



**Delegation of Functions to Regulate Traffic
(including the operation of Local & Regional Traffic Committees)
DRAFT**

SUMMARY OF COMMENTS

Item No	Section Reference	Issue	Response
1.	1.0	Include a statement recognising the role of Local Government in State Road issues.	Agreed. Amend text to: "New South Wales has many roads, which range from freeways to local streets. All these roads require the control of traffic. The RTA believes that the most effective means of dealing with the number and range of traffic related matters, particularly those which arise on local roads, is to deal with them at the local level. The RTA has therefore delegated certain aspects of the control of traffic on local roads to the Councils of Local Government areas. The RTA continues to manage the State's classified road network. However, local government continues to play an important role in the management of the classified road network by providing input and advice when necessary."
2.		Last paragraph. The Police may also control traffic.	Agreed. Amend text to: "It is important to note that the legislative power to control traffic through the authorisation of traffic control devices, lies with the RTA and the delegation of this power does not remove the RTA's ability to exercise delegated functions should circumstances warrant action."
3.		Highlight the last paragraph.	Agreed. Highlight the paragraph in bold.
4.	2.0	Definition of Council too narrow. Clarification required in document between the elected Council/Councillors and Council staff.	Agreed. 1) Amend the definitions as follows: "Council – the council of a local government area and includes an Administrator 2) Add: "Sub-delegate – any Councillor, the General Manager or an employee of the Council who has been formally delegated by the Council."
5.		Add definition for 'Regulate traffic' from the Roads Act.	Agreed. Include the following definition. " regulate traffic – for the purposes of the Roads Act means to restrict or prohibit the passage along a road of persons, vehicles or animals"
6.	3.0	Include the relevant sections from the Acts.	No change is considered necessary.
7.		Remove reference to "by several bodies" from the 1 st paragraph.	Agreed. Amend text to: "Traffic control facilities and prescribed traffic control devices may be provided on a road or road related area, whether a public road or on private land, principally by the RTA and Councils. In addition, traffic may be regulated for various purposes by means of notices or barriers erected by a roads authority."
8.		Clarify the role of sub-delegates.	Agreed. Amend text to: "The functions delegated to Council in the <i>Delegation</i> are: 1. authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the <i>STM Act</i> ; 2. regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the <i>Roads Act</i> ; 3. authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the <i>STMR</i> on public roads other than classified roads. Councils may sub-delegate their powers to Councillors, the General Manager or an employee of the Council for Items 1 and 3 above. Councils may not sub-delegate Item 2.
9.	3.1	The clarification of the use of 'certain conditions' in the last dot point. Last dot point. Where are these conditions found?	Agreed. Amend text to: <ul style="list-style-type: none"> • may authorise "Roadwork Speed Limit" signs under the conditions outlined in the <i>Delegation</i>.



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10.		6 th dot point. "under no circumstances ..." appears excessively strong.	Agreed. Amend text to: <ul style="list-style-type: none"> cannot authorise an internally illuminated traffic control device.
11.		Should changing a one-way street into a two way street be included as a restriction?	This change would actually require a change to the Delegation. However, such a change to the network would not be considered a restriction on traffic. No change is considered necessary.
12.		Clarify the limitation on the use of sub-delegates.	Agreed. Include the following text: <ul style="list-style-type: none"> may sub-delegate traffic management powers (delegated functions) , in respect of Division 1 of Part 4 (Traffic control devices) of the <i>Roads Transport (Safety and Traffic Management) Act, 1999</i> and Division 2 of Part 5 (Special Event parking schemes) of the <i>Road Transport (Safety & Traffic Management) (Road Rules) Regulation 1999.</i> may not sub-delegate traffic management powers (delegated functions) , in respect of Division 2 of Part 8 (Sections 116 to 119) of the <i>Roads Act, 1993.</i>
13.		Does Council have to establish an LTC?	Council are required to obtain the advice of the Police and the RTA. This may be done in a number of ways as indicated in this guide. The LTC is by far the most common method. Amend 2 nd last dot point to: <ul style="list-style-type: none"> must obtain the advice of the NSW Police and the RTA. They may establish an LTC. Refer to Section 5 LOCAL TRAFFIC COMMITTEE.
14.	3.1 & 3.1.1	Include Schedule 1 of the Delegation in the guidelines The inclusion of the delegation document (or its schedules) as an appendix.	As the actual Delegation document will be reissued more frequently than the manual this issue is more difficult to resolve than it appears. One option is to include the current Delegation with a Note at the beginning of the Appendix to indicate that the Delegation included was current at the time of printing and the reader should check for the latest Delegation contained on the RTA website. Alternatively provide a link within the document to a copy of the Delegation. Include a hotlink to the latest Delegation.
