffic Committee.

In cases where the WTC advice is unanimous, and the elected Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the RTA or the NSW Police.

If the elected Council wishes to exercise a delegated function when the WTC advice is not unanimous, or the elected Council wishes to act contrary to unanimous WTC advice, then Council must notify in writing, both the RTA and NSW Police representatives on the WTC.

Council does not need to notify the RTA or the NSW Police if Council decides not to proceed with any proposal for any reason.

Council then must refrain from taking any action for 14 days from the date of the notification so that the RTA or NSW Police have an opportunity to appeal to the Chairperson, Regional Traffic Committee should they wish (see Attachment 6 for flowcharts outlining the process for exercising Council's delegated functions).

In the case of an appeal, the decision of the Chairperson, Regional Traffic Committee is binding and final for matters under the STMA. For matters under the Roads Act further appeals may be made to the Minister for Roads (see section 20 of this Charter).

TRAFFIC MANAGEMENT PLANS

A Council listed in Schedule 1 of the RTA's Delegation, which includes Waverley Council, (see Attachment 2) must develop and submit to the RTA a Traffic Management Plan (TMP) if it intends to do any of the following:

1. Prohibit the passage of pedestrian, vehicle or motor vehicle traffic on a road or road related area by physical means or regulatory signs or both;
2. Install or display any road sign, marking or physical device that prohibits or compels a vehicle with respect to a turning movement;
3. Change a two-way street into a one-way street or reversing the direction of a one-way street; and
4. Reduce the number of traffic lanes on a road or road related area by physical means or regulatory signs or both.

A TMP is not required if Council certifies to the RTA in writing that a 'NO TRUCKS' or 'NO BUSES' traffic control sign is to be erected solely for the purposes of protecting a road from damage by the passage of motor vehicles.

Where Council seeks to exercise its delegated powers in respect of a function that requires a TMP, Council must submit the TMP to the RTA for review prior to the matter being referred to the WTC for formal advice.

The TMP must outline the scope of the traffic management changes proposed. It must also include an assessment of the impact of those changes and proposed measures to ameliorate any potential impact arising from the proposal (see the RTA document, 'Procedures for use in the preparation of a Traffic Management Plan').

Note: The RTA's acceptance of the TMP merely indicates that due process has been followed and does not indicate its position on the proposal when it is referred to the WTC for consideration.

WAVERLEY TRAFFIC COMMITTEE

1. AIM OF THE COMMITTEE

The aim of the Waverley Traffic Committee (WTC) is to improve traffic planning, management and coordination in Waverley by being responsive to local needs and issues.

2. PURPOSE OF THE COMMITTEE

The WTC is a technical review committee. The purpose of the WTC is to make recommendations, and provide advice, to Council on the technical aspects of proposals to regulate traffic on local roads in Waverley prior to Council exercising its delegated authority. In making its recommendations and providing its advice the WTC is to consider only the technical merits of a proposal and ensure that the proposal meets current technical guidelines.

3. COMMITTEE DELEGATION

The WTC is not a committee of Council. The WTC operates under the delegation from the RTA. It is advisory only and has no decision-making powers.

The WTC can make recommendations, and provide advice, to Council on only the following traffic related matters:

- The installation of traffic control devices – such as signs, markings, structures or other devices to direct or warn traffic on a road or road related area.
- The installation of regulatory parking – including truck zones, loading zones, taxi stands, bus zones and mobility parking spaces.
- The implementation of road closures, local area traffic management schemes and residential preferential parking schemes.

The WTC can make recommendations and provide advice to Council in relation to any road in the Waverley LGA.

However, matters involving functions that have not been delegated to Council and matters relating to Bondi Road, Old

South Head Road, Carrington Road and Council Street (the only classified roads in Waverley) cannot be determined by Council. Such matters can only be determined by the RTA (see Limitations section of this Charter).

The RTA may seek comment from the WTC on these matters before taking action (matters of this kind are to be listed under Part 2 of the meeting agenda). Council may indicate its wishes to the RTA but the RTA is not bound by those wishes.

4. COMMITTEE MEMBERSHIP

4.1 Voting Members

The WTC is made up of 5 voting members:

- One representative of Council
- One representative of the NSW Police
- One representative of the RTA
- The State Member of Parliament (MP) for Coogee or their nominee
- The State Member of Parliament (MP) for Vaucluse or their nominee

Where a Council's local government area is represented by more than one MP, or covered by more than one NSW Police Local Area Command (LAC), MPs or Police officers representing the relevant electorate or LAC are entitled to be voting members of the WTC. However, the MPs or their representative and Police officers may only vote on issues which effect their electorate or LAC (see section 16 of this Charter).

An organisation which is a voting member may choose to send more than one representative. However, that organisation is still limited to one vote only (see section 16 of this Charter).

4.2 Council's Voting Representative

Council's voting representative on the WTC may be either the Mayor, a Councillor, or an employee of Council.

Council's voting representative may only be appointed by resolution of Council.

Council must also appoint an alternate to attend WTC meetings in the absence of Council's voting representative.

An alternate has the same voting entitlement as Council's voting representative.

4.3 Advisors

Council, in consultation with the voting members of the WTC, may decide to invite (non-voting) advisors to WTC meetings. These may consist of Councillors, Council officers and representatives from government agencies and other organisations.

The WTC's advisors are, but not limited to:

- One representative from the State Transit Authority (Sydney Buses)
- The Federal Member for Wentworth or their nominee
- Waverley Councillors
- Council's Divisional Manager, Technical Services
- Council's Manager, Infrastructure
- Council's Manager, Traffic & Development
- Council's Manager, Parking Services
- Council's Senior Traffic Engineer
- Council's Training & Community Education Officer – Parking Services
- Council's Community Liaison Coordinator

Council may vary the WTC's advisors as it deems appropriate.

Advisors are not entitled to a vote.

Advisors are not required to attend every committee meeting. Their attendance is required only when items on the agenda fall within their electorate or area of expertise or responsibility.

An officer from Council's Planning Department must attend the meeting to assist the WTC in its deliberations whenever a matter regarding a development application is listed on the agenda.

5. MEETINGS OF THE COMMITTEE

The WTC does not operate under the provisions of the Local Government Act. The WTC operates under delegation from the RTA, and in accordance with the provisions prescribed by the RTA in the Guide. However, Council may determine the conduct, frequency and format of WTC meetings. Accordingly Council has determined the following:

5.1 Conduct at Meetings

Meetings of the WTC will be conducted informally without strict adherence to the rules of debate and other procedural

requirements. Within the limits of this provision the conduct at meetings will be determined by the Chairperson.

5.2 Frequency of Meetings

The WTC will normally meet at 10am on the fourth Thursday of each month except in January when there is no meeting, and in December when the Committee will generally meet on the third Thursday.

5.3 Special Meetings

Special meetings of the WTC may be held outside the normal meeting schedule when deemed necessary for the conduct of any business.

Special meetings may be called by the Mayor or Council's Divisional Manager, Technical Services with the concurrence of all WTC voting members.

The provisions contained in this Charter will apply to the holding of Special Meetings.

5.4 Format of Meetings

WTC meetings are generally conducted as face to face meetings. Acceptable alternative meeting formats include:

- Electronic meetings – where the advice of the members is sought via facsimile or group email.
- A combination of electronic (for minor issues) and face to face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and may result in shorter face to face meetings.

Should Council wish to adopt these (or any other) alternate formats it should seek the advice of the RTA prior to making its final decision.

5.5 Site visits

It is recommended that each member of the WTC undertake a site visit prior to considering any proposal. This site visit may be undertaken individually by WTC members, or may be organised by Council as a joint visit of all members of the WTC.

Where this is not practical due to issues such as time or distance, then it is recommended that electronic methods be used.

6. WHO PRESIDES AT A MEETING OF THE COMMITTEE

Meetings of the WTC must be chaired by Council's voting representative.

However, if Council's voting representative is absent the meeting will be chaired by the Divisional Manager, Technical Services. Failing that, the General Manager's nominee will chair the meeting.

The Chairperson is only entitled to vote if they are also Council's voting representative.

7. QUORUM

A quorum is not required for a meeting to proceed. However, the WTC cannot make recommendations to Council on agenda items if it has not sought the views of the RTA and the NSW Police.

In the absence of either an RTA representative or a NSW Police representative from a meeting of the WTC, the recommendations made by the WTC must be forwarded to whoever was absent and their concurrence sought in writing before the recommendations can be submitted to Council.

8. ORDER OF BUSINESS

The order of business for meetings of the WTC is to be as follows:

1. Apologies
2. Adoption of the previous minutes by Council

PART 1 – Matters Proposing that Council Exercise its Delegated Functions

3. State Electorate of Coogee
4. State Electorate of Vacluse
5. Electorates of Coogee and Vacluse
6. Items without Notice

PART 2 – Traffic Engineering Advice

7. State Electorate of Coogee
8. State Electorate of Vacluse
9. Electorates of Coogee and Vacluse
10. Items without Notice

The order of business may be altered at a meeting if such a proposal is agreed to by the voting members of the WTC at the meeting.

9. MEETING AGENDAS

All meetings of the WTC require an agenda.

The meeting agenda must be prepared by Council and circulated to all voting members and advisors of the WTC as soon as practicable before the meeting but not less than 2 days. Copies of the meeting agenda may also be circulated to Councillors and other relevant Council staff.

The meeting agenda will consist of 2 parts:

- (a). Part 1 – Matters Proposing that Council Exercise its Delegated Functions contains formal items proposing that Council exercise or does not exercise its delegated functions.
- (b). Part 2 – Traffic Engineering Advice contains informal items that seek the advice of the WTC.

Each item listed under Part 1 proposing that Council exercise its delegated functions must consist of a report containing a summary of the issue, details of the proposed solution including a plan if the proposal involves signs, lines or structures, details of the policies, guidelines or standards used (if any), and a proposal for action. If the item is proposing that Council does not exercise its delegated functions the report should contain detailed reasons as to why it should not.

Items regarding classified roads or functions that have not been delegated to Council, or that require no action, or seek advice only should be dealt with under Part 2 of the meeting agenda (see section 14 of this Charter).

Items without Notice (ie, items not listed on the agenda) may only be considered by the WTC if the matter has been referred to the WTC by the elected Council or the Divisional Manager, Technical Services and Council officers have prepared a technical report on the item. If any member of the WTC requests more time to consider a late item it must be referred to the next meeting.

The meeting agenda should also contain a summary of the final decisions made by Council or their sub-delegate on the recommendations made by the WTC at its last meeting.

Copies of the each meeting agenda will be made available for the public at Council's Customer Service Centre free of charge, and may be viewed on Council's website prior to the meeting.

10. REQUESTS BY MEMBERS OF THE PUBLIC FOR AN ITEM TO BE LISTED ON THE AGENDA

Residents and other members of the public may request that a traffic related matter be listed on the meeting agenda for the WTC's consideration.

