

# SUTHERLAND CONSULTATIVE TRAFFIC FORUM TERMS OF REFERENCE

October 2024

PREPARED BY:  
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SUTHERLANDSHIRE

## Introduction

Council has established a Consultative Traffic Forum (“the Forum”) in compliance with Section 3I of *Transport Administration Act 1988*, *Transport for NSW (TfNSW) Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2*, *TfNSW’s Delegation to Councils; Regulation of Traffic* and *TfNSW’s A Guide to the delegation to councils for the regulation of traffic*.

These Terms of Reference should be read in conjunction with the abovementioned legislation and documents. These Terms of Reference set out the Forum’s objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements that not covered under the abovementioned documents, including but not limited to:

- selection of Council representatives;
- nomination of non-voting members; and
- public participation, including the media participation, if any.

## Objective

To meet Council’s obligations under Section 3I of *Transport Administration Act 1988* , *TfNSW’s Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2* and *TfNSW’s Delegation to Councils; Regulation of Traffic*.

## Independence

The Sutherland Consultative Traffic Forum is legislated by TfNSW and is not a “committee” within the meaning of *Local Government Act 1993*.

## Authority

The Forum has no decision-making powers. The Forum is primarily a technical review committee, which is required to advise the Council on matters referred to it by Council. The Forum should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines.

Council is not obliged to refer any matters to the Forum.

Council is not bound by the advice of the Forum.

## Composition and Tenure

The Forum is to be made up of four formal (voting) members. The members are as follows:

- one representative of Council (Chairperson, Deputy Chairperson or Council officer – see Administrative Arrangements)
- one representative of the NSW Police
- one representative of TfNSW
- the local State Member of Parliament (MP) or their nominee.

To assist with the smooth operation of the Forum, it is recommended that Council's representative(s) is/are the same as the Sutherland Traffic and Traffic Safety Committee.

Appointment of Council's representative(s) is/are to be conducted at the first Ordinary Meeting of the Council following the ordinary elections.

Local State Member of Parliament (MP) nominee(s) must have written authorisation from the MP to attend meetings and vote on their behalf.

Additional informal (non-voting) advisors to the Forum are:

- one representative of each local bus operator
- one representative of the NSW Ambulance Service
- one representative of the NSW Fire and Rescue
- Senior Manager Traffic and Public Domain Services
- Team Leader Traffic and Transport Services.

Informal advisors are not required to attend every Forum 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 Forum are not entitled to a vote.

Council officers will attend meetings as required by the Senior Manager Traffic and Public Domain Services.

Councillors, other than those appointed by Council as members of the Committee, are not permitted to attend meetings.

## Role

In conjunction with Sutherland Traffic and Traffic Safety Committee, the Forum is the Local Traffic Committee for Sutherland Shire, a TfNSW committee that:

1. formalises Council's requirements to table a "for information only" record of the works carried out under Section 31 of *Transport Administration Act 1988* and TfNSW's *Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2*; and
2. provides traffic engineering advice on:
  - traffic issues that Council is not proposing to exercise its delegated functions under Section 31 of *Transport Administration Act 1988* and TfNSW's *Delegation to Councils; Regulation of Traffic*;
  - traffic issues that are not delegated to Council under Section 31 of *Transport Administration Act 1988*;
  - traffic issues that Council has its own statutory authority that may benefit from the Local Traffic Forum's input.

In carrying out its responsibilities, the Forum must at all times recognise that primary responsibility for management of the Council's assets rests with the Council and the Chief Executive Officer.

The responsibilities of the Forum may be revised or expanded due to changes to the Instrument of Delegation.

## Responsibilities of Members

The responsibilities of the Forum's four formal (voting) members are detailed in TfNSW's *A Guide to the delegation to councils for the regulation of traffic*. The Forum may only deliberate and make recommendations on matters referred by Council:

- tabling a "for information only" record of the works carried out under Section 31 of *Transport Administration Act 1988* and TfNSW's *Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2*; and
- seeking traffic engineering advice on:
  - traffic issues that Council is not proposing to exercise its delegated functions under Section 31 of *Transport Administration Act 1988* and TfNSW's *Delegation to Councils; Regulation of Traffic*;
  - traffic issues that are not delegated to Council under Section 31 of *Transport Administration Act 1988*;
  - traffic issues that Council has its own statutory authority that may benefit from the Local Traffic Committee's input,

as outlined in Schedule 1.