15.	4.0	The clarification of the Note in the Section is required. Note should be formatted like other Notes in the document.	Agreed. Amend text to: <hr/> <p>Note: Council does not need to notify the NSW Police or the RTA if Council decides <u>not</u> to proceed with any proposal for any reason."</p> <hr/>
16.		Not all the delegated functions require consultation with the LTC. The Delegation should be explained in more detail.	No change is considered necessary.
17.		Provide a list clearly defining items which the LTC can/can't formally discuss.	This information is already identified in the Delegation and the Regulatory Signs manual. This should be sufficient especially following the completion of the associated training. No change is considered necessary.
18.		The inclusion of worked examples / flowcharts showing how to carry out the functions delegated to the LTC members.	The flow charts provided in the guidelines are generic. The process does not change based on the device being considered. No change is considered necessary.
19.		The LTC should be advised of Council's decision not to proceed with an LTC recommendation.	Agreed. Council staff on the LTC should be aware of the final decision of the elected Council. This should be reported at the next LTC meeting. Amend Section 6.3.2 by adding the following note: " <hr/> <p>Note: For the information of the members of the LTC, the report should also include a summary of the final decisions made by Council on items addressed at the previous meeting or any addressed since the last meeting.</p> <hr/>



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20.		Council notification to proceed when LTC advice is not unanimous is not always forthcoming.	Noted. The new guidelines and associated training should help with this issue. No change is considered necessary.
21.		3 rd paragraph. Should notification be in writing?	Agreed. Amend text to: "If the elected Council wishes to exercise a delegated function when the LTC advice is not unanimous, or the elected Council wishes to act contrary to unanimous LTC advice, then Council must notify in writing, both the NSW Police and the RTA representatives on the LTC.
22.		Clarify the role of sub-delegates.	Agreed. Amend the 1 st paragraph to: "Councils may only exercise their delegated functions in accordance with the <i>Delegation</i> . Councils may sub-delegate certain powers to Councillors, the General Manager or an employee of the Council. Refer to Section 3 DELEGATION OF FUNCTIONS. The <i>Delegation</i> requires Council to seek the advice of the NSW Police and the RTA prior to exercising their delegated functions. This is usually done via the LTC.
23.	Draft 5.0 Final 7.0	The addition of a cross-reference to Section 3.	No change is considered necessary.
24.		Responsibilities listed seem incomplete and very brief.	Agreed. Refer to Item 37 below.
25.		Who has responsibility for convening the RTC and preparing reports etc?	Covered under Sections 5.2 (The RTA provides secretarial services to the Chairman), 6.4 & 7.0. No change is considered necessary.
26.		Move Section 5 to later in the document.	Agreed. Move to after the current Section 7.
27.	Draft 5.1 Final 7.1	Does the responsibility for TMPs only refer to the schedule 1 list of delegates?	In certain instances it may be necessary for any Council to prepare a TMP. Amend 1 st dot point to: <ul style="list-style-type: none"> preparing any TMP required under Schedule 4 of the <i>Delegation</i> or when considered necessary by Council.
28.		Include the provision of secretarial services.	Agreed. Add: <ul style="list-style-type: none"> providing secretarial services to the LTC
29.		Amend second last dot point to include providing a copy of the minutes to members.	Agreed. Amend text to: <ul style="list-style-type: none"> documenting LTC advice and providing a copy of the minutes to all members.
30.		Amend last dot point to include "if considered necessary".	Agreed. Amend text to: <ul style="list-style-type: none"> obtaining the views of local residents affected by any proposal, if necessary. [This is to be done outside the LTC process]
31.		Does this include TCPs?	TCPs are an operational tool and do not fall under the powers of the LTC. No change is considered necessary.
32.		Should the difference between a TCP and a TMP be defined?	Not required to be addressed in this particular document.
33.		Does the responsibilities account for permanent versus temporary works?	The approval process to use prescribed traffic control devices does not differ, regardless of whether the work is permanent and temporary. No change is considered necessary.
34.		Is Council solely responsible for the preparation of TMPs?	Not required to be addressed in this particular document.