All requests must be in writing and addressed to Council's Divisional Manager, Technical Services.

Requests for items to be listed on the meeting agenda must be assessed by Council officers. The item must be deemed appropriate for consideration by the WTC and meet the provisions of this Charter and the RTA Guide, and the policy direction of Council.

Whether or not the item is listed on the meeting agenda is at the discretion of the Divisional Manager, Technical Services.

If the item is to be listed on the meeting agenda it must be accompanied by a technical report prepared by Council officers. Due notice must be given by residents and other members of the public to allow this process to occur.

11. REQUESTS BY COUNCILLORS FOR AN ITEM TO BE LISTED ON THE AGENDA

A Councillor may request that a traffic related matter be listed on the meeting agenda for the WTC's consideration.

All requests must be in writing and addressed to the General Manager.

Requests for items to be listed on the meeting agenda must be assessed by Council officers. The item must be deemed appropriate for consideration by the WTC and meet the provisions of this Charter and the RTA Guide, and the policy direction of Council.

The Divisional Manager, Technical Services is responsible for preparing the meeting agenda in accordance with the above criteria.

If the item is to be listed on the meeting agenda it must be accompanied by a technical report prepared by Council officers. Due notice must be given by Councillors to allow this process to occur.

12. PUBLIC PARTICIPATION AT COMMITTEE MEETINGS

The role of the WTC is to consider only the technical aspects of a proposal. The merit of a proposal from a public perspective is the responsibility of Council and as such the views of the public should be taken into account by the Council rather than the WTC.

However, there is nothing preventing WTC members from agreeing to allow residents, members of the public or other interested stakeholders to address the Committee if they so choose. Requests to address a meeting will be determined by the voting members of the WTC.

The Chairperson will call members of the public to address the meeting in accordance with the order of business. An address should be for no more than 3 minutes duration. The address must relate to an item of business listed on the meeting agenda. If the member of the public addressing the meeting fails to comply with this requirement, the Chairperson may withdraw that person's permission to address the meeting.

At the conclusion of their address members of the public must leave the meeting. Under no circumstances should members of the public or other stakeholders remain at the meeting while the proposal is debated and a vote taken.

The WTC members may agree to limit the number of public addresses on any particular item. Any such constraints should be conveyed to the addressees at the time they are notified of the WTC's agreement for them to address the meeting.

A person wishing to address a meeting must contact staff in Council's Governance Section by 3.00pm on the day before the meeting and provide their name, their contact details and the item they wish to speak about.

A member of the public who has addressed a WTC meeting on an item listed under Part 1 of the agenda must wait until the minutes of the meeting have been made public before they are informed of the WTC's recommendation. Part 1 of the minutes is made public when it is published in the agenda of the Council meeting at which it has been submitted for adoption (see section 17 of this Charter).

A member of the public who has addressed a WTC meeting on an item listed under Part 2 of the agenda may be informed of the WTC's recommendation as soon as practicable after the minutes of the meeting have been confirmed by the voting members present at the meeting.

13. MEDIA PARTICIPATION

Media interest in any business before the WTC is to be dealt with through Council's Media Officer.

The media may attend a meeting while members of the public are addressing the WTC but they are not permitted to remain during WTC discussions and voting on a proposal.

A member of the media who has attended a WTC meeting in relation to an item listed under Part 1 of the agenda must wait until the minutes of the meeting have been made public before they are informed of the WTC's recommendation. Part 1 of the minutes is made public when it is published in the agenda of the Council meeting at which it has been submitted for adoption (see section 17 of this Charter).

A member of the media who has attended a WTC meeting in relation to an item listed under Part 2 of the agenda may be informed of the WTC's recommendation as soon as practicable after the minutes of the meeting have been confirmed by the voting members present at the meeting.

Members of the WTC are not to speak to the media in their capacity as WTC members.

The Mayor and the Chairperson of the WTC are the only persons permitted to speak to the media on behalf of the WTC.

14. TRAFFIC ENGINEERING ADVICE

Council often requires advice on, or investigation of options for, difficult traffic problems. Council may also wish to consider traffic issues which are outside their delegations (eg installation of speed limits or traffic control signals). As these matters do not require the exercise of delegated functions at that point in time (though they may or may not require it in the future) they should not be dealt with by the WTC as formal items under Part 1 of the agenda.

Council may take advantage of the knowledge and experience of WTC members to help resolve or clarify a traffic engineering issue. When wishing to utilise the expertise of the WTC members in this manner, Council will prepare a separate meeting agenda containing the traffic engineering advice item(s).

Each item of traffic engineering advice is to be accompanied by a technical report outlining the nature of the issue, details of a proposed solution including a plan if the proposal involves signs, lines or structures, details of the policies, guidelines or standards used (if any) and a recommendation to the Committee.

Traffic engineering advice items should be dealt with following the completion of formal items under Part 1 of the agenda. Any outcomes from discussions on traffic engineering advice items cannot be included in the WTC minutes submitted to Council. However, Council can use any outcomes from these discussions in their deliberations on such issues.

15. TRAFFIC GENERATING DEVELOPMENT

Under Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 (see Attachment 7), applications for developments that are expected to generate a significant increase in local traffic must be referred to the RTA and the WTC for comment before they are determined by Council.

These include development applications relating to:

- Apartment or residential flat buildings
- Shops and commercial premises
- Area used exclusively for parking
- Motels
- Shopping centres
- Child care centres

- Gymsnasiums
- Educational facilities
- Restaurants
- Markets
- Professional consulting rooms
- Extended hours to medical centres

(for a complete list see Column 1 of the Table to Schedule 3 at Attachment 7)

In addition, Waverley DCP 2006 states that “Where an application involves the addition or alteration of a use and the increase in traffic generation is greater than 10%, the car parking component together with the traffic impacts are to be examined as a whole (incorporating the original development) and referred to either the Regional or Local Traffic Committee”.

All applications for traffic generating developments being considered by the WTC must be accompanied by a technical report prepared by staff in Technical Services. Due notice must be given to allow the technical report to be prepared.

Traffic generating development matters will be listed under the Traffic Engineering Advice section on the agenda.

16. VOTING

While an organisation, which is a voting member, may choose to have more than one representative, that organisation is still limited to one vote only.

If Council has more than one representative on the WTC, Council as an organisation is still only entitled to one vote (the vote being granted to Council’s voting representative only).

Where Council’s local government area has more than one State MP, only the MP representing the State electorate within which the item falls is entitled to a vote. If the item falls within more than one State electorate, each State MP is entitled to a vote on the item.

Where Council’s local government area has more than one NSW Police Local Area Command, only the NSW Police officer representing the LAC within which the item falls is entitled to a vote. If the item falls within more than one LAC, the representative for each LAC is entitled to a vote on the item.

A formal vote is required to be taken on each of the WTC's recommendations. The level of support for each recommendation must be formally declared by the Chairperson and recorded in the minutes as one of the following:

1. unanimous support
2. majority support
3. split vote
4. minority support
5. unanimous decline.

The Chairperson is not entitled to a second or casting vote in the event of an equality of votes.

The Chairperson is only entitled to vote if they are also Council's voting representative.

Voting is to be by a show of hands.

Upon a show of hands, the Chairperson must call out the names of those members voting for the item and the names of those members voting against the item.

It is not permitted to abstain from voting.

The decision of the Chairperson as to the result of a vote is final.

17. MEETING MINUTES

Minutes of meetings are not required to record details of the debate that takes place on any item. Subject to the provisions of this Charter, it is sufficient for the minutes to record only the following:

- (a). the recommendations made by the WTC and;
- (b). the voting members' level of support for each of the WTC's recommendations. The level of support must be recorded as one of the following:
 - i unanimous support
 - ii majority support
 - iii split vote
 - iv minority support
 - v unanimous decline.

- (c). where the level of support for a recommendation is not unanimous, dissenting votes must be recorded.
- (d). which voting members, if any, were absent for the vote on each item.

The minutes submitted to Council will include the technical reports considered by the Committee under Items without Notice in Part 1.

The minutes of a meeting must be forwarded to all WTC voting members present at the meeting for their concurrence prior to the minutes being submitted to Council or acted on by Council's sub-delegate. WTC voting members must forward their concurrence to the Committee Secretary within 7 days of receiving the minutes of the meeting.

Should there be disagreement as to the accuracy of the minutes the Committee Secretary will attempt to resolve the issue(s) through mediation with the voting members and Council's Divisional Manager, Technical Services. The disagreement must be resolved in a timely manner such that the submission of the minutes of the meeting to Council is not delayed.

Copies of the meeting minutes may be circulated to Councillors and relevant Council officers once the voting members present at the meeting have provided their concurrence with the minutes to the Committee Secretary.

17.1 Public Access to Part 1 of WTC Minutes

Part 1 of the minutes of a WTC meeting is not to be made public until it is published in the agenda of the Council meeting at which it has been submitted for adoption.

Part 2 of the minutes of a WTC meeting may be made public as soon as practicable after the minutes of the meeting have been confirmed by the voting members present at the meeting.

18. ADOPTION OF WTC MINUTES BY COUNCIL

Part 1 of the minutes of each meeting of the WTC must be submitted to a meeting of the elected Council for adoption.

Where practicable, Part 1 of the WTC minutes must be submitted to the next Council meeting after the meeting of the WTC.

The recommendations of the WTC are, so far as adopted by Council, resolutions of Council.

Part 2 of the WTC minutes are not required to be submitted to the elected Council. A copy will be circulated to all Councillors and WTC members. The recommendations contained in Part 2 may be used by Council officers when preparing any subsequent reports for Council.

Part 1 of the minutes of each meeting of the WTC must, when they have been adopted at a subsequent meeting of Council, be signed by the person presiding at that subsequent meeting.

18.1 Save and Excepting from WTC Minutes

Councillors may 'save and except' any item out of Part 1 of the minutes of the WTC before it is adopted should they wish to make a decision that differs to the WTC's recommendation.

This can only be done at the Council meeting at which Part 1 of the minutes has been submitted for adoption.

Councillors should be aware that in cases where the WTC recommendation is unanimous, and the elected Council adopts that recommendation, Council may proceed with their decision without further notifying the RTA or the NSW Police.

However, Council must notify in writing both the RTA and NSW Police representatives on the WTC when:

- (a). the elected Council makes a decision that differs to a unanimous WTC recommendation or;
- (b). the elected Council decides to adopt a WTC recommendation which was not unanimous (notification is only necessary if the RTA or NSW Police representative voted against the WTC recommendation).

Council must then refrain from implementing the decision for 14 days from the date of the notification to give the RTA or NSW Police an opportunity to appeal to the Chairperson, Regional Traffic Committee should they wish.

Council does not need to notify the RTA or the NSW Police if Council decides not to proceed with any proposal for any reason.

