



INSTRUMENT OF DELEGATION AND AUTHORISATION

TRAFFIC MANAGEMENT AND PEDESTRIAN WORKS TEMPORARY DELEGATION TO COUNCILS No.2

Roads Act 1993

Road Transport Act 2013

On behalf of Transport for NSW, I, Josh Murray, Secretary of the Department of Transport:

- a) **REVOKE** the instrument of 24 February 2023 titled "*Instrument of Delegation and Authorisation – Traffic Management and Pedestrian Works – Temporary Delegation to Councils*"; and
- b) **REVOKE**, in the "*Roads and Maritime Services - Delegation to Councils*" dated 31 October 2011 ("the 2011 Delegation"), clause 6 of that Instrument (which relates to the prohibition on a sub-delegate from carrying out a function under Division 2 of Part 8 of the *Roads Act 1993*), **SUBJECT TO** the condition in paragraph 11 of **Schedule 4** of this Instrument; and
- c) **DELEGATE** under section 31(1) of the *Transport Administration Act 1988* (the 'Act') and all other enabling powers, the functions set out in **Schedule 1** to the councils set out in **Schedule 2**, **SUBJECT TO** the conditions set out in **Schedule 4**; and
- d) **AUTHORISE** those delegates, under section 31(2) of the Act, to sub-delegate the functions set out in **Schedule 1** to the persons set out in **Schedule 3**,

A failure to comply with the conditions set out in **Schedule 4** renders the delegation inoperative with respect to the functions being carried out.

In addition, I **AUTHORISE** under section 122(b) of the *Road Transport Act 2013*, the councils set out in **Schedule 2**, to install or display (or interfere with, alter or remove) any prescribed traffic control device as set out in the TfNSW "*Traffic Signs Database*" and indicated as "*Delegated to Council for Authorisation – Yes*", as required to give effect to functions exercised under this delegation, including any portable traffic control lights, but NOT any internally illuminated traffic control device.

This Instrument commences on the date it is made, and paragraphs (c) and (d) above will continue in force until 30 June 2026 unless revoked earlier.



Josh Murray
Secretary
Department of Transport

Date: 12/12/2023

SCHEDULE 1 - FUNCTIONS

1. The functions and powers of Transport for NSW under section 115(2) of the *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.

SCHEDULE 2 - DELEGATES

A council constituted under the *Local Government Act 1993*.

SCHEDULE 3 – SUB-DELEGATES

The general manager of a council, or an employee of the council.

SCHEDULE 4 - CONDITIONS

A delegate or its sub-delegates may only exercise the functions in Paragraph 1 of Schedule 1 of this Instrument:

1. On unclassified public roads for which the delegate is the roads authority, and within the delegate's local government area under the *Local Government Act 1993*;
2. On a road or part of a road with a speed limit of 50km/h or less, except in relation to
 - (a) Works to regulate parking; or
 - (b) Conversion of existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings; or
 - (c) Works relating to footpaths, shared paths or separated footpaths;
3. Where there is no change to the operation of any clearway, bus lane, bus only lane, bus layover or transit lane in the carrying out of the works;
4. Without altering the number of continuous travel lanes, including lanes that may operate only at peak times, except where carrying out works to manage vehicle speed by way of chicanes or slow points.

Traffic Signals

A delegate or its sub delegate may not exercise any function in Paragraph 1 of Schedule 1 under this Instrument :

5. Within 20m of a traffic signal, unless the works are within areas or lanes currently used or available at any time for parking; or
6. Within 60m of a traffic signal, where the works being carried out
 - (a) reduce in length or modify the operating hours of any existing auxiliary, through or merge lane (including kerbside approach lanes managed by No Stopping or No Parking controls), or
 - (b) install any new crossing on the road which the signal controls.

Bus Routes

7. A delegate or its sub-delegates may only exercise the functions in Paragraph 1 of Schedule 1 on a road that is a regular bus route (as prescribed and indicated on a map published on the TfNSW website for the purposes of this Instrument called "*Bus Route Map*") where :

- (a) The design vehicle is no smaller than the length of the buses indicated for the road on the Bus Route Map; and
- (b) There is no reduction in the extent or operating hours of a bus zone, and no reduction in existing space available for entry and exit of buses from the bus zone; and
- (c) Local bus operators have been consulted on the design of the works (other than works to regulate parking) and have been supplied with swept path drawings on request; and
- (d) Local bus operators have been notified in writing of impending works under this delegation (other than works to regulate parking) with a minimum of 14 days notice.

Standards

- 8. A delegate or its sub delegates must use any relevant Transport for NSW established standards, specifications and Technical Directions, and relevant Austroads guidelines and Australian Standards when designing and carrying out works under this Instrument
- 9. A delegate or its sub delegates may not use this Instrument to carry out any novel designs or works where there are no established standards, technical directions, or guidelines, and any such works must be referred to Local Traffic Committee through existing processes.

Notification of Local Traffic Committee

- 10. A delegate or its sub-delegate 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 relevant Local Traffic Committee as soon as practicable after completion of the works. The record of the works must also be made public on the Council website.

Sub-delegates carrying out Regulation of Traffic functions under the 2011 Delegation

- 11. A sub delegate may only carry out a function under Division 2 of Part 8 of the *Roads Act 1993* using the 2011 Delegation if the proposed works to be carried out or functions to be exercised have been referred to Local Traffic Committee under that Delegation, and the proposal has received unanimous support from the members of the Local Traffic Committee.