INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL

USE OF TRAFFIC CONTROL DEVICES, ROAD CLOSURE AND GRANTING OF EXEMPTIONS FOR EVENTS

ROAD TRAFFIC ACT 1961 (SECTIONS 17, 20 & 33)

MINISTER FOR TRANSPORT AND INFRASTRUCTURE

REVOCATION OF PREVIOUS INSTRUMENT

I, **Tom Koutsantonis**, **Minister for Transport and Infrastructure** in the State of South Australia, in accordance with the powers conferred on the Minister by the *Road Traffic Act 1961*, **REVOKE** the previous Instrument issued by the Minister entitled "Notice to Council to use Traffic Control Devices and to close roads and grant exemptions for events" dated 27 April 2009.

INSTRUMENT OF GENERAL APPROVAL

GENERAL APPROVAL FOR THE INSTALLATION, MAINTENANCE, ALTERATION, OPERATION OR REMOVAL OF TRAFFIC CONTROL DEVICES

I, **Tom Koutsantonis**, **Minister for Transport and Infrastructure** in the State of South Australia, pursuant to section 12 of the *Road Traffic Act 1961* ("the Act"), hereby grant the following **GENERAL APPROVALS** to **Council**:

A. Traffic Control Devices

For the purpose of sections 17(1) and (2) of the Act, I grant Council **GENERAL APPROVAL** to install, maintain, alter, operate, or remove, or cause to be installed, maintained altered, operated, or removed any traffic control device on, above or near a road which is under its care, control and management subject to the following conditions EXCEPT those traffic control devices specified in Clause A.8 or those dealt with in other clauses of this instrument:

A.1 Authorisation of other Officers

Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause A of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by any Officer in accordance with Clause A must be done so "for, and on behalf of the Council". Records must be kept of any Authorisations made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

A.2 Conformity with the *Road Traffic Act*

All traffic control devices used pursuant to Clause A must conform to the requirements of the Act and any Rules and Regulations made under the Act.

A.3 Conformity with the Australian Standards and the Code

All traffic control devices must conform to the requirements of and be installed, maintained, altered, operated or removed in accordance with the applicable Australian Standards, and the provisions contained in the Code and the applicable Australian Standards, as amended from time to time.

The Code refers to and invokes the applicable Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

A.4 Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or is otherwise likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of another Council.

Where a Council uses a traffic control device to effect section 32 of the Act, that is, closing a road for traffic management purposes, and the road runs into the area or along the boundary of another Council, each affected Council must concur with the road closure or part road closure.

A.5 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of the Commissioner of Highways.

A.6 Consultation on traffic signals

If Council wishes the Commissioner of Highways to maintain Council's:

(a) traffic signals at intersections;
(b) emergency services traffic signals;
(c) mid-block traffic signals (pedestrian actuated crossings);
(d) signals at Koala crossings; or
(e) signals at Wombat crossings with flashing lights,

then Council must consult with the Commissioner of Highways when proposing to install the said signals for the purpose of standardising the equipment and establishing a uniform maintenance program.

A.7 Traffic Impact Statement

Before any traffic control device is installed, altered or removed, a Traffic Impact Statement must be prepared by a person, who in the Council's opinion is an experienced traffic engineering practitioner.

The Traffic Impact Statement must be endorsed by a person authorised by Council.

The Traffic Impact Statement summarises the investigations undertaken to justify the installation, alteration or removal of traffic control devices and must address road safety issues and the traffic management effects for all road users, including cyclists and pedestrians. It need not be a lengthy document. The Code provides further guidance on the preparation of Traffic Impact Statements.

A Traffic Impact Statement is not required for the installation, alteration or removal of traffic control devices on road-related areas that do not constitute a public place.

A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

(a) specifically listed in the Code requiring separate approval; or

(b) not contained in or referred to in the Australian Standards or the Code; or

(c) not complying with clause A.3.

Council must obtain separate approval to install, maintain, alter, operate or remove, or cause to be installed, altered, operated or removed, any traffic control device specified in this clause.

Council must address applications for approval under this clause to the Commissioner of Highways who will consider the application as the Minister's delegate. The application must include a Traffic Impact Statement, any plans, and relevant supporting documentation.

