

SUTHERLAND TRAFFIC AND TRAFFIC SAFETY COMMITTEE TERMS OF REFERENCE

October 2024

PREPARED BY:
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SUTHERLAND SHIRE



Introduction

Council has established a Traffic and Traffic Safety Committee (“the Committee”) in accordance with Section 3I of *Transport Administration Act 1988*, Transport for NSW (TfNSW) *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 Guide and set out the Committee’s objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements, not considered in the abovementioned legislation and Guide, including but not limited to:

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

Objective

To meet Council’s obligations under Section 3I of *Transport Administration Act 1988* and TfNSW’s *Delegation to Councils; Regulation of Traffic*.

Independence

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

Authority

The Committee has no decision-making powers. The Committee 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 Committee 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 Committee where there is no proposal to exercise its delegated authority. However, Council may choose to seek traffic engineering advice from the Sutherland Consultative Traffic Forum.

Council is not bound by the advice of the Committee. Where a determination of Council to proceed is contrary to advice of the Committee, then Council must notify both the NSW Police and the TfNSW 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 TfNSW. The appeal is made to the Chairperson, Regional Traffic Committee

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

Composition and Tenure

The Committee 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.

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

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

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 Committee 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 Committee 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.

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 Consultative Traffic Forum, the Committee is the Local Traffic Committee for Sutherland Shire, a TfNSW committee that formalises Council's requirements to notify TfNSW and Police of the proposals to:



1. authorise prescribed traffic control devices covered under Division 2 of Part 5.3 (Sections 122 to 126) of *Road Transport Act 2013*;
2. regulate traffic under Division 2 of Part 8 (Sections 116 to 119) of *Roads Act 1993*; and
3. authorise special event parking schemes under Subdivision 2 of Division 2 of Part 5 (Clause 94) of *Road Transport (General) Regulation 2013* on public roads other than classified roads,

as delegated to Councils under Section 31 of *Transport Administration Act 1988* and TfNSW's *Delegation to Councils; Regulation of Traffic*.

In carrying out its responsibilities, the Committee 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 Committee may be revised or expanded in accordance with updates to the Instrument of Delegation.

Responsibilities of Members

The responsibilities of the Committee's four formal (voting) members are detailed in TfNSW's *A Guide to the delegation to councils for the regulation of traffic*. The Committee may only deliberate and make recommendations on matters that Council is required to notify Police and TfNSW under Section 31 of *Transport Administration Act 1988* and TfNSW's *Delegation to Councils; Regulation of Traffic*, 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 Committee 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 Committee members are required to comply with the Council's Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers. Councillor Committee 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 Committee 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 Committee 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 Committee or the technical review function or that could be seen to do so.

Conflicts of Interest

Committee 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. Where a Committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from Committee 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 Committee 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 Chairperson.

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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 Committee 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 to the Senior Manager Traffic and Public Domain Services 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 Committee a minimum of one week prior to the meeting. This will allow members to fully consider the agenda and determine their response to each item. This period will also allow any necessary site visits.

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 Committee undertake a site visit prior to considering any proposal. This site visit may be undertaken individually by Committee members or may be organised by Council officers as a joint visit of all members of the Committee. Where this is not practical, it is recommended that alternative appropriate electronic methods be used.

Secretariat

Traffic and Public Domain Services will provide secretariat support to the Committee. 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 Committee within one week of the Meeting and thereafter as soon as possible reported to Council.

Public Forum

Meetings of the Committee are closed to the public. Residents or other interested stakeholders may apply to address the Committee 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 Traffic and Traffic Safety Committee Meeting they wish to speak on.



- A person can apply to speak on only one item of business on the Agenda of the Committee 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 the Committee Meeting.
- The names of attendees and speakers will be recorded on the Minutes of the Committee Meeting.

Addressing the Committee

- Any person who has previously addressed the Committee on a subject must present new information only.
- When addressing the Committee, 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 Committee Member (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at the Committee 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 Committee or Council staff.
- If the Chairperson considers that a speaker at the Committee 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 Committee 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 Committee 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 Committee and Council. Any substantive changes are to be approved by the Council.

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Further Information

For further information about Council's Traffic and Traffic Safety Committee, contact the Senior Manager Traffic and Public Domain Services at trafficandpublicdomain@ssc.nsw.gov.au or by phone on 02 9710 0333.

DOCUMENT REVIEW AND APPROVAL

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Schedule 1 – Matters for Deliberation

The Committee may only deliberate and make recommendations on matters that Council is required to notify Police and TfNSW under Section 31 of *Transport Administration Act 1988* and TfNSW's *Delegation to Councils; Regulation of Traffic*, as outlined below.

Council must not exercise a function:

- outside the Sutherland Shire Council local government area; or
- 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).

However, Council can undertake works in other Council local government areas and/or on TfNSW-managed roads with the consent of the applicable roads authority.

