A guide to the delegation to councils for the regulation of traffic

Including the operation of Traffic Committees

[Inside front cover
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A Guide to the Delegation to Councils for the Regulation of Traffic

(including the operation of Traffic Committees)

RTA

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APPROVED BY:

SIGNED

Phil Margison
General Manager
Traffic Management

AUTHORISED FOR USE BY:

SIGNED

Michael Bushby
Director
Network Management

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For policy and technical enquiries regarding these guidelines please contact:

Traffic Management Branch
Email: technical_directions_publication@rta.nsw.gov.au
Phone: (02) 8588 5621
Fax: (02) 8588 4164

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Amendment record

Please note that the following updates have been made to this document.

Version Number	Page(s)	Description	Issued
1.1	8-11	Sections 5.3, 5.3.2, 5.3.4 & 5.3.5 amended to introduce optional public galleries	December 2007
1.2	Various	Hyperlink to Council Delegation Reference document updated	February 2009
1.3	Various	Sections 1.0, 2.0, 3.1, 5.1, 7.1, 7.2 & Flowcharts amended to reflect release of a new Delegation	March 2009

1. Introduction

The Roads and Traffic Authority 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.

New South Wales has many roads, which range from freeways to local streets. All these roads require the control of traffic. The RTA believes that the most effective means of dealing with the number and range of traffic related matters, particularly those which arise on regional and local roads, is to deal with them at the local level. The RTA has therefore delegated certain aspects of the control of traffic on regional and local roads to the Councils of Local Government areas.

The RTA continues to manage NSW's State road network. However, local government continues to also play an important role in the management of this road network by providing traffic input and advice when necessary.

These guidelines provide the policy and framework for Councils to exercise the traffic functions delegated to them by the RTA. They outline the delegated functions, the limitations that apply to Councils when exercising their delegated functions, the responsibilities of the various parties involved in the process, and the roles of the local and regional traffic committees.

Note: These guidelines do not cover B-double route approvals as they are the subject of a separate delegation.

These guidelines have been prepared by the RTA:

(i) in accordance with current NSW legislation; and

(ii) in consultation with RTA's Legal Branch, the NSW Police, LGSA, and representatives from a number of metropolitan Councils.

It is important to note that 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 action.

2. Definitions and abbreviations

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.

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

Delegation – *'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.

Regional Road – a road shown to be a Regional road in the RTA's *Schedule of Classified Roads and State and Regional Roads*.

RR – NSW Road Rules 2008.

RTA – Roads and Traffic Authority, NSW.

RTC – Regional Traffic Committee.

State Road – a road declared to be a State Road under the *Roads Act 1993* and documented in the RTA's *Schedule of Classified Roads and State and Regional Roads*.

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

STMR – *Road Transport (Safety and Traffic Management) 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*.

3. Delegation of functions

Traffic control facilities and prescribed traffic control devices may be authorised for use on a road or road related area, whether a public road or on private land, only by the RTA or Councils. In addition, traffic may be regulated for various purposes by means of notices or barriers erected by a roads authority.

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 non-motorised) and pedestrians found in subordinate legislation made under the Act. Principally, these are:

- *Road Transport (Safety and Traffic Management) Regulation 1999*; and
- *Road Rules 2008*.

Part 8 (Sections 114 to 124) of the *Roads Act, 1993* 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. The reference to regulating traffic in Part 8 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.

Note: Road closures effected under Part 4 of the *Roads Act, 1993* do not remain as a public road.

A 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, etc. whereas the RTA can regulate traffic for any purpose.

If a Council wishes to regulate traffic for purposes other than those specified in Division 1 of Part 8 (Section 115) of the *Roads Act, 1993,* (e.g. for amenity reasons) it must seek the advice of its Local Traffic Committee. The procedures for regulating traffic covering road closures, traffic calming, etc. are detailed in Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act, 1993*.

The delegation of these functions is carried out by the RTA, issuing Councils the RTA document, *Delegation to Councils – Regulation of Traffic*.

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 *STMA*.;
2. regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act*.;
3. authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the *STMR* on public roads other than classified roads.

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

The Council **may not** sub-delegate Item 2.

Note: There is a separate delegation for B-double route approvals.

3.1 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*.

Councils:

- are only permitted to authorise the implementation of certain traffic control facilities / prescribed traffic control devices on roads and road related areas within their area of operations. Council cannot exercise a function on a State Road as defined in the RTA document *Schedule of Classified Roads and State and Regional Roads*.
- may only authorise prescribed traffic control devices as nominated in the RTA's online *Traffic Signs Database* indicated as *"Delegated to Council for Authorisation – Yes"*.
- listed in Schedule 1 of the *Delegation*, 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. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS.
- must not exercise a function in respect of the following signs:

  Permissive parking signs
  No Parking signs
  No Stopping signs

  on any public road or road or road related area (or any part thereof), which falls within a 1 km radius of any train station listed in the RTA's document *Nominated Train Stations with Commuter Parking*, and which has current unrestricted parking, without the approval of the RTA.
- are not empowered to authorise traffic control lights.
- are not empowered to interfere with traffic control lights, including the addition of any signs.

- may authorise portable traffic control lights for roadworks, see RTA's document, *Portable Traffic Signals Guide to Use.*
- cannot authorise an internally illuminated traffic control device.
- must obtain the advice of the NSW Police and the RTA prior to exercising their delegated powers.
- must establish an LTC. Refer to Section 5 LOCAL TRAFFIC COMMITTEE.
- may authorise "Roadwork Speed Limit" signs under the conditions outlined in the *Delegation*.
- 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.*
- **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.*

3.1.1 Traffic Management Plans

A Council, listed in Schedule 1 (*Delegates*) of the RTA's *Delegation*, must develop and submit to the RTA, a TMP if it intends to do any of the following:

- 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;
- install or display any road sign, marking or physical device that prohibits or compels a vehicle with respect to a turning movement;
- change a two-way street into a one-way street or reversing the direction of a one-way street; and
- 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 a 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 a Council seeks to exercise its delegated powers in respect of a function that requires a TMP, the Council must submit the TMP to the RTA for review prior to the matter being referred to the LTC 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 LTC for consideration.

4. Exercising delegated functions

Councils may only exercise their delegated functions in accordance with the *Delegation*. Councils may sub-delegate certain powers to Councillors, the General Manager or an employee of the Council. Refer to Section 3 DELEGATION OF FUNCTIONS.

The *Delegation* requires Council to seek the advice of the NSW Police and the RTA prior to exercising their delegated functions. This is usually done via the LTC.

