



BYRON SHIRE COUNCIL

LOCAL TRAFFIC COMMITTEE

CONSTITUTION (DRAFT)

INFORMATION ABOUT THIS DOCUMENT

(INTERNAL USE ONLY)

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Further Document Information and Relationships

Related Legislation	Road Transport Act 2013 Roads Act 1993 Local Government Act 1993 Transport Administration Act 1988 Road Transport (General) Regulation 2013 Road Transport Legislation Amendment (Road Safety) Act 2018
Related Policies	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice
Related Procedures/ Protocols, Statements, documents	Roads and Maritime Service publication: A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees) Version 1.3 March 2009 Other RMS documents: http://www.rms.nsw.gov.au/business-industry/partners-suppliers/traffic-management/powers-committees.html E2017/115278 BSC 2018 Meeting Schedule

2018 Members

Councillor	Cr Basil Cameron
RMS Representative	Mr Peter Stevens, Ms Linda Makejev
Police Representative	Snr Cons David Brigg, Sgt Michael Stewart
Local MP	Ms Tamara Smith

DIS Representative	Evan Elford
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NB: Any part of this Internal Use Only section of the document may be updated by management without reference to the Committee or a staff vote, as it is information required to adequately support and administer the Committee.

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Preamble

Roads and Maritime Services is legislated as the organisation responsible for the control of traffic on all roads in New South Wales under the Road Transport (Safety & Traffic Management) Act 1999.

In order to deal with the large number and range of traffic related matters effectively, Roads and Maritime has delegated certain aspects of the control of traffic on local roads to Councils.

Roads and Maritime has retained both the control of traffic on the State's classified road network and the control of traffic signals on all roads.

RMS delegation to Councils limits the types of prescribed traffic control devices and traffic control facilities that Council can authorise and imposes certain conditions on Councils.

One of these conditions requires Councils to obtain the advice of Roads and Maritime Services and the Police prior to proceeding with any proposal. This is most commonly achieved by Councils establishing a Local Traffic Committee (LTC).

The committee is composed of four formal members each with one vote. These four members are a representative from Council, the Police, Roads and Maritime Services, and the Local State Member of Parliament or their nominee.

The Local Traffic Committee is an advisory body only, having no decision making powers. It is, primarily, a technical review committee that is required to advise the Council on traffic related matters referred to it by Council.

1. Functions

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**. The LTC does not have executive power or authority to implement actions.

The LTC should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines.

The functions delegated to Council in the Delegation are:

1. authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55 of the Road Transport (Safety and Traffic Management) Act 1999 (repealed));
2. regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the Roads Act 1993.
Note "regulate traffic" for the purpose of the Roads Act means to restrict or prohibit the passage along a road of persons, vehicles or animals.
3. authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the Road Transport (General) Regulation 2013 on public roads other than classified roads.

2. Timeframe for Committee

The lifespan of the Byron Shire Council Local Traffic Committee is ongoing within the operation of the Delegation.

3. Responsible Directorate

This committee is administered by the Infrastructure Services Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

4. Membership

The LTC is to be made up of four formal members. The members are as follows:

- 1 representative of Council
- 1 representative of the NSW Police
- 1 representative of the RTA
- the local State Member of Parliament (MP) or their nominee

Note: Staff members participating on the committee do not have any voting entitlements.

Committee members may change from time to time.

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.

Where a Council LGA is represented by more than one MP, or covered by more than one NSW Police LAC, MPs or NSW 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.

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 a:

- Road Safety Officer
- Ministry of Transport representative
- Fire Brigade representative
- Ambulance Service representative
- Bus operator representative
- Transport Workers Union representative
- Chamber of Commerce representative

Generally, informal advisors are not required to attend every LTC meeting. Their attendance is only required when items appear on the Agenda which affect their area of expertise or responsibility.

The informal advisors of the committee are not entitled to a vote.

5. Induction

All members will be required to participate in an induction process at the establishment of a new committee, and at any time a replacement voting member joins a committee. The induction will be scheduled prior to the first meeting of the committee and will cover topics such as this Constitution, the Code of Meeting Practice, Conflicts of Interest and Code of Conduct.

Replacement voting members will be inducted by experienced committee members at, or prior to, their first meeting.

6. Meetings and Meeting formats

The LTC is not a committee within the meaning of the Local Government Act. The operating arrangements for the LTC are contained in the RMS publication ["Guide to the delegation to councils for the regulation of traffic"](#)

At LTC meetings the following are at the discretion of Council:

- conduct at meetings
- frequency of meetings
- format of meetings [Within the RMS Guidelines]
- provision for a public gallery

The most common format for LTC meetings is a face to face meeting held in offices of the council.