THE REGIONAL TRAFFIC COMMITTEE AND THE APPEAL PROCESS

19. REGIONAL TRAFFIC COMMITTEE

The purpose of the Regional Traffic Committee (RTC) is to deal with appeals from the RTA or the NSW Police members of the LTC on matters delegated to Councils. The RTC operates across the state of NSW. Meetings are generally held in the offices of the local Council.

The members of the RTC are as follows:

- (a) Independent Chairperson (appointed by the RTA with concurrence from the LGSA)
- (b) LGSA nominee (usually a Local Government Engineer from the region)
- (c) RTA representative (usually the Regional Traffic Manager)

It should be noted that the LGSA and RTA representatives merely provide advice as required by the Chairperson. Nominees of the NSW Police, Council and the local State MP may attend as observers.

When a notice of appeal and relevant information is lodged with the RTC, the Chairperson will convene a meeting and the appeal matter is discussed. The Chairperson shall determine who, if anyone, shall be permitted to address the appeal based on the documented evidence presented by each party prior to the appeal. Generally the members of the RTC and each party to the appeal attend the meeting only.

The decision of the Chairperson of the RTC in regard to such matters is final, except in matters relating to the Roads Act, 1993, wherein Council may further appeal to the Minister for Roads.

20. APPEALS

The RTA and the NSW Police have the power to appeal decisions of Council regarding matters that come under the Road Transport (Safety and Traffic Management) Act 1999 or Division 2 Part 8 of the Roads Act 1993.

20.1 Matters under the Road Transport (Safety and Traffic Management) Act 1999

With regard to matters under the Road Transport (Safety and Traffic Management) Act 1999 (see Attachment 3) Council must notify in writing both the RTA and NSW Police representatives on the WTC if:

- (a). the elected Council makes a decision that differs to a unanimous WTC recommendation or;
- (b). the elected Council decides to adopt a WTC recommendation which was not unanimous (notification is only necessary if the RTA or NSW Police representative voted against the WTC recommendation).

Council must then refrain from implementing the decision for 14 days from the date of the notification to give the RTA or NSW Police an opportunity to appeal to the Chairperson, Regional Traffic Committee should they wish.

An appeal may only be lodged by either the NSW Police or the RTA. The appeal is made to the Chairperson of the RTC and must be lodged within the 14 day period. As a matter of courtesy it is expected that the appellant informs Council in the initial stages of their intention to lodge an appeal.

The Secretary will then notify all parties in writing that an appeal has been lodged. The Chairperson of the RTC notifies Council regarding the outcome of the appeal hearing. It is important that Council does not act until further advice has been received from the Chairperson of the RTC about the issue under appeal. The Chairperson's decision may:

- (a) Uphold the appeal, (ie, not support the Council's decision), or
- (b) Reject the appeal. Rejection of the appeal could either support the Council's decision unconditionally or apply conditions.

20.2 Matters under the Roads Act 1993 - Division 2 Part 8

The appeal process for matters under the Roads Act 1993 - Division 2 of Part 8 (see Attachment 4) is similar to that specified above for Road Transport (Safety and Traffic Management) Act, 1999 matters. However, in cases where Council is not satisfied with the determination by the Chairperson of the RTC, Council may further appeal to the Minister for Roads.

The Minister's decision may be:

- (a) Rejection of the Council appeal, or
- (b) Approval of the Council proposal either unconditionally or with conditions.

RESPONSIBILITIES

21. COUNCIL

Council has responsibility for:

- (a) Exercising the delegated functions related to the Roads Act 1993.
- (b) Documenting the sub-delegation of Council powers *Note: Council cannot sub-delegate its Roads Act powers.*
- (c) Seeking the advice of the NSW Police and the RTA prior to exercising delegated functions.
- (d) Obtaining the views of local residents affected by any proposal, if necessary. *Note: This is to be done outside the LTC process.*
- (e) Preparing any Traffic Management Plan required under Schedule 4 of the Delegation or when considered necessary by Council.
- (f) Convening meetings of the Waverley Traffic Committee (WTC).
- (g) Referring items to the WTC.
- (h) Providing secretarial services to the WTC.
- (i) Preparing the WTC meeting agenda.
- (j) Preparing a technical report on each issue.
- (k) Documenting the WTC advice (including providing a report to the elected Council).
- (l) Providing minutes of meetings to all WTC members.
- (m) Providing a summary of the final decisions made by Council on items addressed at previous WTC meetings or any addressed since the last meeting.
- (n) Notifying the RTA and the NSW Police if the elected Council intends to exercise its delegated functions contrary to the advice of the WTC. *Note: Deciding not to*

proceed does not constitute exercising a function and therefore does not require notification.

22 RTA

The RTA has responsibility for:

- (a) Reviewing any TMP submitted to it.
- (b) Providing advice on Council proposals referred to the WTC.
- (c) Appointing the Chairperson of the RTC (with the concurrence of LGSA).
- (d) Providing secretarial services to the RTC.

23 NSW POLICE

The NSW Police have responsibility for providing advice on Council proposals referred to the WTC.

24 LOCAL STATE MEMBER OF PARLIAMENT

The local State Member of Parliament has responsibility for:

- (a) Providing advice on Council proposals referred to the WTC.
- (b) Nominating someone to represent them if necessary.

DEFINITIONS & ABBREVIATIONS

ARR – Australian Road Rules 1999 as referred to in clause 5 of STMR.

Classified road – Any of the following: a main road, a State highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a State work (see Roads Act 1993, Part 5 for further details). Bondi Road, Old South Head Road, Carrington Road and Council Street are the only classified roads in the Waverley LGA.

Council – The council of a local government area and includes an Administrator.

Delegation – The RTA 'Delegation to Councils - Regulation of Traffic' document.

LGSA – Local Government Association of NSW and the Shires Association of NSW.

LTC – Local Traffic Committee.

Prescribed traffic control device – A sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area (or part of a road or road related area) that is prescribed by the regulations for the purposes of this definition.

Regulate traffic – For the purposes of the Roads Act means to restrict or prohibit the passage along a road of persons, vehicles or animals.

Roads Act – Roads Act 1993.

Roads and road related areas – Have the same meaning as in ARR Rules 12 and 13. Each reference to a road includes reference to a road-related area unless otherwise expressly stated.

RTA – Roads and Traffic Authority, NSW.

RTC – Regional Traffic Committee.

STMA – Road Transport (Safety and Traffic Management) Act 1999.

STMR – Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999.

Sub-delegate – Any Councillor, the General Manager or an employee of the Council who has been formally delegated by the Council.

TMP – Traffic Management Plan.

Traffic control facility – Means:

- (a) Traffic control lights and equipment used in connection with traffic control lights; or
- (b) Any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under:
 - i The Transport Administration Act, 1988 or the regulations; or
 - ii Any other Act, regulation or by-law prescribed for the purposes of Section 45E of the Transport Administration Act, 1988 or
- (c) Any sign, marking, structure or device that is intended to promote safe and orderly traffic movement on roads or road related areas or to warn, advise or inform the drivers of vehicles or pedestrians of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; or
- (d) Any bridge or subway or other facility for use by pedestrians over, across, under or alongside a road or road related area; or
- (e) Any other thing prescribed as a traffic control facility by the Regulations under the Transport Administration Act, 1988.

WTC – Waverley Traffic Committee.

Attachment 1

Part 8 Roads Act 1993

Weight restrictions on certain roads and bridges etc.

112. (1) A roads authority may do either or both of the following things:

- (a) it may, by means of notices conspicuously displayed on or adjacent to a public road or any bridge or causeway forming part of a public road, prohibit vehicles with a laden weight exceeding a specified maximum weight from passing along or over the road, bridge or causeway;
- (b) it may, by means of notices conspicuously displayed on or adjacent to a public road or any road-ferry maintained in connection with a public road, prohibit vehicles with a laden weight exceeding a specified maximum weight from using the road-ferry.

(2) The powers conferred by this section may not be exercised with respect to classified roads except by the RTA.

(3) Any person who fails to comply with the terms of a notice displayed for the purposes of this section is guilty of an offence.

Maximum penalty: 30 penalty units.

Application of Division to tollways etc.

113. This Division applies to tollways and to private roads that are classified roads in the same way as it applies to public roads.

**PART 8—REGULATION OF TRAFFIC BY ROADS
AUTHORITIES****Division 1—General powers****Roads authorities may only regulate traffic in accordance with Part**

114. A roads authority may not regulate traffic on a public road otherwise than in accordance with this Part.

**Roads authority may regulate traffic in connection with road work
etc.**

115. (1) A roads authority may regulate traffic on a public road by means of barriers or by means of notices conspicuously displayed on or adjacent to the public road.

(2) The power conferred by this section may be exercised by the RTA for any purpose but may not be exercised by any other roads authority otherwise than:

- (a) for the purpose of enabling the roads authority to exercise its functions under this Act with respect to the carrying out of road work or other work on a public road; or
- (b) for the purpose of protecting a public road from serious damage by vehicles or animals as a result of wet weather; or
- (c) for the purpose of protecting earth roads from damage caused by heavy vehicles or by animals; or
- (d) for the purpose of protecting members of the public from any hazards on the public road; or
- (e) for the purpose of protecting vehicles and other property on the public road from damage; or
- (f) for the purpose of enabling a public road to be used for an activity in respect of which a permit is in force under Division 4 of Part 9; or
- (g) for a purpose for which the roads authority is authorised or required, by or under this or any other Act or law, to regulate traffic.

(3) A roads authority may not restrict the passage of heavy vehicles or animals along the roadway of an earth road unless clear side tracks have been provided for their passage.

(4) A person:

- (a) must not, in wilful contravention of any such notice or in wilful disregard of any such barrier, pass along, or cause any vehicle or animal to pass along, a length of public road; and
- (b) must not damage, remove or otherwise interfere with a notice or barrier erected for the purposes of this section.

Maximum penalty: 10 penalty units.

(5) It is the duty of a roads authority by which a notice or barrier has been erected under this section to remove the notice or barrier if there is no longer any need to regulate traffic for the purpose for which the notice or barrier was erected.

Division 2—Additional powers at the request of the roads authority

Applications for consent

116 (1) A roads authority may apply to the RTA for consent to:

- (a) the erection of any notice or barrier, the carrying out of any work or the taking of any other action for the purpose of regulating traffic on a public road for purposes other than those referred to in Division 1; or
- (b) the removal of any notice or barrier, the demolition of any work or the ceasing of any action for which it has been given consent under this Division.

(2) Before doing so, the roads authority must cause notice of the application to be published in a local newspaper.

(3) The notice:

- (a) must specify the particular action for which the roads authority is applying for consent; and
- (b) must state that any person is entitled to make submissions to the RTA with respect to the granting of consent; and
- (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

(4) This section does not apply to the erection of any notice, the carrying out of any work or the taking of any other action that the roads authority is required by Division 3 to erect, carry out or take.