B. Speed Limits at Works on Roads

For the purpose of section 20(2) of the Act, I grant Council **GENERAL APPROVAL** to place signs on a road for the purpose of indicating the maximum speed to be observed by drivers while driving on, by or towards

- a work area; or
- a work site

where workers are engaged, or works are in progress at the direction of Council, subject to the following conditions:

B.1 Authorisation of other Officers

Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause B of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause B must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

B.3 Conformity with the *Road Traffic Act*

The maximum speed to be indicated by signs must be in accordance with section 20 of the Act.

B.4 Conformity with the SA Standards

All traffic control devices must conform to the requirements of and be installed in accordance with the provisions contained in the SA Standards.

B.5 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:

(a) an employee of Council; or
(b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

B.6 Training and Accreditation

At all times when a worker is present at a work area or work site at least one worker must:

- have gained accreditation in the DPTI Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years.

B.7 Record Keeping

Any person acting on behalf of Council pursuant to Clause B must comply with the SA Standards that outline the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

C. Traffic Control Devices at Works on Roads

For the purposes of sub-section 17(3) of the Act, I grant Council **GENERAL APPROVAL** to install, display, alter, operate, or remove, any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under this Act or any other Act. This approval is subject to the following conditions:

C.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause C of this Instrument. Any Authorisations to any officer must be by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause C must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to

this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

C.2 Conformity with the Road Traffic Act

All traffic control devices must conform to the requirements of, and be installed, displayed, altered, operated or removed in accordance with the Act and any Rules and Regulations made under the Act.

C.3 Conformity with the Code, and SA Standards

All traffic control devices must conform to the requirements of and be installed, displayed, altered, operated or removed in accordance with the provisions contained in the Code, the SA Standards and the applicable Australian Standards.

C.4 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:

(a) an employee of Council; or
(b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

C.5 Training and Accreditation

At all times when a worker is present in an area where persons are engaged in work or an area affected by works in progress at least one worker must:

- have gained accreditation in the DPTI Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years.

C.6 Record Keeping

Any person acting on behalf of Council pursuant to Clause C must comply with the SA Standards that outline the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

D. Temporary Parking Controls

For the purpose of sub-section 17(3) of the Act, I grant Council **GENERAL APPROVAL** to install, display, alter, operate, or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road which is under its care, control and management, subject to the following conditions:

D.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause D of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approve by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause D must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

D.2 Conformity with the Act

All temporary parking controls must conform with the requirements of, and be installed, displayed, altered, operated or removed in accordance with the Act and any Rules and Regulations made under the Act.

D.3 Conformity with Australian Standards and the Code

All temporary parking controls must conform to the requirements and be installed, displayed, altered, operated or removed in accordance with the provisions contained in any applicable Australian Standards and the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

D.4 Information on Signs

A temporary parking control used in accordance with Clause D must display the words "TEMPORARY PARKING CONTROL" in a prominent position.

D.5 Limitation of Temporary Parking Controls

A temporary parking control used in accordance with Clause D cannot have effect for a period exceeding 35 days.

D.6 Records of Temporary Parking Controls

Council must keep records of any use of temporary parking controls.

E. TRAFFIC CONTROL DEVICES FOR EVENTS

For the purposes of section 17 of the Act, I grant Council **GENERAL APPROVAL** to install, maintain, alter, operate or removed, or cause to be installed, maintained altered, operated, or removed, a traffic control device for the purpose of an event other than those specified in Clause A.8 of this Instrument, on, above or near a road which is under its care, control and management subject to the following conditions:

E.1. Conformity with the Road Traffic Act

All traffic control devices used pursuant to Clause E of this Instrument must conform to the requirements of the Act, and any Rules and Regulations made under the Act.

E.2. Conformity with Plan

All traffic control devices must be installed in accordance with a Traffic Management Plan prepared by a person who in the opinion of the Council has an appropriate level of knowledge and expertise in the preparation of traffic management plans.

Council need not comply with Clause A.7 of this Instrument where using a traffic control device for the purpose of an event.

E.3. Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council.

E.4 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of the Commissioner of Highways.

INSTRUMENT OF DELEGATION

I, **Tom Koutsantonis**, **Minister for Transport and Infrastructure** in the State of South Australia, pursuant to section 11 of the *Road Traffic Act 1961* ("the Act") hereby **DELEGATE** the powers as detailed in the following clauses –

F. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

I **DELEGATE** to **Council** the power conferred on the Minister pursuant to section 17 of the Act to **SPECIFICALLY APPROVE** the installation, maintenance, alteration, operation or removal of a traffic control device in the municipality or district of Council by a road authority on, above or near a road under the care, control and management of the said road authority subject to the following conditions:-

F.1 Sub-Delegation and Authorisation to other Officers

This delegation cannot be sub-delegated without my express approval. Council may, however, authorise any officers to exercise the powers conferred on Council pursuant to Clause F of this Instrument.