35.		Format Note in 3 rd dot point in the same manner as other Notes in the document.	Agreed. Amend text to: <ul style="list-style-type: none"> notifying the RTA and the NSW Police if the elected Council intends to exercise its delegated functions contrary to the advice of the LTC. <hr/> <p>Note: Deciding not to proceed does not constitute exercising functions and therefore does not require notification.</p> <hr/>
36.		Add additional point requiring Council to inform the LTC of the final decisions made.	Refer to Item 19 above.



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37.		Separate to distinguish the responsibilities of the elected Council and the Council organisation	<p>Also refer to Item 4 above. Amend text to:</p> <p>5.1 Council</p> <p>The Council has responsibility for:</p> <ul style="list-style-type: none"> ○ exercising the delegated functions related to the <i>Roads Act 1993</i> ○ documenting the sub-delegation of Council powers (Note: Councils cannot sub-delegate their Roads Act powers). ○ seeking the advice of the LTC prior to exercising delegated functions. ○ referring items to the LTC. ○ obtaining the views of local residents affected by any proposal, if necessary. [This is to be done outside the LTC process] ○ preparing any TMP required under Schedule 4 of the <i>Delegation</i> or when considered necessary by Council. ○ convening meetings of the LTC. ○ providing secretarial services to the LTC. ○ preparing the LTC meeting agenda. ○ preparing a technical report on each issue. ○ documenting the LTC advice (including providing a report to the elected Council and providing minutes to all members). ○ notifying the RTA and the NSW Police if the elected Council intends to exercise its delegated functions contrary to the advice of the LTC. <hr/> <p>Note: Deciding not to proceed does not constitute exercising a function and therefore does not require notification.</p> <hr/>
38.	Draft 5.4 Final 7.4	What advice does the Local member provide on a technical committee?	The local member provides input from the local community. No change is considered necessary.
39.	Draft 6.1 Final 5.1	Is there a local document for each LGA which stipulates the current classified roads?	Yes. The local RTA Regional office will have this information. No change is considered necessary.
40.		The mandatory provision of appropriate technical advice to the LTC for each item and that the advice of the Council's officer must be considered (placed on record) where the officer is not a voting member.	Council's technical advice in the form of a report is already addressed in Sections 5.1 & 6.3.2. No change is considered necessary.
41.		"technical review committee" should be clarified as some members do not provide 'technical' input.	<p>The LTC is primarily a technical review committee, which is used to enable the Council to exercise its delegated powers.</p> <p>Amend text as follows:</p> <p>Delete "Council is required to establish an LTC as a condition of the <i>Delegation</i>."</p> <p>Replace: "The LTC has no decision-making powers. The LTC 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.</p> <p>The LTC should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines."</p>



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42.		Use of Council (as defined in Section 2) does not fit as the majority of referrals come from Council staff.	The new guidelines point out the legal reality that the referrals must be made by the Council which could include a delegated Council officer. No change is considered necessary.
43.		Not every delegation is required to be submitted to the LTC.	No change is considered necessary.
44.		Amend reference to Council Traffic Committee.	Agreed. Amend text to: "Note: The LTC should not be confused with a separate Council Traffic Committee, formed by Council under the Local Government Act. The establishment of which is a Council prerogative. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.
45.		Do the updated guidelines propose to prevent any other discussion.	No they do not. These are informal items. No change is considered necessary.
46.		Classified road issues are best dealt with by local people who have the local knowledge.	Under the legislation, only the RTA can authorise devices on classified roads. However the local views would generally be sought, especially for parking matters. Amend the 4 th paragraph to read: "The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to classified roads or functions that have not been delegated to the elected Council must be referred directly to the RTA or relevant organisation. Such matters must not be referred to the LTC. However, the RTA will generally seek the views of the Council on classified road issues via the informal items process."
47.		Allow the LTC to authorise certain items on classified roads.	No change is considered necessary.
48.		Restricting informal items will increase workload on RTA staff.	Discussion of informal items is not being restricted. No change is considered necessary.
49.		Provide RTA LTC rep with power to deal with Classified Road issues at the LTC meetings.	To be considered. No change is considered necessary at this time.
50.		6 th paragraph refers to Section 3.1.3. This should be 3.1.1.	Agreed. Amend text to: "Where required, a TMP must be submitted to, and reviewed by, the RTA before that matter can be referred to the LTC. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS."
51.	Draft 6.2 Final 5.2	The inclusion of Council's Traffic Engineer (or equivalent) as an informal member where the formal member is a Councillor.	No change is considered necessary.
52.		Clarify the use of sub-delegates.	Agreed. Amend text to: "The Council's representative may be any Councillor or Council officer. The Council representative may be a sub-delegate if Council has formally approved this.