In cases where the LTC advice is unanimous, and 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 LTC advice is not unanimous, or the elected Council wishes to act contrary to unanimous LTC advice, then Council must notify in writing, both the NSW Police and the RTA representatives on the LTC.

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

Council then must refrain from taking any action for 14 days so that the NSW Police or the RTA is given an opportunity to appeal to the Chairperson, Regional Traffic Committee should they wish.

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. Refer to Section 6 REGIONAL TRAFFIC COMMITTEE, for more details.

5. Local Traffic Committee

5.1 General

The LTC has no decision-making powers. The LTC is primarily a technical review committee, which is required to advise the Council on matters referred to it by Council. These matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

The LTC should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines.

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to the RTA or relevant organisation. Such matters must not be referred to the LTC. However, the RTA will generally seek the views of the Council on State Road traffic issues via the informal items process.

A Council is not bound by the advice of its LTC. Refer to Section 4 EXERCISING DELEGATED FUNCTIONS.

Where required, a TMP must be submitted to, and reviewed by, the RTA before that matter can be referred to the LTC. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS.

The LTC should not consider any proposal requiring a TMP prior to the review of the TMP by the RTA.

Similarly, the LTC should not consider any proposal to alter unrestricted parking to permissive or restricted parking on roads within a 1 km radius of any train station nominated in the RTA's document *Nominated Train Stations with Commuter Parking*, without the prior approval of the RTA.

Note:	The LTC should not be confused with a separate Council Traffic Committee, formed by Council under the Local Government Act. The establishment of which is a Council prerogative. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.

5.2 Members

The LTC is to be made up of four formal members. The members are as follows:

- one representative of Council
- one representative of the NSW Police
- one representative of the RTA
- the local State Member of Parliament (MP) or their nominee.

The Council's representative may be any Councillor or Council officer. The Council representative may be a sub-delegate if Council has formally approved this.

Where a Council LGA is represented by more than one MP, or covered by more than one NSW Police LAC, MPs or NSW Police officers representing the relevant electorate or LAC are entitled to be members of the LTC. However they are only permitted to vote on matters, which effect their electorate or LAC. Refer to Section 5.3.6 VOTING.

The Council (in consultation with the formal members of the LTC) may also decide to have additional informal (non-voting) advisors to the LTC who can provide input into the process. These additional advisors can include a:

- Road Safety Officer

- Ministry of Transport representative
- Fire Brigade representative
- Ambulance Service representative
- Bus operator representative
- Transport Workers Union representative
- Chamber of Commerce representative

Generally, informal advisors are not required to attend every LTC meeting. Their attendance is only required when items appear on the Agenda which effect their area of expertise or responsibility.

The informal advisors of the committee are not entitled to a vote. Refer to Section 5.3.6 VOTING.

5.3 Meetings

The LTC is not a committee within the meaning of the *Local Government Act, 1993*. The operating arrangements for the LTC are contained in these guidelines.

At LTC meetings the following are at the discretion of Council:

- conduct at meeting
- frequency of meetings
- format of meetings. [Within the following guidelines.]
- provision for a public gallery.

5.3.1 Meeting Formats

The most common format for LTC meetings is a monthly face to face meeting held in the offices of the Council.

The meeting is to be convened by a Council representative. The convenor may be the Council's voting member or may be an additional non-voting member of the LTC.

While there is no need for a specific quorum to allow an LTC meeting to proceed, it must be remembered that any advice can only be returned to the elected Council by the LTC if the views of the RTA and the NSW Police have been obtained.

Acceptable alternative meeting formats include:

- Electronic meetings – where the advice of the members is sought via facsimile or email. This allows items to be considered as they arise and may reduce response time.
- 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 this format can result in shorter face to face meetings. It may even be possible to increase the interval between meetings.

Note: Should Council wish to adopt these (or any other) alternate formats then they should seek the advice of the RTA prior to making a final decision."

It is strongly recommended that any format where the LTC and the normal Council meeting are held concurrently is to be avoided. The LTC is principally a technical review committee, and due consideration and debate is required when considering a proposal. This particular meeting format does not lend itself to this process.

Note: Any change to the meeting format must be agreed to by the formal members of the LTC. When proposing to discuss a format change, reasonable advanced notice must be provided.

5.3.2 Agendas, minutes and reports

All LTC meetings require the preparation of an agenda.

An LTC agenda must be prepared by Council and circulated to all formal members and informal advisors of the committee a minimum of one week prior to the meeting. This will allow members to fully consider the issues and determine their response on each item. This period will also allow a site visit if necessary.

For each agenda item, Council must prepare a report which must contain a brief 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 / standards used (if any) and the proposed recommendation to the elected Council. This report must be sent to the members of the LTC with the Agenda.

Note: For the information of the members of the LTC, the meeting papers should also include a summary of the final decisions made by the elected Council (or their sub-delegate) on items addressed at the previous meeting or on any items addressed since the last meeting.

The LTC agenda should only contain items, which require the elected Council to exercise its delegated functions. If no action is required, or advice only is being sought, or the issue does not require the exercise of delegated functions then the issue should not appear on the LTC agenda. Such issues should be dealt with as general traffic advice. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.

Items, which do not appear on the agenda (i.e. items without notice), must only be considered if the elected Council has referred the issue and Council officers have been able to prepare a report on the proposal in the normal manner. Items raised without notice must be referred to the next meeting (or dealt with separately between meetings) if any member of the committee requests time to consider the issue.

All LTC meetings require the preparation of minutes.

Council must prepare the minutes of the meeting. Copies of the LTC minutes must be forwarded to all LTC members for their concurrence prior to the recommendations either being presented to the elected Council or acted on by the Council's sub-delegate.

Note: B-double routes are the subject of a separate delegation and should have a separate agenda and minutes.

Note: The RTA members of the LTC must keep a copy of all minutes for the future reference of the RTA.

Councils may also need to prepare a report to the elected Council. This report must indicate the type of support from the LTC (i.e. unanimous or not unanimous). Where the advice is not unanimous, dissenting votes should be noted. Refer to Section 5.3.6 VOTING.

Note: All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations. Refer to Section 3.1.

5.3.3 Site visits

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

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

5.3.4 Public participation

The role of the LTC is to consider the technical aspects of any proposal and make a recommendation to the Council. The merits of the scheme, from a public perspective, is the responsibility of the Council and thus residents views should be taken into account by the Council rather than the LTC.

However, there is nothing preventing the LTC members from agreeing to allow residents, or other interested stakeholders, to address the committee, if it so chooses. In addition, the LTC members may agree to limit the number of public presenters on any particular item and/or place time limits on them. Any such constraints should be conveyed to the presenters at the time they are notified of the LTC's agreement for them to address the committee.