The meeting is to be convened by a Council Representative. The convenor may be the Council's voting member or may be an additional non-voting member of the LTC.

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 view of the RTA and the NSW Police have been obtained.

Acceptable alternative meeting formats include:

- Electronic meetings – where the advice of the members is sought electronically. This allows items to be considered as they arise and may reduce response time.
- A combination of electronic (for minor issues) and face-to-face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and this format can result in shorter face to face meetings. It may even be possible to increase the interval between meetings.

7. Confidentiality

Members of the committee will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

8. Election of Chairperson

The position of Chairperson is to be elected from Councillors comprising the committee but only in circumstances where the Mayor elects not to assume the position of Chairperson.

9. Voting

While an organisation, which is a voting member, may choose to send more than one representative, that organisation is still limited to one vote only. For example:

- 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 NSW Police LAC, only the NSW 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 NSW Police officer for those LACs may vote.

Council must consult with the Ministry of Transport where public passenger transport matters are affected.

LTC advice to Council on a proposal referred to it by Council must be one of the following:

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

10. Council's action on LTC advice

A Council's action on the above LTC advice will be:

- (a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- (b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- (c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RMS or the NSW Police representatives of the decision.
- (d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RMS and the NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the RTC. Refer to Section 5.4, APPEALS.
- (e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RTA and NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. See Section 5.4, APPEALS.

Flowcharts have been provided to assist with the understanding of this process. Refer to the relevant flowcharts in Appendix A of the RMS Publication "A Guide to the Delegation to Councils for Regulation of Traffic".

Due to the fact that the RTA and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RMS and the NSW Police have provided their vote on the issue.

11. Convening Meetings

Meetings will be held as required, generally every two months. An annual timetable of meetings will be prepared in advance, and adopted by Council every October/November for the following 12 months.

A meeting of the committee may be convened in response to either the direction of the Mayor (or in the Mayor's absence the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

12. Agendas, minutes and reports

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to committee members and available on Council's website at least 7 days prior to the meeting being held.

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

Committee members may request items for inclusion in future agendas, through the Chair. See also section 5.3.2 in "A Guide to the Delegation to Councils for Regulation of Traffic".

13. Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. New matters may be considered at a meeting subject to the advice of committee members that it is an urgent safety issue.

New items of business may be included in a future agenda, as noted in section 12 above.

14. Records of meetings

The minutes of meetings are to be circulated to members of the group as soon as practicable within 3 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.

Minutes of committee meetings will be kept and presented to Council via a report of the committee meeting.

15. Absence from Committee Meetings

All committee member representatives are required to advise Byron Shire Council when they are unable to attend committee meetings. The absence of committee member representatives from the meeting is to be recorded in the minutes. A committee member representative (other than the Mayor) ceases to be a representative of the committee if the representative:

- a) Has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the representative's absence, or
- b) Has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the representative's absences.

16. Section 377 Delegation

The committee does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

17. Meeting Practice

Meetings are to be conducted in accordance with this Constitution and, where required, reference to Council's Code of Meeting Practice.

18. Miscellaneous

- a) **Insurance:** Committee members are covered by the public liability policy of Council. This insurance does not preclude the Local Traffic Committee from due diligence and all Council policies must be adhered to.
- b) **Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.
- c) **Pecuniary Interest:** Pecuniary Interest may be defined as an interest that a person has in a matter, as a committee member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the committee member.

Section 446 of the Local Government Act states that "a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests..."

Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

- d) **Work Health Safety:** All committee members are required to comply with the "Worker and Visitor Responsibilities" as prescribed in the Work Health and Safety legislation.
<http://www.safework.nsw.gov.au/law-and-policy/worker-and-visitor-obligations>
- e) **Site Visits:** 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 be used.
- f) **Public Participation:** The role of the LTC is to consider the technical aspects of any proposal and make a recommendation to the Council. The merits of the scheme, from a public perspective, are the responsibility of the Council and thus resident's views should be taken into account by the Council rather than the LTC. 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. The LTC's advice to Council is not binding upon the Council therefore ideally this advice should not be released to the public until the Council has decided whether or not to exercise its delegated authority. However, where Council has decided to allow the public to be in attendance at the LTC meetings, *the convenor must make it clear to the public gallery that the Council is still required to accept the recommendation of the LTC to finalise the issue.* This

should be done after each item to cater for members of the public who may only attend the meeting for a specific item.

- g) Media participation:** The role of the LTC is to consider the technical aspects of proposals and provide their advice to Council. Media involvement, or interest, in the process should be addressed through the normal Council meeting process.

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