53.		Should we change the term "informal members" as they are not actually members, but provide advice to the LTC?	Agreed. Amend text to: "The Council (in consultation with the formal members of the LTC) may also decide to have additional informal (non-voting) advisors to the LTC who can provide input into the process. These additional advisors can include:
54.		To avoid large committee mtgs, include text to indicate that informal members are only to required to attend LTC mtgs when there is an issue relating to their area of expertise on the Agenda. Include comment that informal members are only to attend when Agenda items effect them.	Agreed. Amend text by adding: "Generally, informal advisors are not required to attend every LTC meeting. Their attendance is only required when items appear on the Agenda which effect their area of expertise or responsibility."
55.		Voting members should have a say in the make-up of the informal members	Agreed. Refer to Item 53 above
56.		Amend 3 rd paragraph to use the terms LGA & LAC.	Agreed. Amend to: "Where a Council LGA is represented by more than one MP or NSW Police LAC, MPs or Police officers representing the relevant electorate or LAC are entitled to be members of the LTC. However they are only permitted to vote on matters, which effect their electorate or LAC. Refer to Section 5.3.6 VOTING."
57.		Remove the Chamber of Commerce from the informal members list. They are not technical.	No change is considered necessary.
58.		As the LTC is to be a technical committee, the Council rep and the Local Member's rep are to be appropriately qualified people to support this.	Refer to Item 41 above.



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59.		Include BUGs and Local Access Committees as non-voting members.	No change is considered necessary.
60.		Add an additional Council rep as a formal member.	This is not considered appropriate as Council already has a voting member. No change is considered necessary.
61.		Add "State" to 4 th dot point.	Agreed. Amend to: <ul style="list-style-type: none"> the local State Member of Parliament (MP) or their nominee.
62.	Draft 6.3 Final 6.3	Clarify 2 nd paragraph containing dot points. Ambiguous and could lead to Councils determining their own formats outside of guidelines.	Agreed. Amend 2 nd and 3 rd paragraphs to: "At LTC meetings the following are at the discretion of Council: <ul style="list-style-type: none"> conduct at meeting frequency of meetings format of meetings. [Within the following guidelines.]
63.		Include "Meeting formats should be unanimously agreed to by the members before being changed by Council"	Agreed. Include the following note: <hr/> Note: Any change to the meeting format must be agreed to by the formal members of the LTC. When proposing to discuss a format change, reasonable advanced notice must be provided. <hr/>
64.	Draft 6.3.1 Final 5.3.1	Guidance & recommendations are required on alternate meeting formats.	Alternate formats are very rare. Include the following text after the 2 nd dot point: "Should Council wish to adopt these (or any other) formats then they should seek the advice of the RTA prior to making a final decision."
65.		Electronic methods should only be used for simple matters.	No change is considered necessary.
66.		Amend the last paragraph to read "It is strongly recommended ..."	Agreed. Amend to: "It is strongly recommended that any format where the LTC and the normal Council meeting are held concurrently is to be avoided. The LTC is principally a technical review committee, and due consideration and debate is required when considering a proposal. This particular meeting format does not lend itself to this."
67.		The guidelines should deal with the issue of a quorum. Can Council Exercise their delegated functions if the RTA or Police do not attend the LTC?	Agreed. Add the following text after the 2 nd paragraph: "While there is no need for a specific quorum to allow an LTC meeting to proceed, it must be remembered that any advice can only be returned to the elected Council by the LTC if the views of the RTA and the Police have been obtained."
68.	Draft 6.3.2 Final 5.3.2	Include of the ability to table quarterly LTC reports to Council.	This is only possible for items where the elected Council can delegate its powers of approval to a sub-delegate. The decision on the most appropriate reporting mechanism is one for Council, which can decide how and how often they require the sub-delegate to report. No change is considered necessary.
69.		Change the proposed guidelines to have all items included on the formal agenda but group the formal and informal items separately.	This is an alternate option to the separate agenda/minutes approach proposed. It is not considered that this option meets the due legal process structure that the guidelines are trying to instil into LTCs. Further the minutes of the formal meeting are public documents. The discussions of the informal items should not be released in the public domain. No change is considered necessary.
70.		Deferral of late items. 5 th paragraph. Add "unless members agree otherwise"	Amend paragraph to read: "Items, which do not appear on the agenda (i.e. items without notice), should only be considered if the elected Council has referred the issue and Council officers have been able to prepare a report on the proposal in the normal manner. Items raised without notice must be referred to the next meeting (or dealt with separately between meetings) if any member of the committee requests time to consider the report."