## Voting

A vote shall be taken for each of Council's proposals. Voting shall be recorded as:

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

Alternative proposals may be tabled by any formal (voting) member or informal (non-voting) advisor at the Forum Meeting during the discussion of the item.

Each formal (voting) member is entitled to one vote. Organisations with multiple attendees must determine the voting member at the commencement of the meeting.

Only the MP representing the State electorate containing the proposal is permitted to vote. However, if the proposal incorporates more than one State electorate, then each State MP for those electorates may vote.

There is no casting vote available to the Chairperson. In the case of a tied vote, the voting will be recorded as a 'split vote' and proposal will proceed as a recommendation to the Council.

### **Conduct**

External Forum members are required to comply with the Council's Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers. Councillor Forum members are to comply with the Council's Code of Conduct for Councillors.

Complaints alleging breaches of the Council's Codes of Conduct are to be dealt with in accordance with Council's Procedures for the Administration of the Codes of Conduct. The Chief Executive Officer must consult with the Council before taking any disciplinary action against an independent Forum member in response to a breach of the Council's Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers.

In relation to any procedural matter, the ruling of the Chairperson shall be final.

All members of the Forum must conduct themselves in a non-partisan and professional manner and must not engage in any conduct that seeks to politicise the activities of the Forum or the technical review function or that could be seen to do so.

### **Conflicts of Interest**

Forum members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the Meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a Forum member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from Forum deliberations on the item. Details of conflicts of interest declared at meetings must be appropriately minuted.

## **Reporting**

The Committee Meeting Minutes must be reported to the Council, as soon as possible following each meeting, to ensure that it is kept informed of matters considered by the Committee and any emerging issues that may influence the strategic direction of Council or the achievement of Council's goals and objectives.

## **Administrative Arrangements**

### **Meetings**

Meetings of the Forum shall be held monthly, or as required, at such time as determined by the Chairperson.

The venue shall be at Council's Administration Building or at a meeting place, real or virtual, determined by the Forum.

The Chairperson presides at meetings. In the absence of the Chairperson, the Deputy Chairperson is to preside at meetings. If the Chairperson and Deputy Chairperson are absent, a Council officer will be

appointed as Chairperson by the Senior Manager Traffic and Public Domain Services, or their delegate, to preside at that meeting.

The Forum has no quorum requirement for its meetings.

As Council can only exercise its delegation after seeking the advice of the Police and TfNSW, if a voting member cannot attend a meeting, they can provide their comments via email or telephone and their advice will be tabled at the meeting.

The Agenda shall be determined by the Senior Manager Traffic and Public Domain Services and circulated to all formal members and informal advisors of the Forum 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.

Any late agenda items shall be circulated to members at least three days prior to any meeting.

## **Site Visits**

It is recommended that each member of the Forum undertake a site visit prior to considering any proposal. This site visit may be undertaken individually by Forum members or may be organised by Council as a joint visit of all members of the Forum. Where this is not practical due to issues such as time or distance, then it is recommended that modern electronic alternative methods be used.

## **Secretariat**

Traffic and Public Domain Services will provide secretariat support to the Forum. The secretariat will ensure the Agenda for each Meeting and supporting Business Papers are circulated at least one week prior to the Meeting and ensure that Minutes of Meetings are prepared and maintained. Minutes must be approved by the Senior Manager Traffic and Public Domain Services, or their delegate, and circulated to the Forum within one week of the Meeting and thereafter as soon as possible reported to Council.

## **Public Forum**

Meetings of the Forum closed to the public. Residents or other interested stakeholders may apply to address the Forum on items on the meeting Agenda.