The LTC's advice to Council is not binding upon the Council therefore ideally this advice should not be released to the public until the Council has decided whether or not to exercise its delegated authority. However, where Council has decided to allow the public to be in attendance at the LTC meetings, the convenor must make it clear to the public gallery that the Council is still required to accept the recommendation of the LTC to finalise the issue. This should be done after each item to cater for members of the public who may only attend the meeting for a specific item.

5.3.5 Media participation

The role of the LTC is to consider the technical aspects of proposals and provide their advice to Council. Media involvement, or interest, in the process should be addressed through the normal Council meeting process.

However, should the media be interested in a proposal, they can attend the LTC meeting if the Council has decided to allow a public gallery. Again as with the general public, the convenor must make it clear that the Council is still required to accept the recommendation of the LTC to finalise the issue. This should be done after each item to cater for the media who may only attend for a single item. The media is not permitted to address the LTC.

5.3.6 Voting

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

- Where the LTC is chaired by a convenor who is a member of the elected Council and the LTC also has a Council staff member on the committee, the Council as an organisation is still only entitled to one vote [i.e. the Council representatives are not entitled to a vote each]
- Where the Council representative is also the convenor, the Council is still only entitled to one vote. There is no casting vote available to the convenor in the case of a tied vote.
- Where a Council LGA is represented by more than one State MP, only the MP representing the State electorate containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one State electorate, then each State MP for those electorates may vote.
- Where a Council LGA has more than one NSW Police LAC, only the NSW Police officer representing the LAC containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one LAC, then each NSW Police officer for those LACs may vote.

Council must consult with the Ministry of Transport where public passenger transport matters are affected.

LTC advice to Council on a proposal referred to it by Council must be one of the following:

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

A Council's action on the above LTC advice will be:

(a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.

(b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.

(c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.

(d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RTA and the NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. Refer to Section 5.4, APPEALS.

(e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RTA and NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. See Section 5.4, APPEALS.

Flowcharts have been provided to assist with the understanding of this process.

Refer to the relevant flowcharts in Appendix A for:

- the *Road Transport (Safety and Traffic Management) Act, 1999;* or
- the *Roads Act, 1993*.

Due to the fact that the RTA and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RTA and the NSW Police have provided their vote on the issue.

5.4 Appeals

5.4.1 Road Transport (Safety and Traffic Management) Act 1999

Where a determination of Council to proceed is contrary to a unanimous decline or is based on the non–unanimous advice of the LTC, then Council must notify both the NSW Police and the RTA representatives of its decision. Council must not exercise any of the functions, in relation to the subject proposal, for a period of 14 days from the date of notification in writing.

An appeal, may only be lodged by either the NSW Police or the RTA. The appeal is made to the Chairperson, 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.

To assist with the process the appeal should be lodged using RTC Form 1 Regional Traffic Committee – Appeal. A copy of this form can be found in Appendix A of this document.

The RTA provides secretarial services to the RTC and appeals must be forwarded to:

Secretariat
Office of the Chairperson
Regional Traffic Committees
Level 16 101 Miller Street
Locked Bag 928
NORTH SYDNEY NSW 2059

Facsimile: 8588 4164
Email: regional_traffic_committee@rta.nsw.gov.au

The Secretary will then notify all parties in writing that an appeal has been lodged.

The Chairperson, 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, RTC about the issue under appeal.

The Chairperson's decision may:

(i) uphold the appeal, i.e. not support the Council's decision, or

(ii) reject the appeal. Rejection of the appeal could either support the Council's decision unconditionally or apply conditions.

Refer to Appendix A of this document for the Terms of Reference for the RTC and flowcharts indicating the process involved in the implementation or rejection of a proposal.

5.4.2 Roads Act 1993 – Division 2 of Part 8

The appeal process 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, RTC, Council may further appeal to the Minister for Roads.

The Minister's decision may be:

(i) rejection of the Council appeal, or

(ii) approval of the Council proposal either unconditionally or with conditions.

See the flowcharts in Appendix A which indicate the process involved in the implementation or rejection of a Council proposal.

6. Regional Traffic Committee

The RTC operates across the state. Meetings are generally held in the offices of the local Council.

The purpose of the RTC is to deal with appeals from the RTA or the NSW Police members of the LTC on matters delegated to Councils.

The members of the RTC are:

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

It should be noted the LGSA and RTA representatives merely provide advice as required by the Chairman.

In addition, 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 Chairman 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, 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. Refer to Section 5.4.2.

Note:	The RTC should not be confused with the Regional Development Committee, which deals with SEPP11 issues under the *Environmental Planning and Assessment Act 1979*.

7. Responsibilities

7.1 Council

The Council has responsibility for:

- exercising the delegated functions related to the *Roads Act 1993*
- documenting the sub-delegation of Council powers

  Note: Councils cannot sub-delegate their Roads Act powers.
- seeking the advice of the NSW Police and the RTA prior to exercising delegated functions.
- obtaining the views of local residents affected by any proposal, if necessary. [This is to be done outside the LTC process]
- preparing any TMP required under Schedule 4 of the *Delegation* or when considered necessary by Council.

- seeking the approval of the RTA to any proposal to alter unrestricted parking to permissive or restricted parking on any road within a 1 km radius of any train station nominated in the RTA's document *Nominated Train Stations with Commuter Parking*, [This is to be done outside the LTC process]
- convening meetings of the LTC.
- referring items to the LTC.
- providing secretarial services to the LTC.
- preparing the LTC meeting agenda.
- preparing a technical report on each issue.
- documenting the LTC advice (including providing a report to the elected Council)
- providing minutes of meetings to all LTC members
- providing a summary of the final decisions made by Council on items addressed at previous LTC meetings or any addressed since the last meeting.
- notifying the RTA and the NSW Police if the elected Council intends to exercise its delegated functions contrary to the advice of the LTC.

Note: Deciding not to proceed does not constitute exercising a function and therefore does not require notification.

7.2 RTA

The RTA has responsibility for:

- reviewing any TMP submitted to it.
- approving any proposal to alter unrestricted parking to permissive or restricted parking on any road within a 1 km radius of any train station nominated in the RTA's document *Nominated Train Stations with Commuter Parking*,
- providing advice on Council proposals referred to the LTC.
- appointing the Chairperson of the RTC (with the concurrence of LGSA)
- providing secretarial services to the RTC.

7.3 NSW Police

The NSW Police have responsibility for:

- providing advice on Council proposals referred to the LTC.