71.		Good minutes can mean no report is required to the LTC.	No change is considered necessary.
72.		Include the reasons for documenting the LTC vote.	This is already covered in various parts of the guidelines (eg Section 6.4) No change is considered necessary.



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73.		Concern that Council reports would not look at all options.	This is a matter for the Council staff to initially decide. Members of the LTC may still suggest other options. If the LTC considers that the new option is preferable then it would need referral to the Council. No change if considered necessary.
74.		Non-referral of refused issues does not allow records to be maintained for future LTC members.	Such records would be the responsibility of Council officers as the refusal is occurring a Council level, not LTC. No change is considered necessary.
75.		Include examples of well set out Agendas and minutes.	This is not considered appropriate as it may be seen to be too restrictive. This is best dealt with as part of the proposed LTC training course. No change is considered necessary.
76.		The guidelines need to reinforce the fact that the elected Council must formally pass the 'recommendations' considered by the LTC. Can the elected Council merely note the LTC minutes or must they endorse/adopt them?	Agreed. Amend by adding the following text to the end of Section: _____ Note: All proposals recommended by the LTC must still be formally approved by the Council (or the sub-delegate). _____
77.	Draft 6.3.3 Final 5.3.3	Site visits are often not practical. Alternate methods should be indicated.	Agreed Amend to: "It is recommended that each member of the LTC undertake a site visit prior to considering any proposal. This site visit may be undertaken individually by LTC members, or may be organised by Council as a joint visit of all members of the LTC. Where this is not practical due to issues such as time or distance, then it is recommended that modern electronic alternative methods are used."
78.	Draft 6.3.4 Final 6.3.4	Change the proposed guidelines to mandate the open discussion of all items. Except when required to be excluded for legal or other specifically prescribed reasons.	When a proposal has reached the LTC, Council should have already made the decision to proceed. The LTC consideration is based on the technical aspects of the proposal. The open discussion on the appropriateness of any proposal should have occurred at Council meetings prior to the decision to proceed having been made. Further such discussion should not occur at the LTC. Finally, the advice of the LTC to the Council should not be released until the Council has decided whether or not to exercise its delegated authority. No change is considered necessary.
79.		Reference to technical aspects when members are not all technical people. It appears that Council & resident's roles are being reduced due to technical knowledge, but the Local Member is not.	See Item 41 above.
80.		Strengthen section to outline management of public participation eg time limits, limited numbers of public speakers etc.	Agreed. Amend to: "However, there is nothing preventing the LTC members from agreeing to allow residents, or other interested stakeholders, to address the committee, if it so chooses. In addition, the LTC members may agree to limit the number of public presenters on any particular item and/or place time limits on them. Any such constraints should be conveyed to the presenters at the time they are notified of the LTC's agreement for them to address the committee."
81.		How do members of the public define what is technical and what is not?	See Item 80 above.
82.		Indicate that members of the public are to be told they must leave after addressing the committee when they make application to attend. Strengthen the last paragraph by removing 'It is recommended'. Provide an explanation as to why. Replace the last paragraph with "Under no circumstances should residents or other non member stakeholders remain at the meeting while the proposal is voted on. The appropriate forum for these people to hear the committee's recommendations is at the Council meeting when the matter is determined by Council under it's delegated authority."	Agreed. Amend to: "Under no circumstances should residents or other non-member stakeholders remain at the meeting while the proposal is debated and a vote taken. [From the committee's point of view, their advice to Council should not be released to the public until the Council has decided whether or not to exercise its delegated authority. However, when Council chooses to make the advice public, following the LTC meeting, is a matter for the Council. Council may include the advice in Council meeting papers, agendas or minutes, depending on their practice.]"



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83.		If residents can only address technical issues at the LTC, how are their views obtained?	This should occur through Council consultation prior to the proposal being considered by the Council. That is before it is referred to the LTC. However even though the LTC is principally a technical committee it may still allow residents to address it. No change is considered necessary.
84.	Draft 6.3.5 Final 5.3.5	Should there be an explanation why media is not permitted to remain?	Agreed. Include the following at the end of the 2 nd paragraph: “[From the committee’s point of view, their advice to Council should not be released to the public until the Council has decided whether or not to exercise its delegated authority. However, when Council chooses to make the advice public, following the LTC meeting, is a matter for the Council. Council may include the advice in Council meeting papers, agendas or minutes, depending on their practice.]”