Prescribed Traffic Control Devices

Council's proposals to authorise the display, modification or removal of prescribed traffic control devices (defined in Division 2 of Part 5.3 (Sections 122 to 126) of *Road Transport Act 2013*), being:

- any prescribed traffic control device contained in TfNSW's *Traffic Signs Database*, located on its internet website and indicated as 'Delegated to Council for Authorisation – Yes'; and
- any portable traffic control lights.

Examples include:

- Intersection controls (eg, 'Give Way', 'Stop', roundabouts)
- Pedestrian facilities (eg, pedestrian refuges, pedestrian crossings)
- Traffic calming (eg, speed humps, speed cushions, chicanes, one-way slow points)
- Flow restrictions (eg, 'Two Way', 'One Way')
- Turn prohibitions (eg, median islands, No Left Turn, No Right Turn, No Turns) and compelling a turning movement (eg, Left Turn Only, Right Turn Only)
- Prohibition of passage (eg, 'No Entry', 'No Bikes', 'No Pedestrians', 'No Trucks', 'No Buses')
- Load Limits (eg 'No Trucks 3T and Over'), excluding load limits for the purpose of public safety protection of public roads under *Roads Act 1993*.
- Parking controls:
 - Permissive parking (eg, timed parking, motorcycle parking, mobility parking)
 - Restricted parking (eg, 'Bus Zone', 'Works Zone', 'Mail Zone', 'Taxi Zone', 'Loading Zone', 'Trucks Zone')
 - Parking prohibition (eg, 'No Parking' signs, 'No Stopping' signs and continuous yellow edgelines).



Furthermore, although not specifically mentioned in TfNSW's *Delegation to Councils; Regulation of Traffic*, traffic calming devices (eg, speed humps, speed cushions, chicanes, one-way slow points) are prescribed traffic control devices.

From time to time, Council officers will authorise the regulation of traffic in the interests of public safety, under Division 1 of Part 8 of *Roads Act 1993*, with a follow-up report to the Committee recommending ratification of the changes on a permanent basis.

TfNSW's *Delegation to Councils; Regulation of Traffic* specifically excludes deliberation on the following prescribed traffic control devices:

- Speed limits, except roadworks speed limits
- Internally illuminated traffic control devices (eg, fixed traffic control light signals, pedestrian crossings with flashing lights).

Furthermore, although not specifically mentioned in TfNSW's *Delegation to Councils; Regulation of Traffic*, Bus Stops are not delegated to Council.

It is recognised that other transport assets that Council and/or TfNSW have responsibilities for (eg, road pavement, kerb and gutter, footpaths, street lighting, retaining walls, Warning signs, Guide signs, bus stop infrastructure, traffic barriers) support the use of prescribed traffic control devices and these can be discussed at Committee meetings when they are in relation to Council's proposals to exercise its delegation.

Regulation of Traffic

Council's proposals to regulate traffic on a public road by means of barriers or by means of notices conspicuously displayed on or adjacent to the public road under Division 2 of Part 8 (Sections 116 to 119) of *Roads Act 1993*, including:

- Traffic management for Class 2 Special Events, in accordance with TfNSW's *Guide to Traffic and Transport Management for Special Events*
- Closing roads to traffic.

The process includes a requirement for Council to advertise the proposal in a local newspaper and allow 28 days for submissions. To add value to the process, the proposal will usually be tabled at Sutherland Consultative Traffic Forum for traffic engineering advice before being advertised.

This does not affect Council's authority to exercise its functions under any other Sections of *Roads Act 1993*, including:

- Opening of public roads, under Part 2
- Closing of public roads, under Part 4
- Road work, under Part 6
- Protection of public roads, under Part 7
- Regulation of traffic in connection to road work etc, under Division 1 of Part 8:



- 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
 - for the purpose of protecting a public road from serious damage by vehicles or animals as a result of wet weather, or
 - for the purpose of protecting earth roads from damage caused by heavy vehicles or by animals, or
 - for the purpose of protecting members of the public from any hazards on the public road, or
 - for the purpose of protecting vehicles and other property on the public road from damage, or
 - 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 (see Road Events below), or
 - 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.
- Regulation of works, structures and activities, under Part 9.

Permits for road events and the associated regulation of traffic are approved separately by Council but may be referred to Sutherland Consultative Traffic Forum for traffic engineering advice. These include:

- 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
- Filming
- Class 3 Special Events, in accordance with TfNSW's *Guide to Traffic and Transport Management for Special Events*.

Special Event Parking Schemes

Council's proposals to authorise special event parking schemes under Subdivision 2 of Division 2 of Part 5 (Clause 94) of *Road Transport (General) Regulation 2013* on public roads other than classified roads.

Reference Only Information

Some reports tabled at meetings may include the following information for Committee reference purposes only. The Committee 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. Acknowledgement 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 Committee as delegated to Council by TfNSW.

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