7.4 Local State Member of Parliament

The local State Member of Parliament has responsibility for:

- providing advice on Council proposals referred to the LTC.
- nominating someone to represent them if necessary.

8. Traffic engineering advice

Councils often require advice on, or investigation of options for, difficult traffic problems. Council may also wish to consider traffic issues, which are outside the *Delegation* (e.g. installation of speed limits or traffic control signals). As these problems or issues 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 as formal items by the LTC.

Council may take advantage of the knowledge and experience of the LTC members to help them to resolve or clarify an issue. When wishing to utilise the expertise of the LTC members in this manner, Council could either include items on the agenda under a separate Informal Items section or produce a separate agenda.

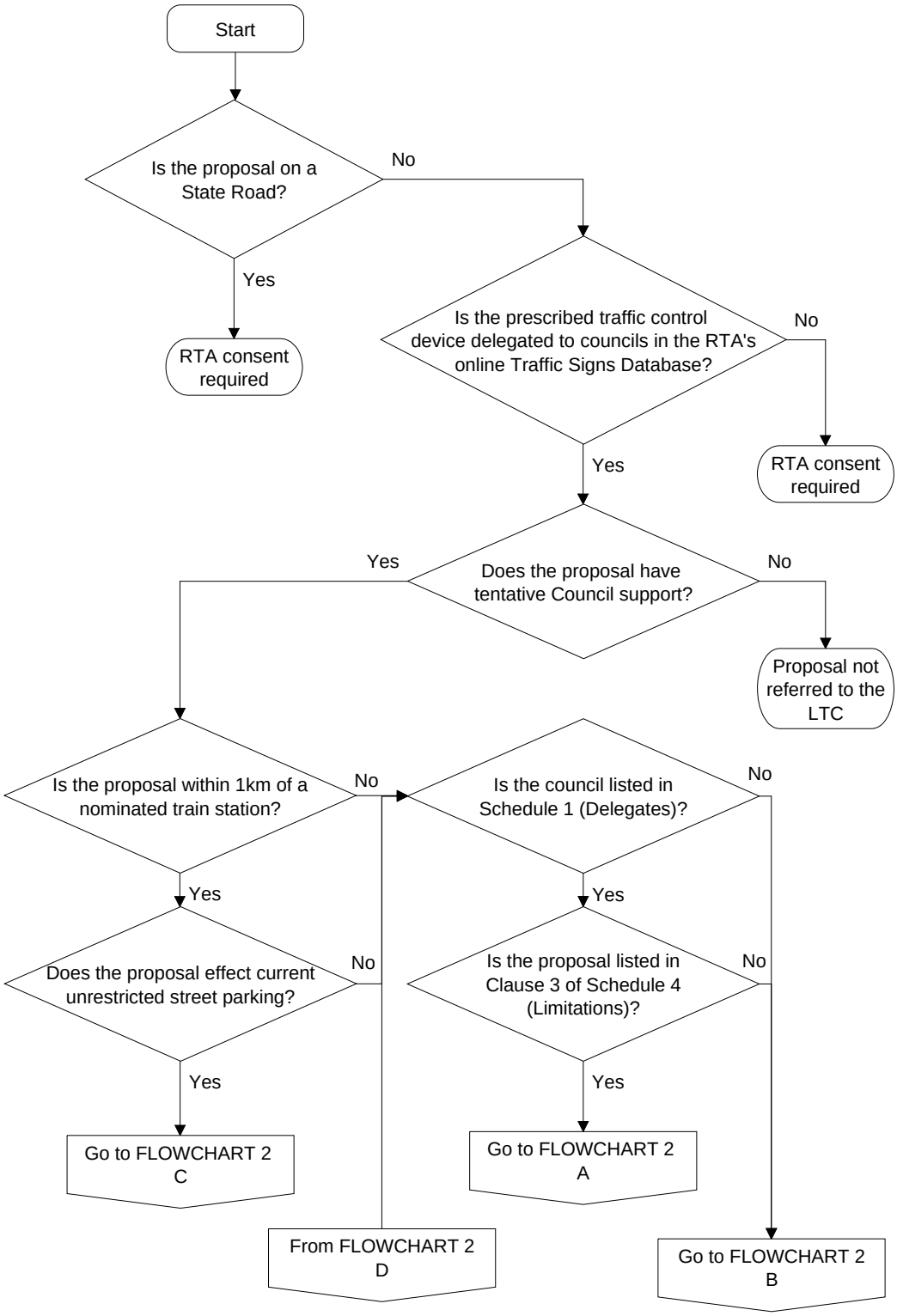
Informal items should be dealt with following the completion of formal LTC items where Council intends to exercise a delegated function. Any outcomes from discussions on informal items cannot be included in the LTC report to the Council. However, Council can use any outcomes from these discussions in their deliberations on such issues.