85.	Draft 6.3.6 Final 5.3.6	A better explanation/definition of the Council representative and the convenor is required. A better explanation is required as to the role of the Chair. Especially when they may be non-voting.	Agreed. Amend to: “While an organisation, which is a voting member, may choose to send more than one representative, that organisation is still limited to <u>one</u> vote only. For example: <ul style="list-style-type: none"> • Where the LTC is chaired by a convenor who is a member of the elected Council and the LTC also has a Council staff member on the committee, the Council as an organisation is still only entitled to one vote [i.e. the Council representatives are not entitled to a vote each] • Where the Council representative is also the convenor, the Council is still only entitled to one vote. There is no casting vote available to the convenor in the case of a tied vote. • Where a Council LGA is represented by more than one State MP, only the MP representing the State electorate containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one State electorate, then each State MP for those electorates may vote. • Where a Council LGA has more than one Police LAC, only the Police officer representing the LAC containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one LAC, then each Police officer for those LACs may vote.
86.		An explanation of the voting protocol when more than one LAC or Electorate is involved.	Agreed. See previous point.
87.		The use of two sets of alphabet characters is confusing.	Agreed. Amend to: “LTC advice to Council on a proposal referred to it by Council must be one of the following: <ol style="list-style-type: none"> (1) unanimous support; (2) majority support; (3) split vote; (4) minority support; or (5) unanimous decline.
88.		Point ‘d’ requires clarification when the dissenting vote is either the Council rep or the Local Member. Is this adhered to?	Agreed. Amend to: (d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council <u>must</u> first advise the RTA and Police representatives in writing of their intention to approve the proposal. The RTA or Police may then lodge an appeal to the Regional Traffic Committee (RTC). Refer to Section 5.4, APPEALS.
89.		Non-attendance at LTC meetings by the Police or the RTA prevents the LTC from determining the matter and would require deferral. Determination outside the meeting may be seen as not providing due process in considering the matter. The RTA & Police must resource the meetings.	This is not considered to be an issue for this manual. No change is considered necessary.
90.		Council’s elected member delegate should be entitled to vote in addition to Council’s staff member.	This is not considered appropriate as Council already has a voting member. No change is considered necessary.



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91.		The LTC must not provide its advice to the Council without the views of the RTA and the Police.	This is already stated. No change is considered necessary.
92.		Include action if Council decides not to proceed where LTC is a unanimous support.	This is already shown in 2 nd item (b). No change is necessary.
93.	Draft 6.4.1 Final 5.4.1	There is no mandatory notification to Council of an appeal by the appellant.	The guidelines indicate that the appellant may as a matter of courtesy notify Council. The formal notification to Council comes from the Secretary of the RTC. Amend the 4th paragraph to: “The RTA provides secretarial services the RTC and appeals must be forwarded to: The Secretary Regional Traffic Committee Roads and Traffic Authority of NSW Level 2 Centennial Plaza PO Box K198 Haymarket NSW 1238 Phone: 9218 6866 Fax: 9218 6738 Email: regional_traffic_committee@rta.nsw.gov.au The Secretary will then notify all parties in writing that an appeal has been lodged.”
94.		The detailed procedure to be followed during an appeal needs to be included. Specifically provide for the appellant to state their case in sufficient time for their views to be considered by Council.	Agreed. Extracts from the RTC guidelines will be included in the document.
95.		Provide examples of where this Act is used.	Not considered necessary.
96.		Amend 1 st sentence to require notification in writing.	Agreed. Amend to: “Where a proposed determination of Council is contrary to the unanimous advice, unanimous decline or is based on the non-unanimous advice of the LTC, then Council must notify both the Police and the RTA representatives of its proposed 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.”
97.	Draft 6.4.2 Final 5.4.2	Provide examples of where this Act is used.	Not considered necessary.
98.	Draft 7.0 Final 6.0	Is an appeal to be heard in Sydney and will members be familiar with the situation.	The RTC Chairman holds the appeal at the local Council offices. Amend text as follows: “The RTC operates across the state. Meetings are generally held in the offices of the local Council.”
99.		The guidelines do not appear to provide an avenue for Council’s viewpoint to be heard at the RTC. How is Council to respond to an appeal?	Amend the 5 th paragraph to: “When a notice of appeal and relevant information is lodged with the RTC, the Chairperson will convene a meeting and the appeal matter is discussed. The Chairman shall determine who, if anyone, shall be permitted to address the appeal based on the documented evidence presented by each party prior to the Appeal. Generally the members of the RTC and each party to the appeal attend the meeting only. The decision of the Chairperson, RTC in regard to such matters is final, except in matters relating to the <i>Roads Act, 1993</i> , wherein Council may further appeal to the Minister for Roads. Refer to Section 5.4.2.”