## **Applications**

- Applications to speak must be made via the relevant Public Forum Application Form available on Council's website and must be received by 5pm on the Tuesday before the Meeting is to be held. The applicant must identify the item of business on the Agenda of the Sutherland Consultative Traffic Forum Meeting they wish to speak on.
- A person can apply to speak on only one item of business on the Agenda of the Forum Meeting.
- Groups wishing to present similar points of view are to nominate a spokesperson to represent the views of that group.
- Presentations will be limited to five minutes.

- No more than two speakers are to be permitted to speak on each item of business on the Agenda for Meeting.
- The names of attendees and speakers will be recorded on the Minutes of the Meeting.

### ***Addressing the Forum***

- Any person who has previously addressed the Forum on a subject must present new information only.
- When addressing the Forum, speakers must comply with these Terms of Reference and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- A Forum Member (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at the Meeting. Questions put to a speaker must be direct, succinct and without argument.
- Speakers are under no obligation to answer a question put through the Chairperson. Answers by the speaker, to each question are to be limited to two minutes.
- Speakers cannot ask questions of the Forum or Council staff.
- If the Chairperson considers that a speaker at the Meeting has engaged in conduct of the type referred to above, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking and leave the Meeting.
- Speakers can provide supporting material at the Meeting; however, this will not be displayed during the Meeting, recorded in the Minutes of the Meeting or displayed on Council's website.
- At the conclusion of a speakers address, the speaker will be required to leave the meeting.

### **Resignation and Dismissal of Members**

The position of a Councillor member on the Forum can be terminated at any time by resolution of the Council.

### **Review Arrangements**

These Terms of Reference must be reviewed once per Council Term by the Forum and Council. Any substantive changes are to be approved by the Council.

### **Further Information**

For further information about the Sutherland Consultative Traffic Forum, contact the Senior Manager Traffic and Public Domain Services at [trafficandpublicdomain@ssc.nsw.gov.au](mailto:trafficandpublicdomain@ssc.nsw.gov.au) or by phone on 02 9710 0333.



## DOCUMENT REVIEW AND APPROVAL

<b>UNCONTROLLED COPY WHEN PRINTED</b> - For up to date copy please refer to Sutherland Shire Council Intranet / Website			
<b>Document Name:</b> Sutherland Consultative Traffic Forum Terms of Reference		<b>Accountability:</b> Senior Manager Traffic and Public Domain Services	
<b>Version:</b> 1.0	<b>Approved by:</b> Council	<b>Minute No:</b> <a href="#">COR062-24, 239</a>	<b>Date approved:</b> 21 October 2024
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### Schedule 1 – Matters for Deliberation

Council often requires advice on, or investigation of options for, difficult traffic problems. Council may also wish to consider traffic issues, which are outside the Delegation (eg 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 Sutherland Consultative Traffic Forum. Council may take advantage of the knowledge and experience of the Forum members to help them to resolve or clarify an issue.

The Forum may only deliberate and make recommendations on matters referred by Council:

- matters tabling a "for information only" record of the works carried out under Section 31 of *Transport Administration Act 1988* and TfNSW's *Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2*; and
- matters seeking traffic engineering advice on:
  - traffic issues that Council is not proposing to exercise its delegated functions under Section 31 of *Transport Administration Act 1988* and TfNSW's *Delegation to Councils; Regulation of Traffic*;
  - traffic issues that are not delegated to Council under Section 31 of *Transport Administration Act 1988*;
  - traffic issues that Council has its own statutory authority that may benefit from the Local Traffic Committee's input,

as outlined below.