APPENDIX A

Process for Exercising Delegated Road Transport Powers

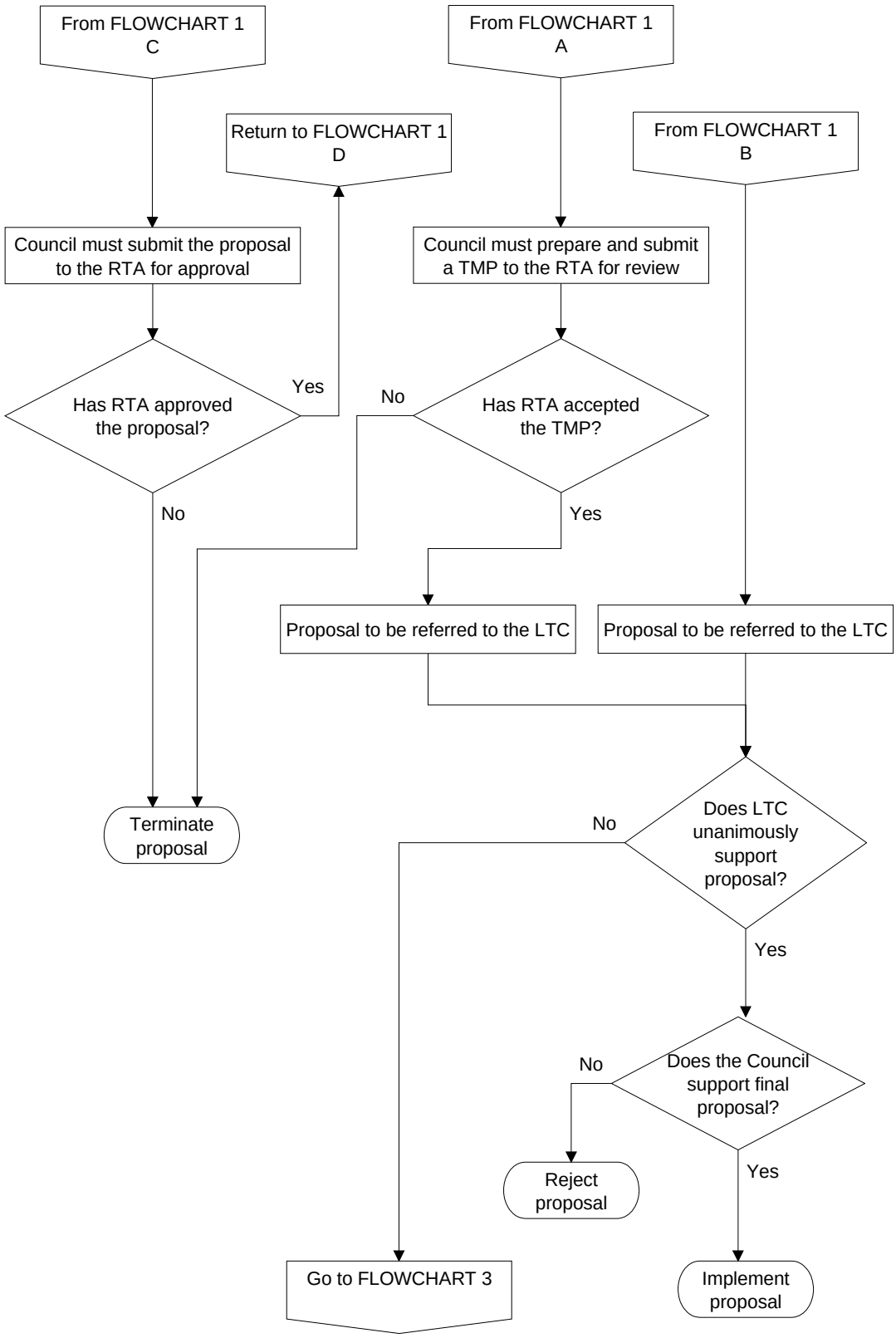
FLOWCHART 1

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



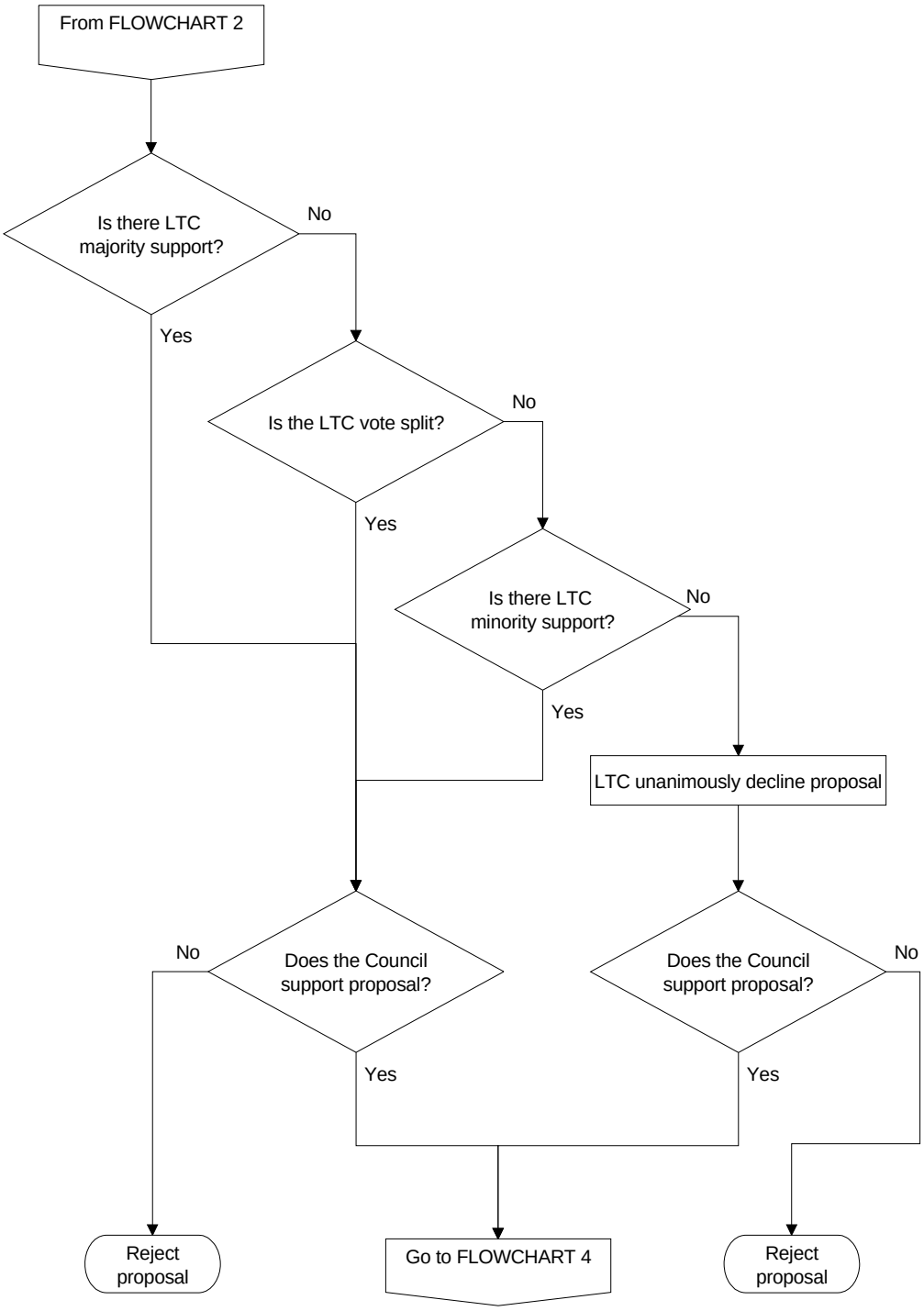
FLOWCHART 2