100.		Why no Police rep on the RTC?	Not considered necessary as the RTC looks principally at the technical aspects of the appeal. The RTC Chairman may invite the Police Service to provide comment or further advice. No change is considered necessary.
101.		LTC members, including Council, should have a right to attend the RTC.	This is already reflected in the guidelines. No change is considered necessary.
102.		The RTC process should be more detailed.	Agreed. Extracts from the RTC guidelines will be included in the document.
103.		A more representative RTC process should be considered.	No change is considered necessary.



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104.		1 st dot point. Does the Minister have to give concurrence to the appointment of the Chairperson?	No. No change is considered necessary.
105.		2 nd dot point. Add to the end "The nominee will generally cover a group of Councils or an area of the State."	No change is considered necessary.
106.		Where does the RTA rep come from? Is it the same Region? 3 rd dot point. Add to the end " (generally the RTA representative on the LTC)"	Amend to: <ul style="list-style-type: none"> RTA representative (usually the Regional Traffic Manager)
107.		Indicate that the Chair is the only voting member. LGA&SA & RTA reps only provide advice.	The LGSA and the RTA reps are non-voting members. Amend text to: "The members of the RTC are: <ul style="list-style-type: none"> Chairperson (independent, appointed by the RTA with concurrence from the LGA&SA NSW) LGSA nominee (usually a Local Government Engineer from the region) RTA representative (usually the Regional Traffic Manager) It should be noted the LGA&SA and RTA representatives merely provide advice as required by the Chairman."
108.		Should more details of the RTC process (e.g. a flowchart) be included in this document?	Agreed. Extracts from the RTC guidelines will be included in the document.
109.	8.0	Consideration should be given to allowing the LTC report to Council to include both formal and non-formal items provided that they are clearly differentiated.	Need to maintain separate reports as the report dealing with the Delegated powers must be approved by the Council or the sub-delegate. Informal items should not go to a Council meeting under the LTC banner. Any informal advice can be used by Council officers in their report to Council.
110.		Reports associated with informal items should be included in the Agenda.	No change is considered necessary.
111.		Local advice should still be sought on informal issues. This should include the views of the elected Council.	This can be done through methods other than the LTC. Though the LTC remains a good forum for many issues. No change is considered necessary.
112.	Figures	Proper flowchart rules and diagrammatics should be presented.	No change is considered necessary.
113.		Provide figures in A3 to improve readability	Agreed. Figures will be enlarged.
114.	Figure 1	Add a No option to "Is the Council listed in Schedule 1?"	Agreed. Amend Figure.
115.		'No' missing from "Is the proposal listed in Clause 3 ... "	Agreed. Add text.
116.		Is the appeal option missing from under the 'Proposal rejected' option?	No. No appeal required for this option.
117.		Include reference to the sub-delegate.	Agreed. Amend Figure.
118.		Provide the Figure with a Title.	Agreed. Will be called "Process for exercising delegated Road Transport powers"
119.	Figure 2	The figure does not show the appeal to the Minister as described in Section 6.4.2	Agreed. Amend Figure 2
120.		Yes/No options for the 2nd 'Council support proposal' are the wrong way around.	Agreed. Amend text.
121.		Include a note indicating that these powers cannot be sub-delegated.	Agreed. Add note.
122.		Provide the Figure with a Title.	Agreed. Will be called "Process for exercising delegated Roads Act powers"
123.	General	The inclusion of State Road issues on the formal agenda	State Road issues are not the responsibility of the LTC therefore they should not be included on the formal agenda. However the knowledge of the members of the LTC is acknowledged and thus these issues are suitable for discussion as informal items. No change is considered necessary.
124.		The provision of in principle support of the LTC prior to the preparation of TMPs.	The TMP process is designed to be a pre-requisite to the matter being considered and to ensure that a sound traffic engineering process has been followed. It should also ensure that all the issues have been considered and if the proposal was likely to be rejected then unnecessary work will have been avoided. Approval of a TMP is acknowledgement that due process has been followed and does not constitute RTA approval. No change is considered necessary.



Item No	Section Reference	Issue	Response
125.		Items without notice	Unfortunately this is the due legal process. Formal items can only be considered by the LTC if Council has first considered the issue and decided to proceed. The guidelines outline alternate mechanisms for approvals between meetings. This is dealt with in Section 6.3.2. No change is considered necessary.