Public submissions

117. (1) Any person may make submissions to the RTA or to the roads authority with respect to the application.

(2) The roads authority must ensure that any submissions received by it with respect to the application are forwarded to the RTA.

Decision on application

118. (1) After considering any submissions that have been duly made with respect to an application, the RTA may grant consent to the application, either unconditionally or subject to conditions, or may refuse the application.

(2) The roads authority is authorised to take such action as is specified in a consent under this section.

Review of RTA's decision

119. (1) A roads authority may request the Minister to review the decision of the RTA:

- (a) to refuse an application under this Division; or
- (b) to impose conditions on a consent granted under this Division.

(2) The request must be accompanied by copies of all submissions made in connection with the original application.

(3) The Minister, after taking into consideration the submissions and any representations made by the RTA with respect to the application, may deal with the application in any way in which the application could have been dealt with by the RTA.

(4) The Minister's decision under this section is taken to be the decision of the RTA and has effect accordingly.

Division. 3—Additional powers at the direction of the Minister**Minister may direct roads authorities to exercise certain traffic regulation powers**

120. (1) The Minister may order a roads authority to take such action, or to forbear from taking such action, with respect to the regulation of traffic on a public road as may be specified in the order.

(2) For example, the Minister may order a roads authority to erect or to remove any notice or barrier.

(3) Such an order may be given whether or not the roads authority is otherwise empowered to regulate traffic in the manner specified in the order.

Minister may regulate traffic in certain circumstances

121. (1) If a roads authority fails to comply with a direction under this Division, the Minister may take such action as is necessary to give effect to the direction.

(2) The cost of taking action under this section is recoverable from the roads authority by the Minister as a debt in a court of competent jurisdiction.

Division 4—Miscellaneous**Temporary regulation of traffic**

122. (1) A roads authority may regulate traffic on a specified public road or on all public roads for which it is the roads authority:

- (a) in relation to a classified road, by means of an order published in a daily newspaper circulating generally throughout the State; or
- (b) in relation to any other public road, by means of an order published in one or more local newspapers or in a daily newspaper circulating generally throughout the State.

(2) A roads authority may, by order served on any person, prohibit the person from causing any vehicle under the person's control to pass along a specified local road unless the vehicle is being driven to a destination that cannot be reached except by means of that road.

(3) An order under this section may not be made unless the roads authority is satisfied that it is necessary to do so in order to prevent damage in excess of the ordinary wear and tear arising from the reasonable use of the road or roads concerned.

(4) A person must not, without reasonable excuse, contravene an order under this section.

Maximum penalty: 30 penalty units.

(5) A roads authority must revoke any order under this section as soon as the circumstances giving rise to its making cease to exist.

(6) Unless sooner revoked, an order under this section ceases to have effect at the expiration of 12 months after it was made.

(7) Subsection (6) does not prevent an order being remade.

Application of Part to police and emergency services

123. The provisions of this Part do not apply to the driver of:

- (a) any motor vehicle while conveying a police officer on urgent duty; or
- (b) any fire engine or appliance while proceeding to a fire; or
- (c) any ambulance while proceeding to the scene of an accident or to a hospital with an injured person; or
- (d) any vehicle referred to in paragraph (a), (b) or (c) while proceeding to any place to deal with an emergency,

if the observance of those provisions would be likely to hinder the vehicle while so doing.

Traffic Act 1909 to prevail

124. In the event of an inconsistency between a requirement under this Part and a requirement under the Traffic Act 1909, the requirement under the Traffic Act 1909 prevails.

PART 9—REGULATION OF WORKS, STRUCTURES AND ACTIVITIES**Division 1—Footway restaurants****Approval to use footway for restaurant purposes**

125. (1) A council may grant an approval that allows a person who conducts a restaurant adjacent to a footway of a public road (being a public road that is vested in fee simple in the council) to use part of the footway for the purposes of the restaurant.

(2) An approval may be granted on such conditions (including conditions as to payments in the nature of rent) as the council determines.

(3) An approval may not be granted in respect of a footway of a classified road except with the concurrence of the RTA.

(4) The term of an approval is to be such period (not exceeding 7 years) as is specified in the approval.

(5) An approval lapses at the end of its term or, if the part of the footway the subject of the approval ceases to be used for the purposes of a restaurant, when that use ceases.

Authority to erect structures

126. (1) A council:

- (a) may authorise the holder of an approval to erect and maintain structures in, on or over any part of the footway the subject of the approval; or
- (b) may, at the request and cost of the holder of the approval, erect and maintain any such structure.

(2) The council may erect and maintain structures in, on or over any part of the footway the subject of an approval for the protection of public health and safety.

Attachment 2

Roads and Traffic Authority – Delegation to Councils – Regulation of Traffic

ROADS AND TRAFFIC AUTHORITY

DELEGATION TO COUNCILS

REGULATION OF TRAFFIC

TRANSPORT ADMINISTRATION ACT 1988

DELEGATION - SECTION 50

WHEREAS the Roads and Traffic Authority (hereinafter called "the Authority") pursuant to Section 50 of the *Transport Administration Act 1988* and all other enabling powers delegated by instruments of delegation dated 13 December, 1999 (hereinafter called "the delegation") all its functions under the legislation listed in Schedule 3 to councils constituted under the *Local Government Act 1993*, the Authority HEREBY REVOKES the delegation and DELEGATES to the councils in Schedule 1 and Schedule 2 respectively (hereinafter called "delegates") the functions of the Authority set out in Schedule 3 (hereinafter called "the functions") hereto subject to the limitations set out in Schedule 4 hereto and authorises delegates to sub-delegate the functions to the persons in Schedule 5 (hereinafter called "sub-delegates") subject to the limitations in Schedule 4.

Dated this 26th day of October 2001.

The SEAL of the ROADS AND)	
TRAFFIC AUTHORITY was hereunto)	L. S.
affixed in the presence of:)	

(sgd) Graham C Read

Corporate Counsel

SCHEDULE 1

(Delegates)

The Council of the Municipality of Ashfield
Auburn Council
Bankstown City Council
The Council of the Shire of Baulkham Hills
Blacktown City Council
Blue Mountains City Council
The Council of the City of Botany Bay
Burwood Council
Camden Council
Campbelltown City Council
City of Canada Bay Council
Canterbury City Council
Fairfield City Council
Hawkesbury City Council
Holroyd City Council
The Council of the Shire of Hornsby
The Council of the Municipality of Hunters Hill
Hurstville City Council
Kogarah Municipal Council
Ku-ring-gai Council
Lane Cove Council
Leichhardt Municipal Council
Liverpool City Council
Manly Council
Marrickville Council
Mosman Municipal Council
North Sydney Council
Parramatta City Council
Penrith City Council
Pittwater Council
Randwick City Council
Rockdale City Council
Ryde City Council
South Sydney City Council
Strathfield Municipal Council
Sutherland Shire Council
The City of Sydney
Warringah Council
Waverley Council
Willoughby City Council
Woollahra Municipal Council

SCHEDULE 2

(Delegates)

A council other than those listed in Schedule 1 constituted under the *Local Government Act 1993*

SCHEDULE 3

(Functions)

The exercise of all the functions of the Authority under:

1. Division 2 of Part 8 (Regulation of traffic by roads authorities) of the *Roads Act 1993*.
2. Division 1 of Part 4 (Traffic control devices) of the *Road Transport (Safety and Traffic Management) Act 1999*.
3. Division 2 of Part 5 (Special event parking schemes) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

SCHEDULE 4

(Limitations)

1. A council and its sub-delegate must not exercise a function:
 - (1) Outside the area constituted under the *Local Government Act 1993* for which council is the council, or
 - (2) On a classified road under the *Roads Act 1993* (except where exercising a function in respect of portable traffic control light signals).
2. A council and its sub-delegate may only exercise a function in respect of any prescribed traffic control device (defined in clause 131 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* for the purposes of section 50 of the *Road Transport (Safety and Traffic Management) Act 1999*) being –
 - (1) any prescribed traffic control device contained in the document, “*Regulatory Signs*” Version 1.0 dated May, 2001 (Reference No. RTA/Pub 01.038) issued by the Authority, but excluding those which are indicated as ‘Not delegated to Council’ as listed in that document, and
 - (2) any portable traffic control lights,and under no circumstances, that is, despite (1) above, will a council or its sub-delegate be permitted to exercise a function in respect of any internally illuminated traffic control device.
3. (1) A council listed in Schedule 1 and its sub delegate must not exercise a function in respect of the following activities including the referral of the matter to the Local Traffic Committee until a Traffic Management Plan, which must include an assessment of the impact of the exercise of the function and proposed measures to ameliorate such impact, has been approved by the Authority:
 - (a) The prohibition of the passage of traffic on a public road or road or road related area to any one or more of the following classes of traffic:
 - pedestrians
 - vehicles
 - motor vehiclesby physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both;
 - (b) the installation or display of the following traffic control signs on roads or road related areas:
 - No Right Turn

- No Left Turn
- No Entry
- No Turns
- Left Turn Only
- Right Turn Only
- No Trucks
- No Buses
- No Pedestrians

or the installation or display of any other sign or road marking prohibiting or compelling a turning movement;

(c) changing a two-way street into a one-way street or reversing the direction of a one-way street;

(d) the construction of a median strip including a painted island which prevents a turn by a vehicle at the intersection of public roads or roads or road related areas;

(e) reduction in the number of traffic lanes on a public road or road or road related area by physical means or regulatory signs (whether a prescribed traffic control device or otherwise) or both.

(2) A Traffic Management Plan is not required if council certifies to the Authority in writing that a No Trucks or No Buses traffic control sign is to be erected solely for the purpose of protecting a road from damage by the passage of motor vehicles.

4. A council and its sub-delegate must not exercise a function in respect of portable traffic control light signals unless:

(1) the signals are used in connection with the carrying out of road work on public roads as authorised by the *Roads Act 1993*; and

(2) no fixed equipment or fixed cables are used.

5. A sub-delegate must not exercise a function in respect of Division 2 of Part 8 (Regulation of Traffic by Roads Authorities) of the *Roads Act 1993*.

6. A council or its sub-delegate must not exercise a function until they have notified the Commissioner of Police and the Authority of any decision taken to exercise a function except where:

(1) the advice of the Local Traffic Committee is unanimous; and

(2) the council or its sub-delegate propose to follow such advice.

7. Where a council or its sub-delegate has notified or should have notified the Commissioner of Police and the Authority of a decision to exercise a function,

the council or its sub-delegate must not exercise a function for a period of fourteen (14) days from the date of notification.