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



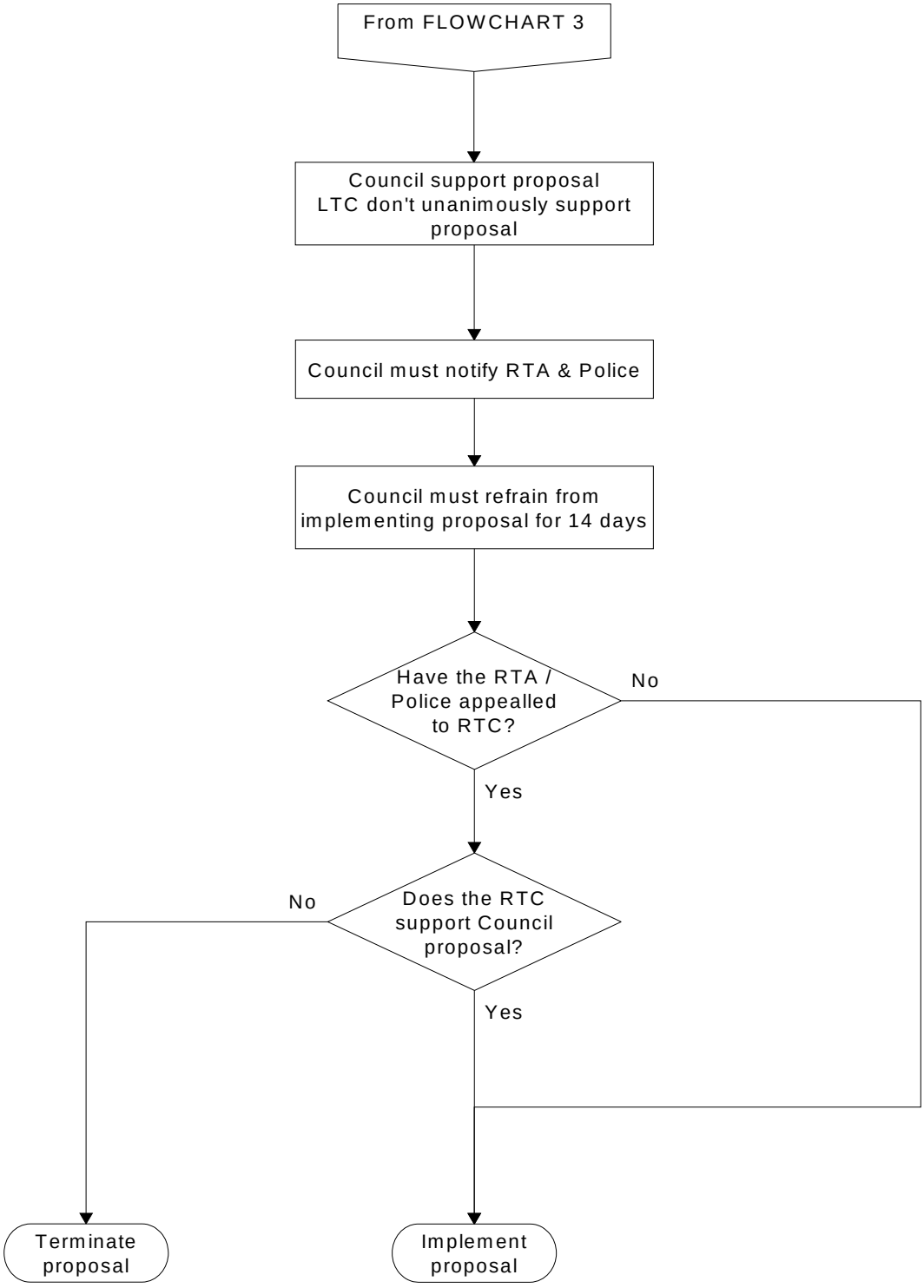
FLOWCHART 3

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



FLOWCHART 4

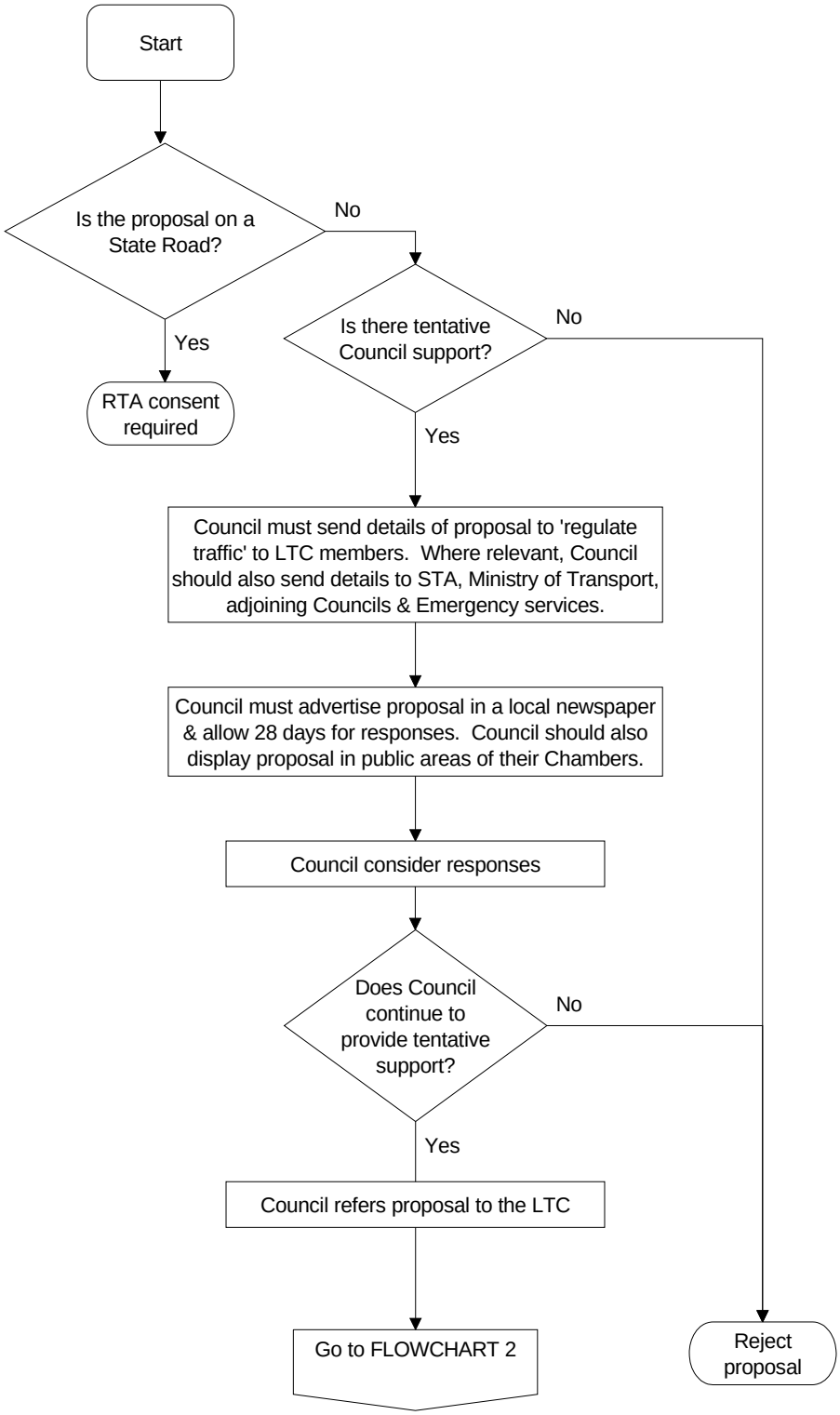
(Road Transport (Safety and Traffic Management) Act, 1999)