126.		Provide clear work flow charts showing the role of the LTC when processing / responding to requests from the public for a range of devices.	The flow charts provided in the guidelines are generic. The process does not change based on the device being considered. No change is considered necessary.
127.		The inclusion of tables showing the responsibilities of the Council, the RTA and the LTC (as previously shown in the Green Book).	These tables were effectively replaced by the Regulatory Signs manual and the online RTA Sign Library database. No change is considered necessary.
128.		No reference to Special Events	Not required to be addressed in this particular document. Details contained in the RTA's Special Events manual.
129.		Change document title (e.g. Guidelines for the Operation of Local Traffic Committees and Implementing Traffic Management Delegations by Local Government in NSW)	Agreed. New title to be: "A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees)"
130.		Requirement to prepare and submit a TMP for certain activities prior to sending to the LTC.	This is a condition of the Delegation for Councils within Sydney. It does not apply to Regional Councils. No change is considered necessary.
131.		Any reference to the Police should read "NSW Police"	Agreed. Amend all references.
132.		The document is quite 'prescriptive'. There should be lee-way for variations in the way LTCs operate and for local conditions.	One of the aims of the updated guidelines is to bring some form of consistency to the process. It is considered that the alternate meeting formats suggested allow some freedom. No change is considered necessary.
133.		Section 3 refers to Councils being delegated powers to recommend street lighting. Does this have to be referred to the LTC?	Street lighting is not covered by the delegation. Amend Section 3 to read: "The <i>Transport Administration Act, 1988</i> confers the following powers to the RTA to: <ul style="list-style-type: none"> • exercise the functions relating to safety and traffic management set out in Section 52A; • delegate its functions to other public agencies such as councils (Section 50); • give directions to public authorities in relation to RTA functions under Part 6 (Section 53A);
134.		Are VMS signs 'illuminated traffic control signs'?	No. VMS are not regulatory signs.
135.		Should the guidelines be mandated in the RTA's Delegation?	No. No change is considered necessary.
136.		How long before the LTC mtg must a TMP be submitted?	There is no specific time. The proposal cannot be sent to the LTC until the RTA has responded. See also Item 124 above.
137.		Include the addition of lanes in the list of devices requiring a TMP.	This is actually an improvement thus a TMP should not be necessary. See also Item 117. No change is considered necessary.
138.		Councils should be restricted from changing/adding signs to traffic signals on local roads.	Agreed. Include the following point in Section 3.1: <ul style="list-style-type: none"> • are not empowered to interfere with traffic control lights, including the addition of any signs.



Item No	Section Reference	Issue	Response
139.		<ul style="list-style-type: none"> ➤ Who is responsible for the parking restrictions and their maintenance along the frontage of a State Road? ➤ Who is responsible for the maintenance of line marking at traffic signal installations? ➤ Are the creation of school zones, associated signage and pavement patches and maintenance thereof; the sole responsibility of the RTA? ➤ Speed limit signage? ➤ At the interface with the State Road network, to what distance in the interfacing side streets is the RTA responsible for signage maintenance? ➤ How frequently does the RTA review and update this signage/delineation ➤ Given the forest of stems and signage out there, is the RTA going to consider the usage of delineation (solid yellow line- no stopping) to replace the statutory "No Stopping" signage in the near future. (It would certainly assist in reducing the maintenance costs of replacing such signage and also assist in enforcement issues) ➤ Also an on-going issue at this Council is having to explain that while local roads are Council's responsibility, the Australian Road Rules are statutory requirements- (sometimes I feel as if we have seceded from the rest of OZ!!!!) 	<p>These are issues which are not related to this document. No change is considered necessary.</p>
140.		Update LGov NSW with new Title	Agreed. Replace LGov NSW with LGSA. Include LGSA in Definitions.
141.		Use the term 'guidelines' instead of 'manual'	Agreed. Make necessary changes.
142.		The document should be firmer in its recommendations.	<p>The document is a guide. No change is considered necessary.</p>
143.		What is the legal liability of the members?	<p>The LTC is an advisory body to Council and makes no decisions. All decisions are made by Council. Each member (or their organisation) of the LTC needs to consider any likely insurance consequences that may arise from their involvement in the LTC process. No change is considered necessary.</p>
144.		Should members of the LTC be required to sign confidentiality agreements?	No change is considered necessary.
145.		Can the elected Council delegate its delegated powers from the RTA to the LTC (or more commonly to their member of the LTC) to act on their behalf.	<p>The current delegation allows Councils to sub-delegate their powers except for Division 2 of Part 8 of the Roads Act. No change is considered necessary.</p>