#### Temporary Delegation

Section 31 of *Transport Administration Act 1988* and TfNSW's *Traffic Management and Pedestrian Works Temporary Delegation to Councils No.2* delegates to Council the functions and powers of TfNSW under section 115(2) of *Roads Act 1993* to regulate traffic on a public road for purposes other than those set out in therein, being the following types of works:

- (a) Works to regulate parking;
- (b) Pedestrian crossings;
- (c) Pedestrian refuges;
- (d) Conversion of existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings;
- (e) Footpaths and continuous footpaths;
- (f) Temporary or permanent works to enable alfresco dining;
- (g) Temporary or permanent works to improve or expand footpaths or pedestrian space;
- (h) Kerb buildouts to reduce crossing distance or manage vehicle speed;
- (i) Kerb modifications or median islands for tree planting, landscaping or water sensitive urban design;
- (j) Treatments to manage vehicle speed including road humps, road cushions, raised intersections, chicanes and slow points;

- (k) Works to create (but not remove) bicycle parking, bicycle lanes, bicycle paths, shared paths, separated footpaths and contra flow access for bicycle riders.

There are a number of conditions that must be met, to qualify the works for approval under this Instrument. This includes the use of any relevant TfNSW established standards, specifications and technical directions, and relevant Austroads guidelines and Australian Standards when designing and carrying out works.

Furthermore, Council must table a "for information only" record of the works carried out under this Instrument, including any consultation with bus operators (where applicable) at the Forum as soon as practicable after completion of the works. The record of the works is made public on the Council website as part of the Agenda of the meeting.

### **Matters Delegated to Council**

Council can seek traffic engineering advice on matters that Council would normally require to notify Police and TfNSW, under Section 31 of *Transport Administration Act 1988* but Council does not propose to exercise its delegated functions. Examples include:

- Proposals for the regulation of traffic before they are advertised in the local paper (eg, Class 2 Special Events)
- Designs for traffic facilities that have been approved by Council under the advice of Sutherland Traffic and Traffic Safety Committee
- Investigation of options for difficult traffic problems.

### **Matters Not Delegated to Council**

Council can seek traffic engineering advice on traffic issues that are not delegated to Council under Section 31 of *Transport Administration Act 1988*. Examples include:

- locations outside the Sutherland Shire Council local government area
- on a road classified as a Freeway, Controlled Access Road, Tollway, Transitway or those roads classified under *Roads Act 1993*, which are indicated as State Roads in TfNSW's *Schedule of Classified Roads and State and Regional Roads* (except where exercising a function in respect of a portable traffic control light signals)
- Speed limits, except roadworks speed limits
- Internally illuminated traffic control devices (eg, fixed traffic control light signals, pedestrian crossings with flashing lights)
- Bus Stops.

### **Matters Covered Under Other Legislation**

Council has a wide range of authority and responsibilities under other legislation, including *Local Government Act 1993*, *Roads Act 1993* and *Civil Liability Act 2002*. Council can seek traffic engineering advice on traffic issues that Council has its own statutory authority that may benefit from the Forum's input. For example:

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- Regulation of traffic for Class 1 Special Events, in accordance with TfNSW's *Guide to Traffic and Transport Management for Special Events*
- Regulation of traffic under *Roads Act 1993* for races, attempts on speed records and other speed trials, which require Police Commissioner approval, under Section 115 of *Road Transport Act 2013*, before Council can issue a permit
- Regulation of traffic under *Roads Act 1993* for filming
- Regulation of traffic under *Roads Act 1993* for Class 3 Special Events, in accordance with TfNSW's *Guide to Traffic and Transport Management for Special Events*
- Statutory parking controls, where Council is undertaking signposting/linemarking works to reinforce parking controls under Road Rules 2014, eg:
  - 'Bus Zone' at a Bus Stop
  - 'Mail Zone' at a post box
  - 'No Stopping' and/or continuous yellow edgelines at an intersection
  - 'No Stopping' at a pedestrian crossing.

### Reference Only Information

Some reports to the Forum will include the following information, for reference purposes only. The Forum will not deliberate and make recommendations on these matters:

- Cost of works
- Budget allocations
- Delivery timeframes
- Project prioritisation
- Consent conditions for developments.

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## Schedule 2 – Order of Business

1. Opening of Meeting
2. Acknowledgment of Country
3. Apologies
4. Disclosures of Interest
5. Public Forum
6. Confirmation of Minutes of the Previous Meeting
7. Reports from Officers
8. General Business

*Any General Business must relate to the responsibilities and operations of the Forum as delegated to Council by TfNSW.*

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