8. Where an appeal has been made to the Chairperson of a Regional Traffic Committee in respect of a decision taken by a council or its sub-delegate to exercise a function, a council or its sub-delegate must not exercise the function until the Chairperson of the Regional Traffic Committee determines the appeal.
9. Where the Chairperson of the Regional Traffic Committee has determined an appeal, the council and its sub-delegate must not exercise the function in respect of which an appeal has been made, otherwise than in accordance with the determination of the Chairperson.
10. Before installing or displaying a prescribed traffic control device, a council and its sub-delegate must authorise installation or display (or interference with, alteration or removal) of the device in writing in accordance with section 51 of the *Road Transport (Safety and Traffic Management) Act 1999*.
11. A council or its sub-delegate shall keep a record of installation, display, alteration or removal of a traffic control device. Such a record must include the following:
 - Type and location of the traffic control device;
 - Time and date of completion of installation, display, alteration or removal of the traffic control device.
12. Where a council or its sub-delegate wishes to exercise a function in respect to a "Roadwork Speed Limit" traffic sign (Speed Series (R4) Sign No. R4-212 in the document, "*Regulatory Signs*" Version 1.0 dated May, 2001, reference No. RTA/Pub 01.038, issued by the Authority), the following conditions apply:
 - (1) When the installation period of a 'Roadwork Speed Limit' sign is to be for 6 working days or less:
 - a) authorisation of the use of the 'Roadwork Speed Limit' sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites certificate issued by the Authority; and
 - b) the nearest office of the Authority is to be notified in writing of Council's intention to implement a roadwork speed limit prior to works commencing; and
 - c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit prior to works commencing.
 - (2) When the installation period of a 'Roadwork Speed Limit' sign is to be for more than 6 working days:
 - a) authorisation of the use of the 'Roadwork Speed Limit' sign must be carried out by council or a sub-delegate who holds a current Traffic Control at Worksites Certificate issued by the Authority, and

- b) the nearest office of the Authority is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing; and
 - c) the nearest Police Station is to be notified in writing of Council's intention to implement a roadwork speed limit 7 days prior to works commencing.
 - (3) The need for a 'Roadwork Speed Limit' sign shall be determined in accordance with the document, "*Traffic Control at Worksites*" Version 2.0 dated October 1998 (Reference No TTT-003) issued by the Authority;
 - (4) 'Roadwork Speed Limit' signs shall be installed in accordance with the "*Traffic Control at Worksites*" document (as already referred to);
 - (5) Records maintained by a council and its sub-delegate in respect to a 'Roadwork Speed Limit' sign must include:
 - a) council's or its sub-delegate's written authorisation of the installation [The sub-delegate's Traffic Control at Worksites Certificate number must be shown.],
 - b) the location,
 - c) the installation time and date, and
 - d) the removal time and date.
 - (6) The 'Roadwork Speed Limit' sign is to be removed as soon as practicable after the road works have been completed.
13. A council and its sub-delegate must not exercise a function in respect to any of the roads within Sydney Olympic Park including the roads that are coloured mauve on the drawing marked "Sydney Olympic Park Authority, Sydney Olympic Park, Drawing Number HS-J-L-006" dated 29 May 2001 and deposited in the Office of the Sydney Olympic Park Authority (being all the roads referred to in section 41 of the *Sydney Olympic Park Authority Act 2001*).

SCHEDULE 5

(Sub-delegates)

1. A councillor.
2. The general manager.
3. An employee of the council.

Attachment 3

Division 1 of Part 4 Road Transport
(Safety and Traffic Management) Act
1999

Part 4 Traffic control devices

Division 1 Installation, display and removal of prescribed traffic control devices

50 Interpretation

In this Division:

installation of a prescribed traffic control device includes the painting or formation of any marks or structure that constitute, or form part of, the device.

prescribed traffic control device means a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area (or part of a road or road related area) that is prescribed by the regulations for the purposes of this definition.

traffic control authority means:

- (a) the Authority, or
- (b) the Commissioner of Police, or
- (c) any other person (or person belonging to a class or description of persons) prescribed by the regulations for the purposes of this definition.

51 Appropriate authority for the purposes of this Division

For the purposes of this Division, a person has appropriate authority to install or display (or to interfere with, alter or remove) a prescribed traffic control device if:

- (a) the person is a public authority that has been directed by the Authority under Division 1C of Part 6 of the *Transport Administration Act 1988* to install or display (or to interfere with, alter or remove) the device, or
- (b) the person is otherwise authorised in writing by the Authority to install or display (or to interfere with, alter or remove) the device.

Note. Division 1C of Part 6 of the *Transport Administration Act 1988* enables the Authority to give certain public authorities directions in respect of safety and traffic management.

52 Unauthorised prescribed traffic control devices (cf Traffic Act, s 4D (6))

- (1) A person must not, without appropriate authority:
- (a) install or display a prescribed traffic control device on, above or near a road or road related area, or
 - (b) interfere with, alter or remove any prescribed traffic control device installed or displayed on, above or near a road or road related area.

Maximum penalty: 20 penalty units.

- (2) A person must not install or display on, above or near a road or road related area any sign, signal, marking, structure or other device that might reasonably be mistaken to be a prescribed traffic control device.

Maximum penalty: 20 penalty units.

53 Removal of unauthorised prescribed traffic control devices (cf Traffic Act, s 4D (7) and (8))

- (1) A traffic control authority (or a person authorised by any such authority) may direct any person who contravenes section 52 to remove, within a time specified by the authority when giving the direction, the sign, signal, marking, structure or other device in respect of which the contravention took place.
- (2) A person to whom a direction is given under subsection (1) must comply with the direction.
- Maximum penalty: 20 penalty units.
- (3) Without affecting any liability of any person under section 52 or subsection (2), a traffic control authority may remove, or cause to be removed, any sign, signal, marking, structure or other device installed or displayed in contravention of section 52.

54 Cost of removal of prescribed traffic control device

- (1) A traffic control authority may, by proceedings brought in a court of competent jurisdiction, recover the expenses that the authority has incurred in exercising the functions conferred by section 53 as a debt from the person who (without appropriate authority) installed or displayed the sign, signal, marking, structure or other device concerned.

- (2) A certificate that is issued on behalf of a traffic control authority by a person prescribed by the regulations (or by a person belonging to a class of persons so prescribed) and that states that a specified amount represents the costs incurred by the authority in carrying out specified work or in taking specified action for the purposes of section 53, is evidence (unless evidence to the contrary is adduced) of the fact or facts so stated.

55 Prescribed traffic control devices presumed to be lawfully installed or displayed except for purposes of section 52 (cf Traffic Act, s 4D (9))

In proceedings for an offence against this Act or the regulations (other than an offence against section 52 (1)), a prescribed traffic control device that is installed or displayed on, above or near a road or road related area is conclusively presumed to have been lawfully installed or displayed there under this Act.

Division 2 Monitoring of traffic light offences

56 Approved camera detection device (cf Traffic Act, s 2 (1))

In this Act, an *approved camera detection device* is a device of a type approved by the Commissioner of Police by order published in the Gazette as being designed to take a photograph of a vehicle that is driven in contravention of a traffic light signal displaying a red circle or a red arrow and to record on the photograph:

- (a) the date on which the photograph is taken, and
- (b) the time and location at which the photograph is taken, and
- (c) the direction and lane in which the vehicle activating the camera is travelling, and
- (d) the interval during which the red circle or red arrow has been continuously displayed immediately before the photograph is taken.

57 Photographic evidence of traffic light offences (cf Traffic Act, s 4DA)

- (1) In this section:

traffic light offence means an offence under the regulations of contravening a traffic light signal displaying a red circle or a red arrow.

Attachment 4

Division 2 of Part 8 Roads Act 1993

Division 2—Additional powers at the request of the roads authority

Applications for consent

116 (1) A roads authority may apply to the RTA for consent to:

- (a) the erection of any notice or barrier, the carrying out of any work or the taking of any other action for the purpose of regulating traffic on a public road for purposes other than those referred to in Division 1; or
- (b) the removal of any notice or barrier, the demolition of any work or the ceasing of any action for which it has been given consent under this Division.

(2) Before doing so, the roads authority must cause notice of the application to be published in a local newspaper.

(3) The notice:

- (a) must specify the particular action for which the roads authority is applying for consent; and
- (b) must state that any person is entitled to make submissions to the RTA with respect to the granting of consent; and
- (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

(4) This section does not apply to the erection of any notice, the carrying out of any work or the taking of any other action that the roads authority is required by Division 3 to erect, carry out or take.

Public submissions

117. (1) Any person may make submissions to the RTA or to the roads authority with respect to the application.

(2) The roads authority must ensure that any submissions received by it with respect to the application are forwarded to the RTA.

Decision on application

118. (1) After considering any submissions that have been duly made with respect to an application, the RTA may grant consent to the application, either unconditionally or subject to conditions, or may refuse the application.

(2) The roads authority is authorised to take such action as is specified in a consent under this section.

Review of RTA's decision

119. (1) A roads authority may request the Minister to review the decision of the RTA:

- (a) to refuse an application under this Division; or
- (b) to impose conditions on a consent granted under this Division.

(2) The request must be accompanied by copies of all submissions made in connection with the original application.

(3) The Minister, after taking into consideration the submissions and any representations made by the RTA with respect to the application, may deal with the application in any way in which the application could have been dealt with by the RTA.

(4) The Minister's decision under this section is taken to be the decision of the RTA and has effect accordingly.

Division. 3—Additional powers at the direction of the Minister**Minister may direct roads authorities to exercise certain traffic regulation powers**

120. (1) The Minister may order a roads authority to take such action, or to forbear from taking such action, with respect to the regulation of traffic on a public road as may be specified in the order.

(2) For example, the Minister may order a roads authority to erect or to remove any notice or barrier.

(3) Such an order may be given whether or not the roads authority is otherwise empowered to regulate traffic in the manner specified in the order.

Minister may regulate traffic in certain circumstances

121. (1) If a roads authority fails to comply with a direction under this Division, the Minister may take such action as is necessary to give effect to the direction.

(2) The cost of taking action under this section is recoverable from the roads authority by the Minister as a debt in a court of competent jurisdiction.

Attachment 5

Division 2 of Part 5 Road Transport
(Safety and Traffic Management)
(Road Rules) Regulation 1999

Division 2 Special event parking schemes**122 Special event parking schemes** (cf MTR, r 91CA (1))

- (1) The Authority may establish and operate a special event parking scheme for any road.
- (2) For the purposes of any such scheme, the Authority may set aside as a special event parking area the whole or any part of any road.

123 Special event parking areas (cf MTR, r 91EEA)

- (1) A special event parking area must be designated by traffic signs, of the kind illustrated by Diagrams 1 and 2 to this clause, situated at each point of entry to or exit from the area (*special event parking signs*).
- (2) In a special event parking sign:
 - (a) the numeral or fraction appearing before the symbol "P" indicates the maximum period (in hours or fractions of an hour) for which a vehicle may be parked within the special event parking area to which the sign relates, and
 - (b) the times and days (if any) indicate the periods during which a vehicle may not be parked in the special event parking area to which the sign relates.