Process for Exercising Delegated Roads Act Powers

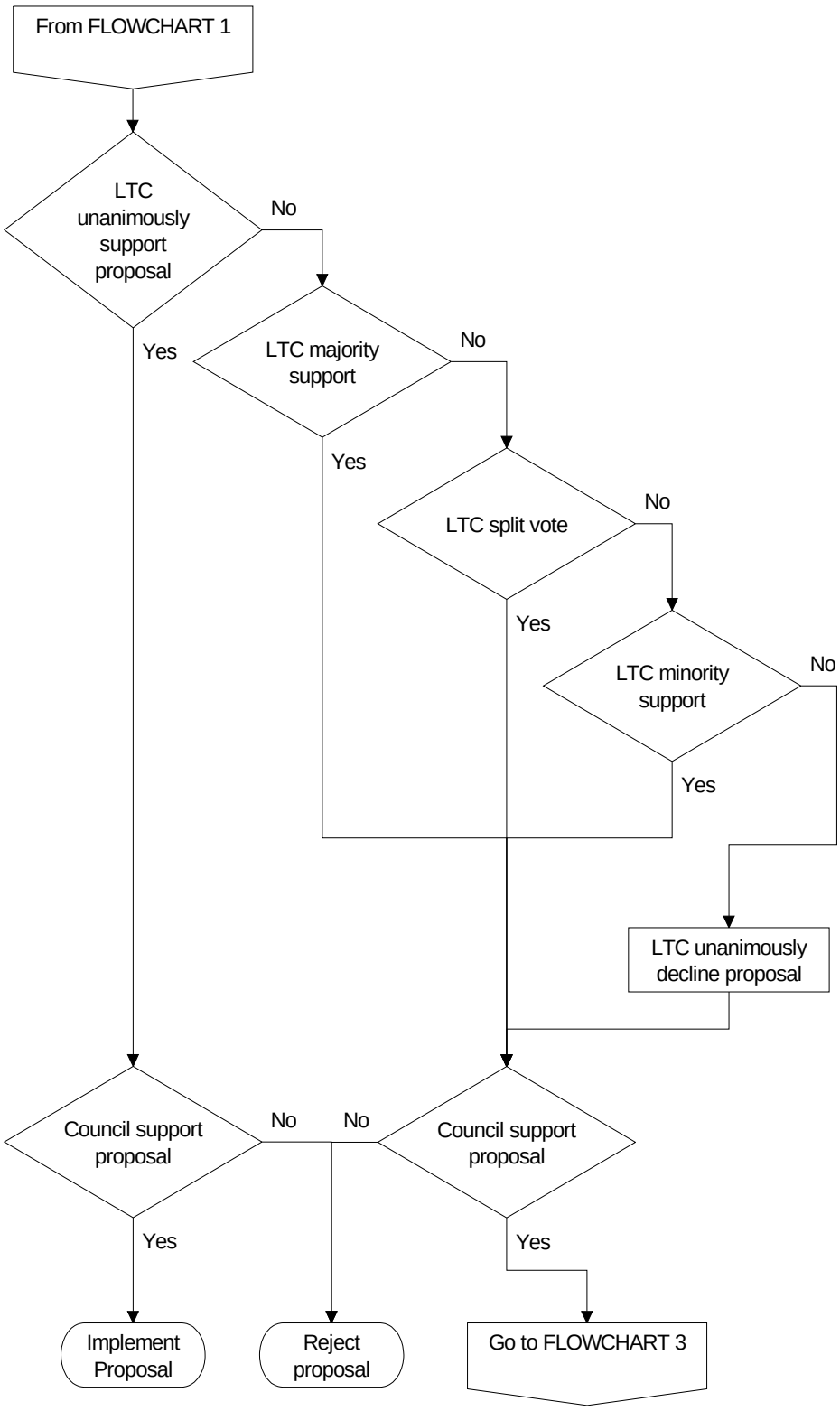
FLOWCHART 1

(Roads Act, 1993)



