

ROADS AND MARITIME SERVICES

DELEGATION TO COUNCILS

REGULATION OF TRAFFIC

TRANSPORT ADMINISTRATION ACT

DELEGATION - SECTION 50

I, **PETER DUNCAN**, Chief Executive of Roads and Maritime Services ("RMS") pursuant to Section 50 of the *Transport Administration Act 1988* and all other enabling powers delegated by instruments of delegation to councils dated 23 February 2009 ("the delegation") HEREBY REVOKES the delegation and DELEGATES to the councils constituted under the *Local Government Act 1993* listed in Schedule 1 and Schedule 2 respectively ("delegates") the functions of RMS set out in Schedule 3 ("the functions") subject to the limitations set out in Schedule 4 and authorises delegates to sub-delegate the functions to the persons in Schedule 5 ("sub-delegates") subject to the limitations in Schedule 4.

Dated this 31 day of October 2011.

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

SIGNED

Peter Duncan
Chief Executive
Roads and Maritime Services



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
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 RMS 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) 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 road classified as a Freeway, Controlled Access Road, Tollway, Transitway or those roads classified under the *Roads Act 1993*, which are indicated as State Roads in the *Schedule of Classified Roads and State and Regional Roads* published on the RMS internet website (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) 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 RMS's *Traffic Signs Database* located on its internet website and indicated as "Delegated to Council for Authorisation – Yes", 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. A council and its sub-delegate must not exercise a function in respect of the following signs:
 - Permissive parking signs
 - No Parking signs
 - No Stopping signson 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 RMS's document published on its internet website, titled *Schedule of Nominated Train Stations*, and which has current unrestricted parking, without the approval of RMS.

4. (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 RMS:

(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 vehicles

by 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 RMS 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.

5. 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.
6. 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*.
7. A council or its sub-delegate must not exercise a function until they have notified the Commissioner of Police and RMS 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.
8. Where a council or its sub-delegate has notified or should have notified the Commissioner of Police and RMS 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.
9. 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.
10. 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.
11. 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*.
12. 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.

13. 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 contained in RMS's Traffic Signs Database located on its internet website, 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 RMS; and
 - b) the nearest office of RMS 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 RMS, and
 - b) the nearest office of RMS 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 3.1 dated April 2006 (RTA Publication No 03.290) issued by the former Roads & Traffic Authority of NSW;
 - (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.

14. 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.