Diagram 1



Diagram 2



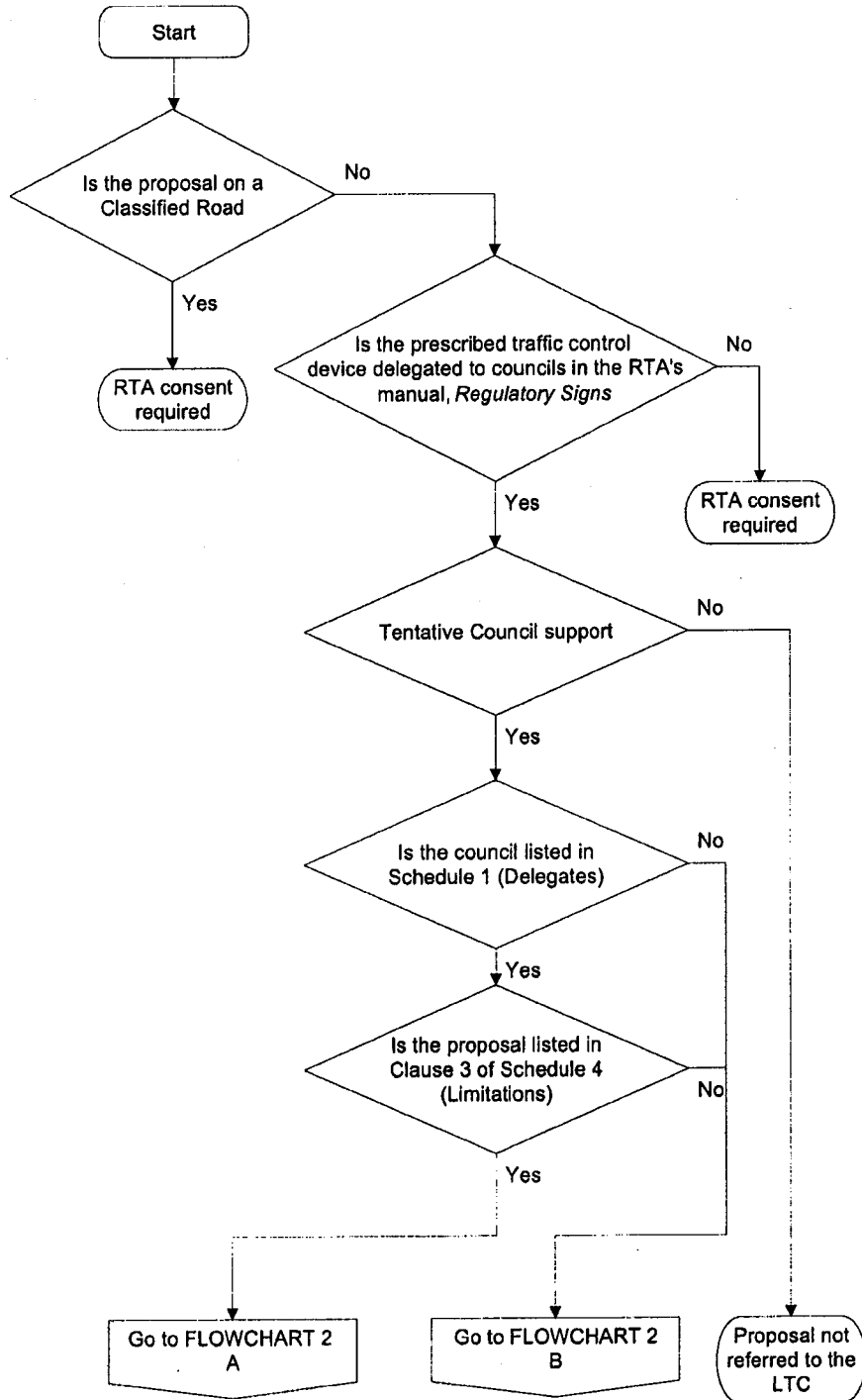
Attachment 6

Process for Exercising Delegated
Road Transport Powers (flowcharts
from the RTA Guide)

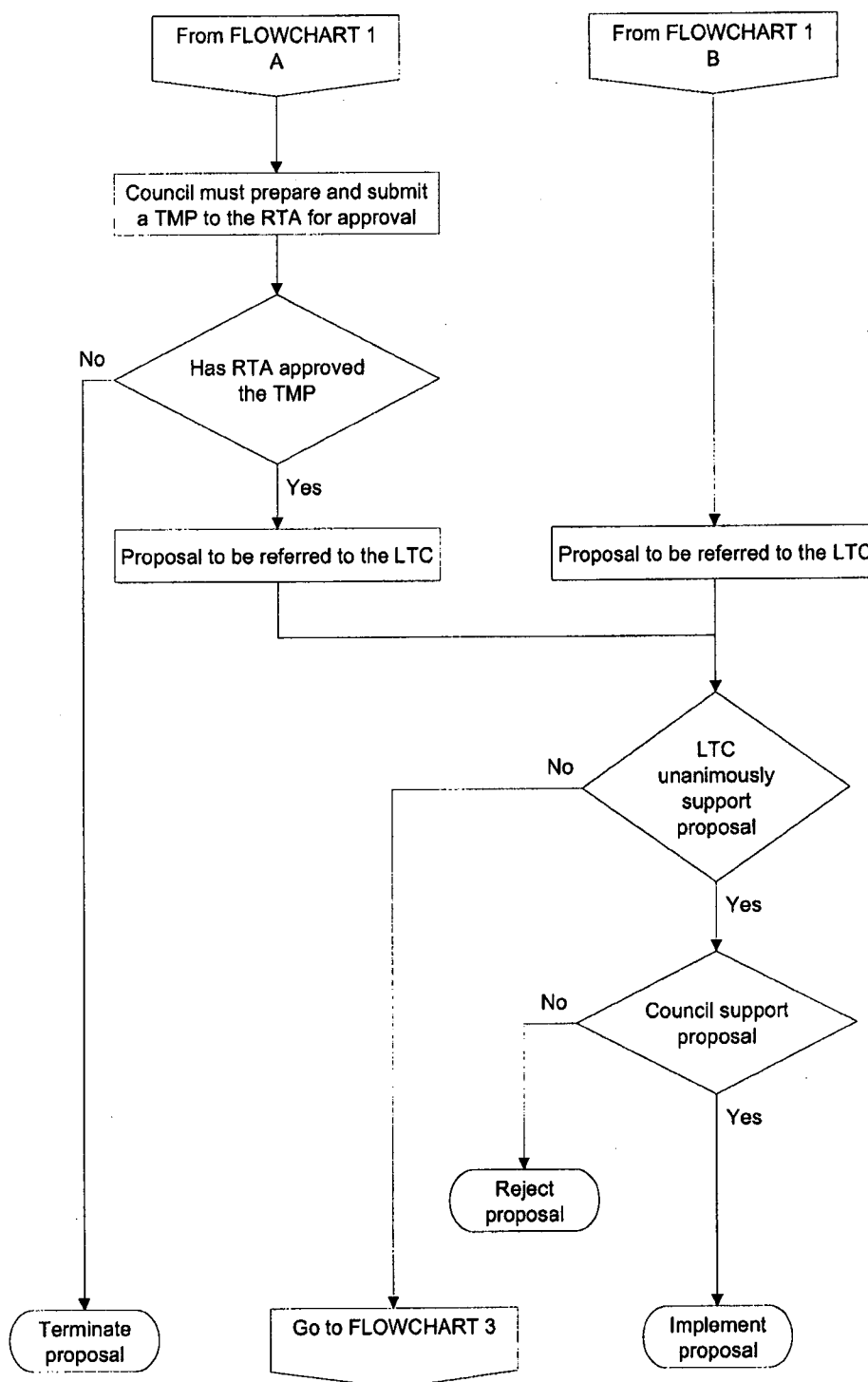
Process for Exercising Delegated Road Transport Powers

FLOWCHART I

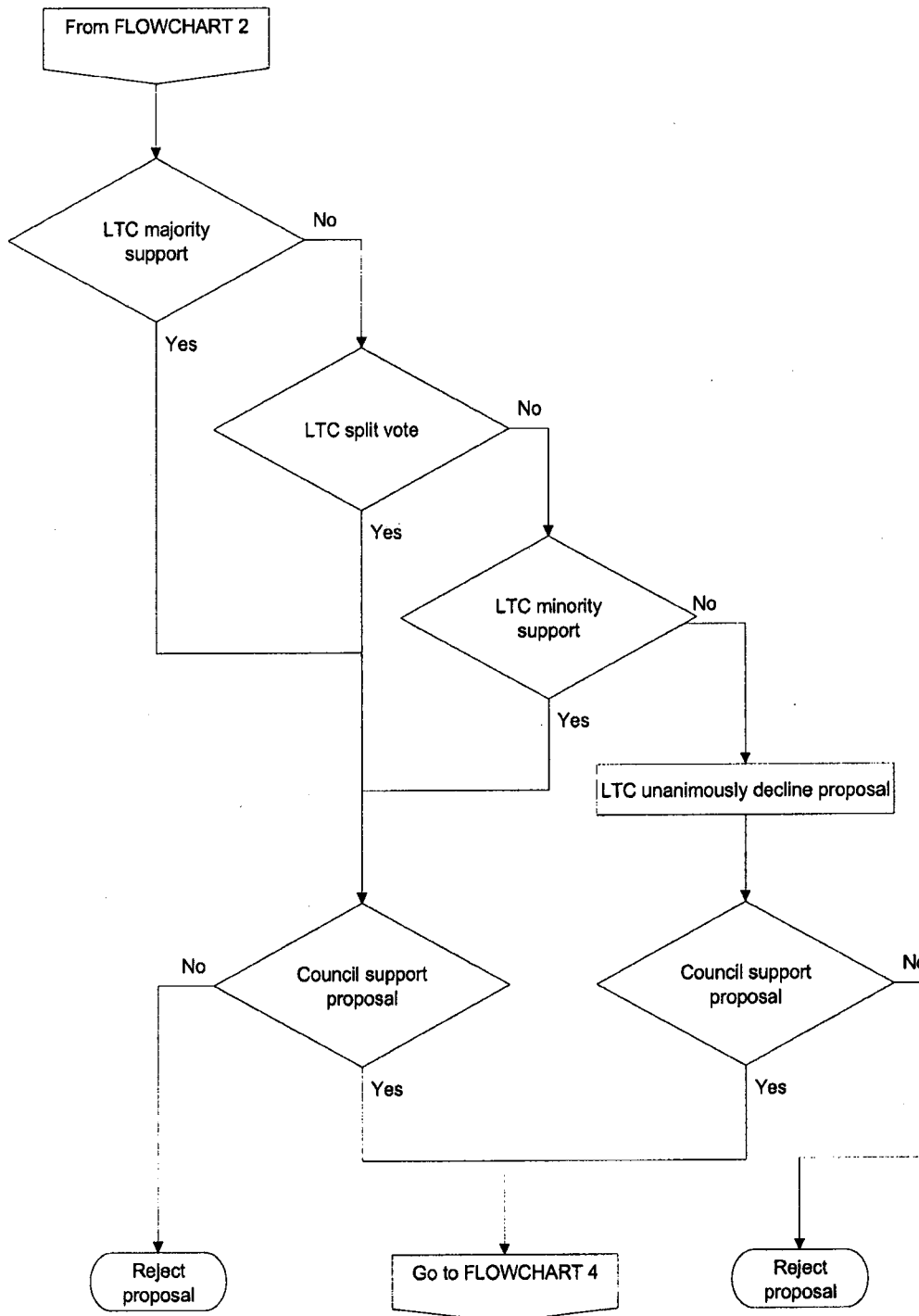
(Road Transport (Safety and Traffic Management) Act, 1999)