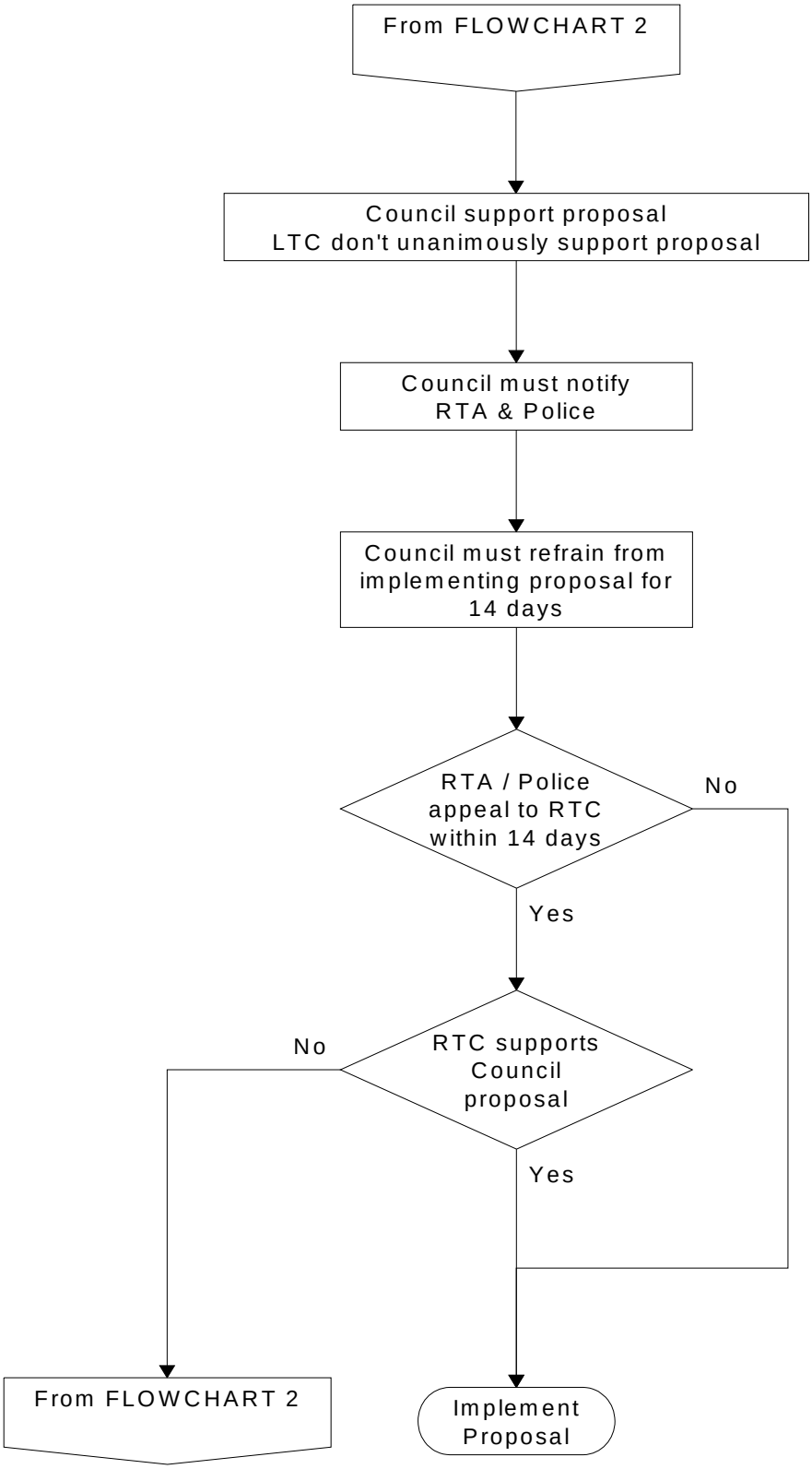
FLOWCHART 2

(Roads Act, 1993)



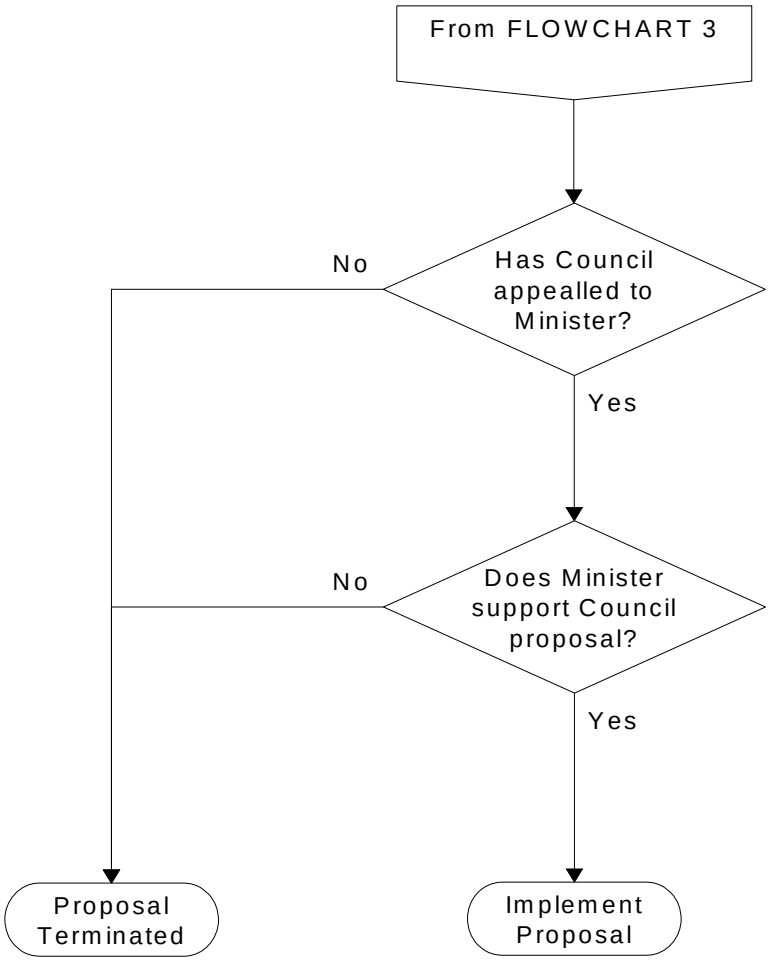
FLOWCHART 3

(Roads Act, 1993)



FLOWCHART 4

(Roads Act, 1993)



RTC TERMS OF REFERENCE

SCOPE	**The Regional Traffic Committee deals with appeals from members of the Local Traffic Committees (RTA and NSW Police only) on matters delegated to Councils by the Roads and Traffic Authority**.
ROLES	• The Roads and Traffic Authority (hereinafter called "the Authority") pursuant to Section 50 of the Transport Administration Act 1988 and all other enabling powers hereby delegates to the chairperson of a Regional Traffic Committee appointed by the Authority. -- The exercise of all those functions of the Authority necessary to determine appeals by a member of the Local Traffic Committee in connection with the exercise of any of the functions delegated by the Authority to a council, or any of the functions sub-delegated by it, in respect of: 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.
MEMBERSHIP	• Independent Chairperson, Regional Traffic Committees • Local Government and Shires Associations for each RTA Region • Roads and Traffic Authority for each RTA Region
ENQUIRIES	Should you have any further enquires please do not hesitate to contact the **Secretary, Regional Traffic Committees** by Facsimile on 8588 4164 or Email: regional_traffic_committee@rta.nsw.gov.au

REGIONAL TRAFFIC COMMITTEE APPEAL FORM

SUBJECT OF APPEAL:		
APPELLANT (APPEAL) CONTACT:	Title: Name: Organisation: Phone: Fax: E-mail:	
DATE APPEAL SUBMITTED:	•	
REASON FOR APPEAL:	•	
RELEVANT HISTORY:	• • • •	
SUPPORTING DOCUMENTS:	• • (Please attach documents)	
PARTIES TO APPEAL:	• • •	
DATE RECEIVED RTC use only		

Forward to:

Secretariat
Office of the Chairperson
Regional Traffic Committees
Level 16 101 Miller Street
Locked Bag 928
NORTH SYDNEY NSW 2059

Facsimile: 8588 4164
Email: regional_traffic_committee@rta.nsw.gov.au

Notes

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For further enquiries:

www.rta.nsw.gov.au/trafficinformation/guidelines

technical_directions_publication@rta.nsw.gov.au

RTA/Pub. 03.358

Roads and Traffic Authority

December 06