

The Authorisation & Delegation Instrument

(i) What is it?

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- The 2025 Authorisation and Delegation Instrument **replaces** the 2011 Delegation to Councils and the 2023 Temporary Delegation
- Authorises councils to use **prescribed traffic control devices**
- Delegates Transport's powers to **regulate traffic** for any purpose
- Allows councils to **sub-delegate** these functions to staff

How does it work?

- Under s122 of the *Road Transport Act 2013*, Transport's authorisation is required to use a 'prescribed traffic control device'. The 2025 Instrument grants this authorisation.
- Under Part 8 of the *Roads Act 1993*, Transport may regulate traffic for any purpose. The 2025 Instrument provides councils with this power on unclassified roads and all regional roads.

Don't councils have their own powers?

Yes. The 2025 Instrument is **additional** to powers already available to councils by law:

- Council has powers under the *Roads Act 1993* to do **road work** (s71) and **traffic control work** (s87)
- Council can 'regulate traffic' around works and for other specified reasons that cover things like regular maintenance operations or protecting the public from hazards (refer to s115 in Part 8)

What extra can councils do with the Instrument?

- Regulate traffic for reasons unrelated to road work, such as holding a market or an Anzac Day march
- Avoid 28-day notification requirements that otherwise apply under s116 of the *Roads Act 1993*
- Use prescribed traffic control devices without applying for Transport consent every time

Are there conditions?

Yes. Schedule 4 sets out conditions and limitations, including:

- *Scope* – the Instrument may be used on unclassified roads and all regional roads but may not be used on 'State' roads unless provided with written consent from Transport
- *Consultation and coordination* – Council must convene a 'Local Transport Forum' for some proposals, and may need to consult with public transport operators and/or notify NSW Police
- *Types of traffic control devices* – some devices, such as speed signs, cannot be used
- *Design* – Council must use [NSW Design of Roads and Streets Manual \(DORAS\)](#) as a primary reference
- *Record-keeping* – the Local Transport Forum must be informed of uses of prescribed traffic control devices, and proceedings must be publicly recorded

Additional related references for practitioners

[NSW Design of Roads and Streets Manual \(DORAS\)](#) [Guides](#) [More resources](#) [Cycleway Design Toolbox](#)
[Bus Route Map](#) [Road classifications](#) [Transport Standards Portal](#) [Traffic Signs Register](#)



This note is intended to aid practitioners using the Authorisation and Delegation Instrument. To ensure legal and technical compliance, please refer to the Instrument itself, the associated Guide, and Transport's [website](#).