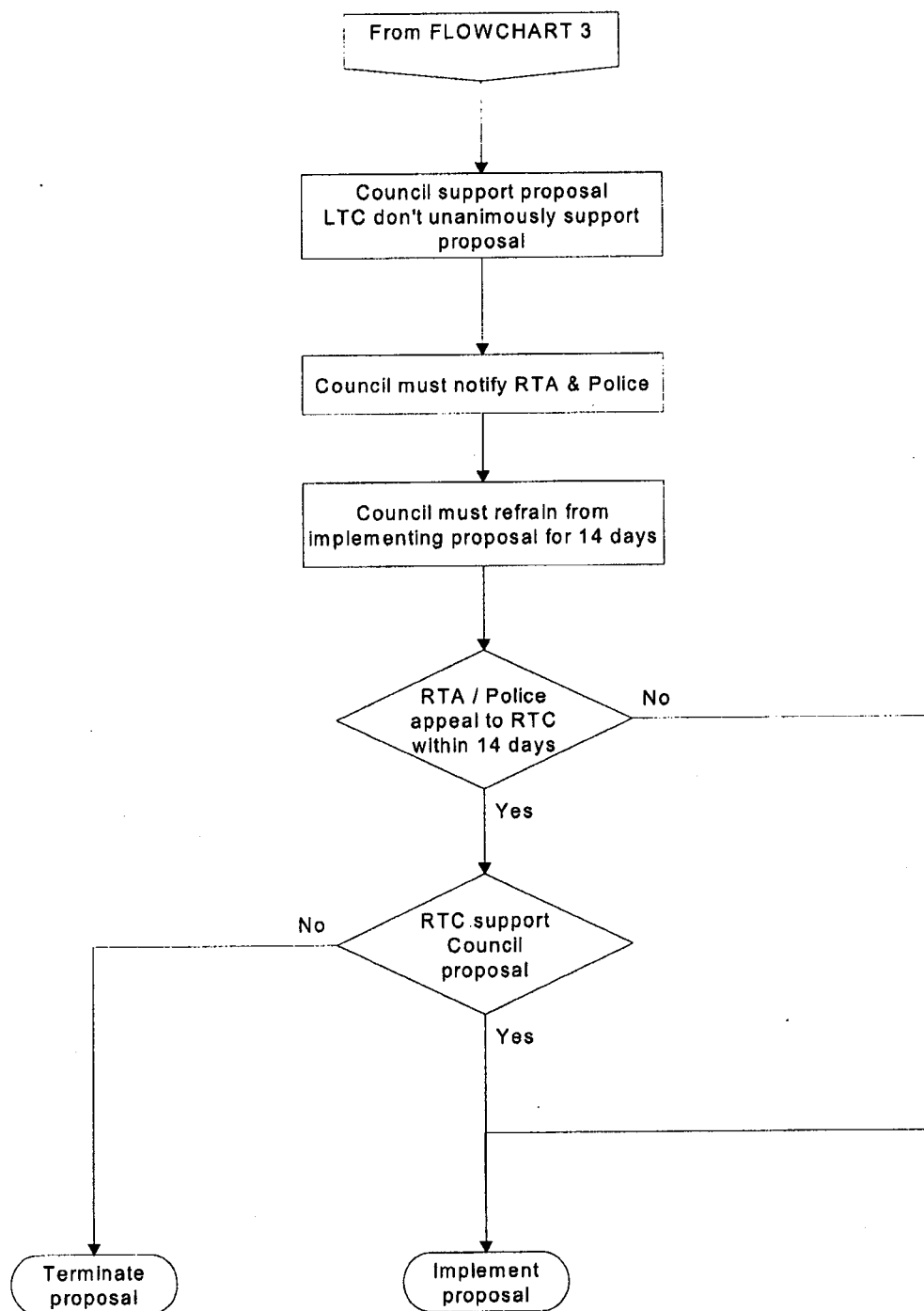
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(Road Transport (Safety and Traffic Management) Act, 1999)



FLOWCHART 3
(Road Transport (Safety and Traffic Management) Act, 1999)

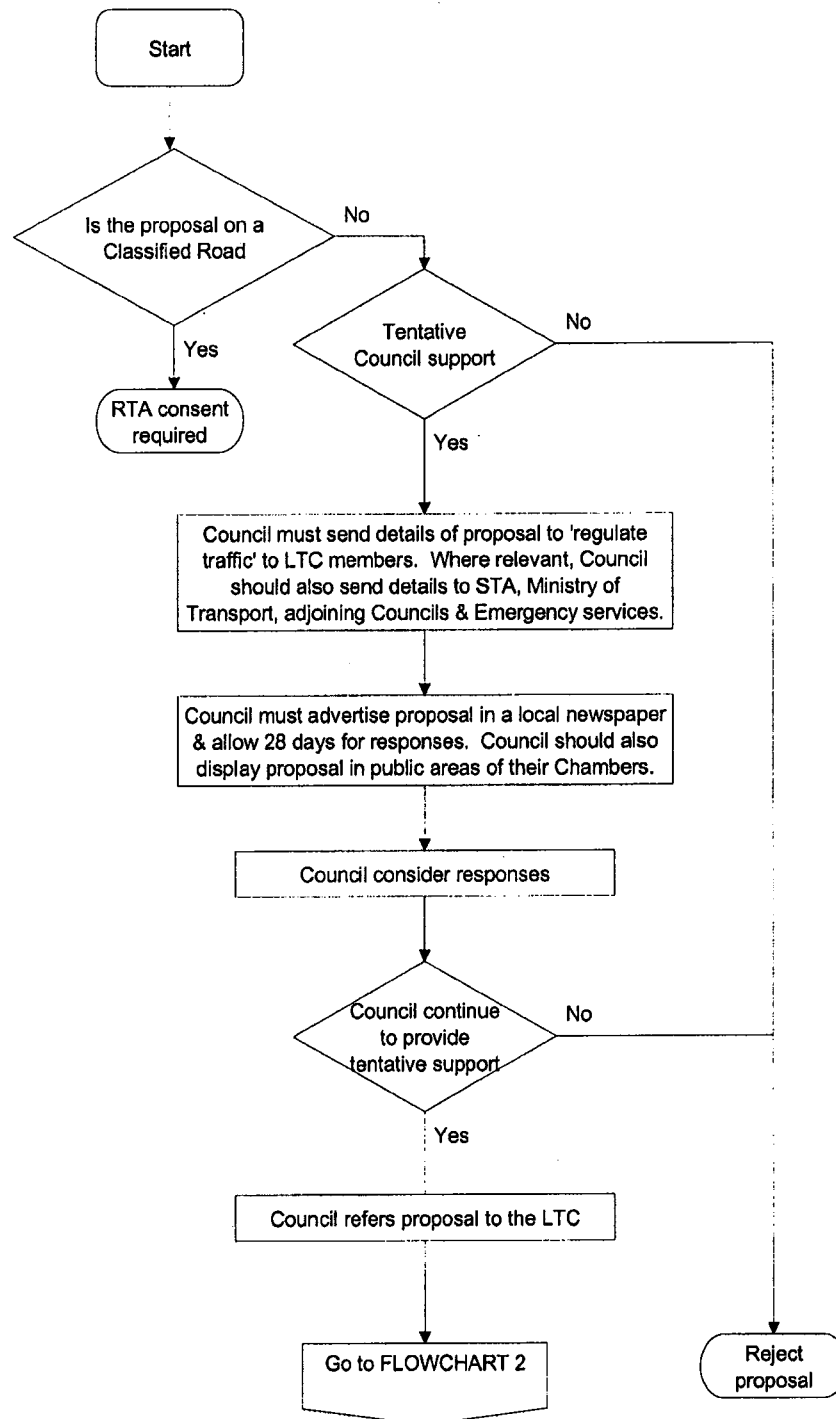


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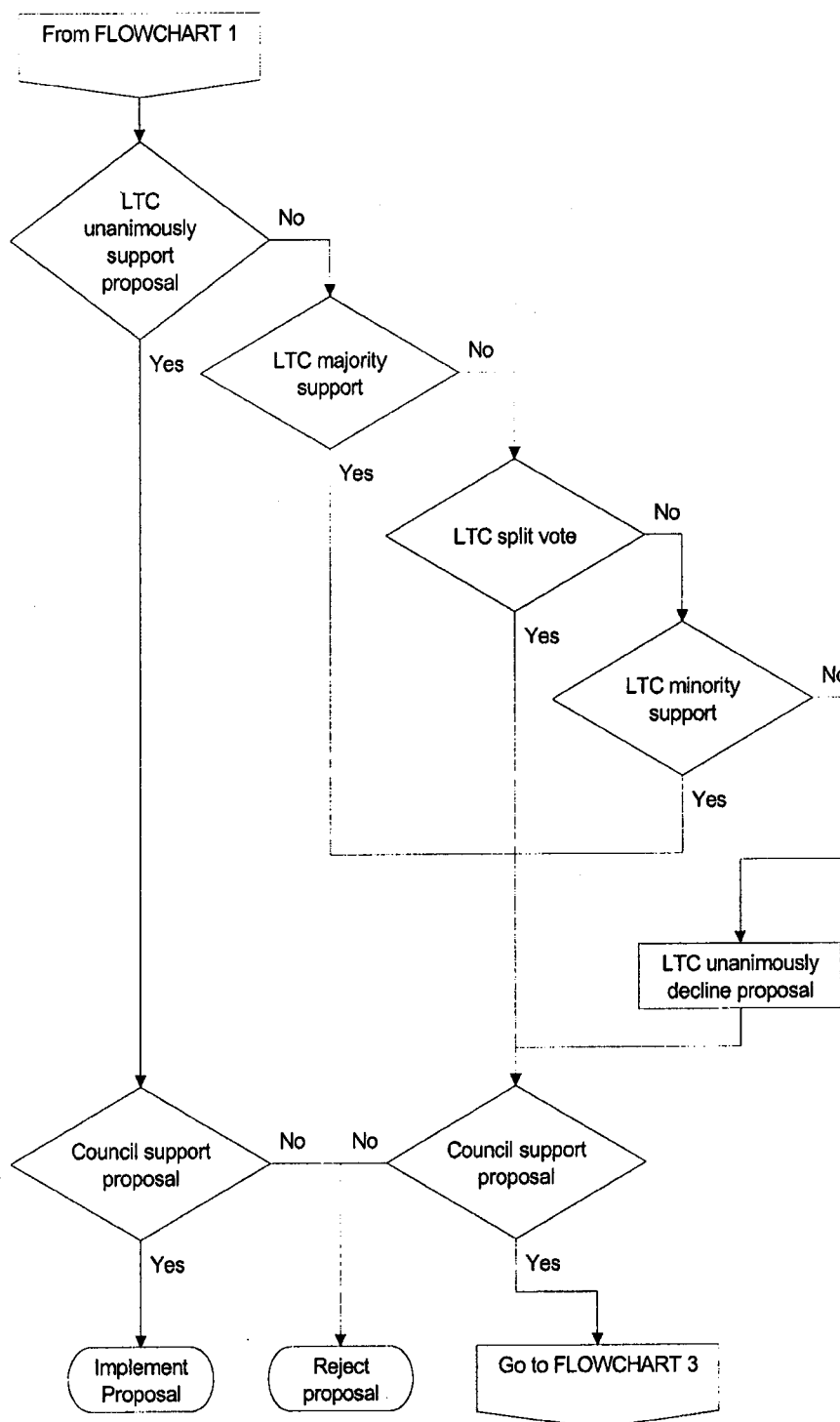


