

# **Attachment A**

**Transport for NSW 2025 Authorisation and  
Delegation Instrument**



Transport  
for NSW

## AUTHORISATION AND DELEGATION

### PRESCRIBED TRAFFIC CONTROL DEVICES AND REGULATION OF TRAFFIC

*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 31 October 2011 titled “*Roads and Maritime Services – Delegation to Councils*”; and
- b) **REVOKE** the instrument of 12 December 2023 titled “*Instrument of Delegation and Authorisation – Traffic Management and Pedestrian Works – Temporary Delegation to Councils No.2*”; and
- c) **DELEGATE** under section 31(1) of the *Transport Administration Act 1988* and all other enabling powers, the functions set out in **Schedule 1** to the delegates set out in **Schedule 2**, subject to the conditions and limitations set out in **Schedule 4**; and
- d) **AUTHORISE** those delegates, under section 31(2) of the *Transport Administration Act 1988*, to sub-delegate the functions set out in **Schedule 1** to the persons set out in **Schedule 3**; and
- e) **AUTHORISE** the delegates set out in **Schedule 2**, under section 122(b) of the *Road Transport Act 2013*, to install or display (or interfere with, alter, or remove) any prescribed traffic control device required to give effect to the carrying out of traffic control work except where indicated as restricted in the Transport for NSW “*Traffic Signs Register*”, subject to the conditions and limitations set out in **Schedule 4**; and
- f) **CONSENT**, under s.87(4) of the *Roads Act 1993*, to the construction, installation, maintenance, repair, removal, or replacement of a portable traffic control light used temporarily by a delegate in the context of carrying out road work or traffic control work, subject to the conditions and limitations set out in **Schedule 4**; and

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- g) **DIRECT** that failure to comply with the conditions and limitations set out in **Schedule 4** renders the prescribed traffic control device authorisation and delegation inoperative with respect to the functions exercised.

*Note: the authorisation at (e) above is referred to in this Instrument as “the prescribed traffic control device authorisation”.*

This Instrument commences on 1 August 2025 and continues in force until revoked.



Josh Murray  
Secretary  
Department of Transport

Date: 21/07/2025

### **SCHEDULE 1 – FUNCTIONS**

- (a) 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 that section.
- (b) The power to establish and operate a special event parking scheme for a road under Part 8, Division 3 of the *Road Transport (General) Regulation 2021*.

### **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 AND LIMITATIONS**

*Note: Reference to a delegate in this Schedule includes reference to a sub-delegate.*

#### **1. Scope of Authorisation and Delegation**

A delegate must not exercise a function listed in Schedule 1 of this Instrument and may not use the prescribed traffic control device authorisation:

- (a) outside its local government area as constituted under the *Local Government Act 1993*;
- (b) on a road or part of a road classified as a Freeway, Controlled Access Road, Tollway, or Transitway; or
- (c) on any road identified with the 'Administrative Category' of 'State' in the '*Schedule of Classified Roads and Unclassified Regional Roads*' (as published and amended from time to time by Transport for NSW), except with the written consent of Transport for NSW

*Note: The prescribed traffic control device authorisation allows delegates to install, display, etc. those devices and extends to the engagement of third parties (such as developers, road construction contractors, etc.) to install and display any such devices as a consequence of a delegate's decision and approval under this Instrument.*

#### **2. Local Transport Forum**

- (a) A delegate must convene a Local Transport Forum to which a representative from each of the following is invited to attend:

- (i) the delegate
  - (ii) Transport for NSW
  - (iii) NSW Police Force
  - (iv) The local Member(s) of NSW Parliament
  - (v) The operator of any public passenger service likely to be affected by traffic control work proposed by the delegate
- (b) A delegate may invite any other person to attend the Local Transport Forum.
- (c) A delegate may seek technical advice from the Local Transport Forum regardless of whether this Instrument is being used.
- (d) The Local Transport Forum is to provide advice to the delegate on any matter put before it for advice.
- (e) A delegate must consider any advice provided by the Local Transport Forum.

### **3. Mandatory prior referral of some proposals**

- (a) A delegate must refer to the Local Transport Forum any proposal to exercise a function listed in Schedule 1 of this Instrument or to use the prescribed traffic control device authorisation where that proposal would:
- for a period exceeding **6 months**:
- (i) restrict or prohibit passage along a road of any persons, vehicles, or animals; or
  - (ii) compel or prevent a turn from one public road to another public road;
- or
- for a period exceeding **24 hours**:
- (iii) prevent, impede, or hinder the safe or efficient operation of a public passenger service; or
  - (iv) prevent access to a public transport station, stop, wharf, or service; or
  - (v) remove or render less effective any bus priority measure.
- (b) Following consideration of advice provided by the Local Transport Forum, the delegate may proceed with the proposal unless the Transport for NSW representative advises the meeting of the Local Transport Forum that Transport for NSW will be submitting a Statement of Concern within seven (7) days.

- (c) If a Statement of Concern has been provided to the delegate in accordance with clause (b) above, the delegate may not exercise the relevant function until a further seven (7) days after it has circulated to the members of the Local Transport Forum, a written response addressing the Statement of Concern and setting out the delegate's reasons for proceeding to exercise the function.

#### **4. Keeping of records**

- (a) The proceedings of the Local Transport Forum must be recorded and made public as soon as practicable.
- (b) A post facto record of any use of the prescribed traffic control device authorisation (excluding any instance that has already been the subject of prior referral per condition 3) must be tabled at the Local Transport Forum as soon as practicable and no later than three (3) months after the fact.

#### **5. Coordination**

- (a) A delegate must consult any public passenger service operator – either directly or via the Local Transport Forum – before exercising any function listed in Schedule 1 of this Instrument or using the prescribed traffic control device authorisation where it is likely to affect the operation of a public passenger service provided by that operator.
- (b) Details of such consultation undertaken outside of the Local Transport Forum must be tabled at the Local Transport Forum as soon as practicable.
- (c) A delegate must give not less than seven (7) days' notice to NSW Police Force and Transport for NSW – either directly or via the Local Transport Forum – before regulating traffic under this Instrument for the purposes of a public event.

#### **6. References**

- (a) A delegate must use the NSW Design of Roads and Streets Manual (TS 00066, as amended from time to time) as a primary reference when exercising a function listed in Schedule 1 of this Instrument or using the prescribed traffic control device authorisation.
- (b) Use of a portable traffic control light or R4-212n roadwork speed limit sign under this Instrument must be in accordance with the Transport for NSW Traffic Control at Work Sites Manual (TS 05492, as amended from time to time).

#### **7. Preservation of head of power**

Notwithstanding this Instrument, Transport for NSW reserves all and any rights and powers, including to:

- (a) Direct a public authority under clause 8I of Schedule 1 of the *Transport Administration Act 1988*, or alter or remove, or direct the alteration or removal of any prescribed traffic control device, under Part 5.3, Division 2 of the *Road Transport Act 2013*; and

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- (b) Carry out road work in accordance with Part 6 of the *Roads Act 1993*; and
- (c) Carry out traffic control work on any public road, including exclusive power to carry out or consent to the construction, erection, installation, maintenance, repair, removal or replacement of a traffic control light under section 87 of the *Roads Act 1993*; and
- (d) Regulate traffic under Part 8 of the *Roads Act 1993*.
- (e) Revoke or withdraw this delegation, authorisation, or any component of it at any time with respect to any or all delegates.