Process for Exercising Delegated Roads Act Powers

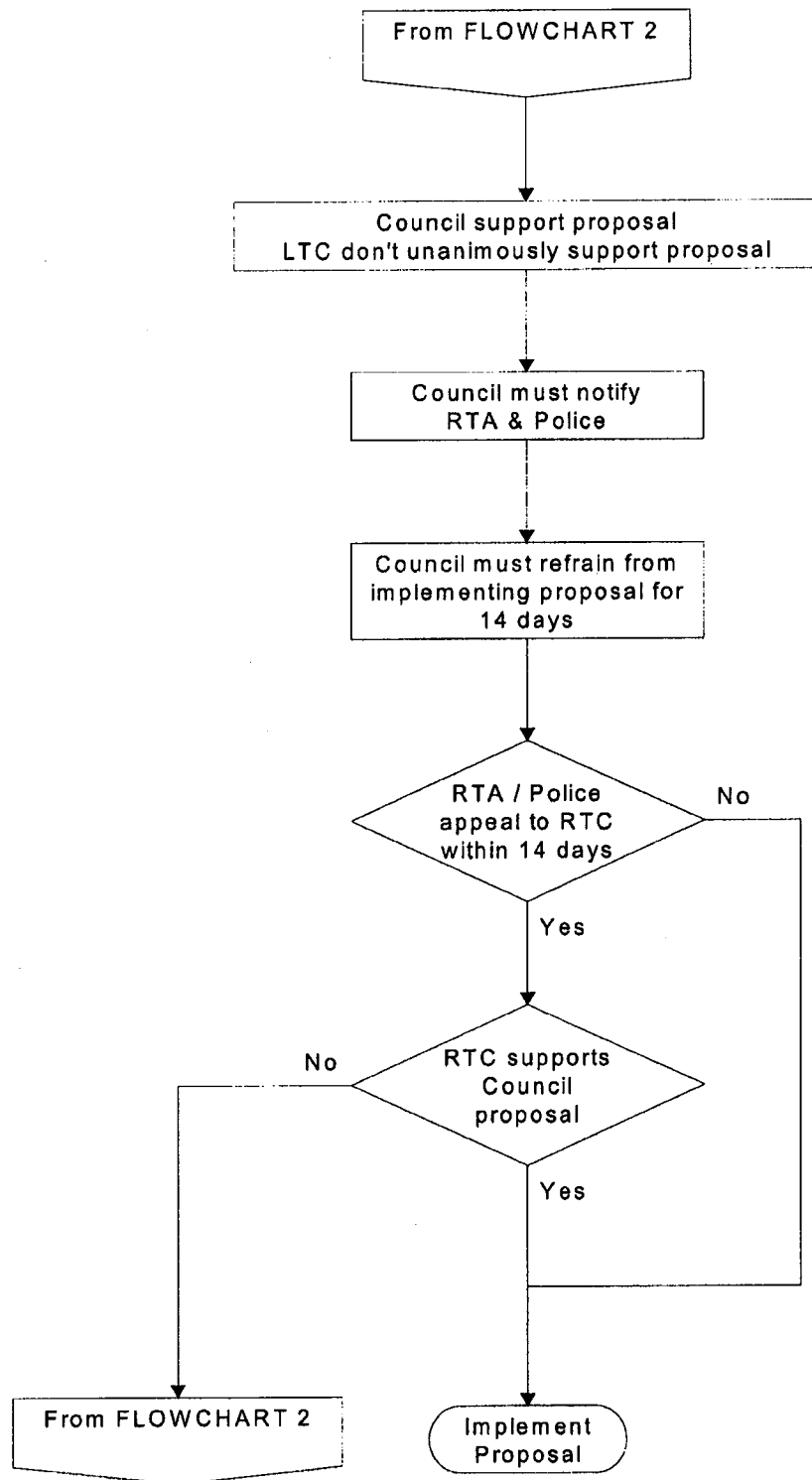
FLOWCHART I
(Roads Act, 1993)



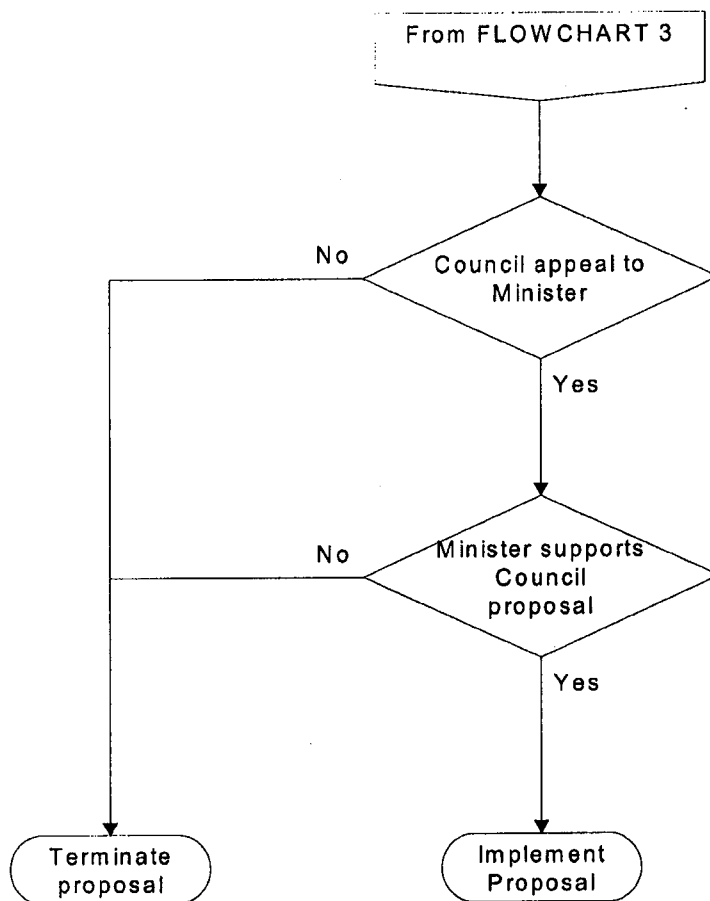
FLOWCHART 2 (Roads Act, 1993)



FLOWCHART 3 (Roads Act, 1993)



FLOWCHART 4 (Roads Act, 1993)



Attachment 7

Clause 104 State Environmental Planning Policy (Infrastructure) 2007 - Traffic Generating Development

State Environmental Planning Policy (Infrastructure) 2007

104 Traffic-generating development

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:
 - (a) new premises of the relevant size or capacity, or
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.
- (2) In this clause, *relevant size or capacity* means:
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.
- (3) Before determining a development application for development to which this clause applies, the consent authority must:
 - (a) give written notice of the application to the RTA within 7 days after the application is made, and
 - (b) take into consideration:
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and
 - (ii) the accessibility of the site concerned, including:
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
 - (iii) any potential traffic safety, road congestion or parking implications of the development.
- (4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

Schedule 3

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 Traffic generating development to be referred to the RTA

(Clause 104)

Column 1 Purpose of development Note.	Column 2 Size or capacity—site with access to any road	Column 3 Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
The development may be the erection of new premises or the enlargement or extension of existing premises		
Apartment or residential flat building	300 or more dwellings	75 or more dwellings
Area used exclusively for parking or any other development having ancillary parking accommodation	200 or more motor vehicles	50 or more motor vehicles
Commercial premises	10,000m ² in area	2,500m ² in area
Commercial premises and industry	15,000 m ² in area	4,000m ² in area
Drive-in theatres	200 or more motor vehicles	50 or more motor vehicles
Drive-in take away food outlets	200 or more motor vehicles	Any size or capacity
Educational establishments	50 or more students	
Freight intermodal facilities and freight terminals	Any size or capacity	
Heliports, airports or aerodromes	Any size or capacity	
Hospital	200 or more beds	100 or more beds
Industry	20,000m ² in area	5,000m ² in area
Landfill, recycling facilities, waste transfer station	Any size or capacity	
Motor showrooms	200 or more motor vehicles	50 or more motor vehicles
Parking	200 or more motor vehicles	50 or more motor vehicles
Places of assembly or places of public worship	200 or more motor vehicles	50 or more motor vehicles
Premises licensed under the <i>Liquor Act 1982</i> or the <i>Registered Clubs Act 1976</i>	200 or more motor vehicles	50 or more motor vehicles
Refreshment rooms	200 or more motor vehicles	300m ²
Roadside stalls, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale	200 or more motor vehicles	Any size or capacity
Service stations (including service stations which have retail outlets)	200 or more motor vehicles	Any size or capacity
Shops	2,000m ²	500m ²
Shops and commercial premises	4,000m ²	1,000m ²
Subdivision of land	200 or more allotments where the subdivision includes the opening of a public road	50 or more allotments
Tourist facilities, recreation facilities, showgrounds or	200 or more motor vehicles	50 or more motor vehicles

sportsgrounds

Transport terminals, bulk stores,
container depots or liquid fuel
depots

8,000m²

Any other purpose

200 or more motor vehicles