Any Authorisations to any Officer should be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that officer in accordance with Clause F must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause.

F.2 Conformity with the Road Traffic Act

All traffic control devices used pursuant to Clause F of this Instrument must conform to the requirements of the Act, and any Rules and Regulations made under the Act.

F.3 Conformity with the Australian Standards and the Code

All traffic control devices must conform to the requirements of and be installed, maintained, altered, operated or removed in accordance with the provisions contained in the applicable Australian Standards and the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

F.4 Power of approval subject to same Conditions in Clause A

The power of Council to grant approvals under Clause F is subject to the same conditions that apply to Council under Clause A where Council itself is the road authority.

F.5 Record Keeping

Council must keep accurate records of any approval granted to another road authority pursuant to Cause F of this Instrument.

G. CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS

I **DELEGATE** to Council my power in sub-section 33(1) of the Act to declare an event to be an event to which section 33 applies and make orders directing:

(a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Council, should be closed for the purposes of the event) be closed to traffic for a specified period; and

(b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 subject to the conditions in Clause G.5

G.1 Sub-Delegation to other Officers

Council may sub-delegate the power delegated to Council pursuant to Clause G of this Instrument subject to the following conditions:

1. Council may only sub-delegate the power to the person for the time being occupying the position of Chief Executive Officer of Council; and

2. Any such sub-delegation must be made by instrument in writing by Council resolution; and

3. The sub-delegate cannot direct the closure of a road or and grant an exemption for an event on a road that runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and

4. Council's sub-delegate is subject to all conditions that are imposed on Council under Clause G, in relation to the closure of a road or the grant of an exemption for an event; and

5. Council may impose any other conditions deemed necessary on its sub-delegate in relation to the closure of a road or the grant of an exemption for an event; and

6. Council cannot authorise any other person to exercise the powers conferred on Council, pursuant to G of this Instrument.

G.2 Roads and Road-Related Areas to which Delegation Applies

Council may only exercise the powers of the Minister in sub-section 33(1) of the Act with respect to a road under its care, control and management.

G.3 Conformity with the Road Traffic Act

Council when exercising the powers of the Minister in sub-section 33(1) of the Act must comply with the requirements of section 33 of the Act.

G.4 Exemption from Australian Road Rules

Council can only grant exemptions from the following Australian Road Rules and subject to the conditions listed in Clause G.5:

1. Rule 221: Using hazard warning lights;
2. Rule 230: Crossing a road — general;
3. Rule 231: Crossing a road at pedestrian lights;
4. Rule 232: Crossing a road at traffic lights;
5. Rule 234: Crossing a road on or near a crossing for pedestrians;
6. Rule 237: Getting on or into a moving vehicle;
7. Rule 238: Pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
8. Rule 250: Riding on a footpath or shared path;

9. Rule 264: Wearing of seat belts by drivers;
10. Rule 265: Wearing of seat belts by passengers 16 years old or older;
11. Rule 266: Wearing of seat belts by passengers under 16 years old;
12. Rule 268: How persons must travel in or on a motor vehicle;
13. Rule 269: Opening doors and getting out of a vehicle etc;
14. Rule 298: Driving with a person in a trailer.

G.5 Conditions on Exemptions from Australian Road Rules

Council may only grant exemption from the following Australian Road Rules provided any such exemption contains the following minimum conditions:

1. Rule 237: Getting on or into a moving vehicle – provided the speed of the vehicle does not exceed 5 km/h;
2. Rule 264: Wearing of seat belts by drivers – provided the speed of the vehicle does not exceed 25 km/h;
3. Rule 265: Wearing of seat belts by passengers 16 years old or older – provided the speed of the vehicle does not exceed 25 km/h;
4. Rule 266: Wearing of seat belts by passengers under 16 years old – provided the speed of the vehicle does not exceed 25 km/h;
5. Rule 268: How persons must travel in or on a motor vehicle – provided the speed of the vehicle does not exceed 25 km/h;
6. Rule 269: Opening doors and getting out of a vehicle etc – provided the speed of the vehicle does not exceed 5 km/h;
7. Rule 298: Driving with a person in a trailer – provided the speed of the vehicle does not exceed 25 km/h.

G.6 Notification to Commissioner of Highways

Council must notify the Commissioner of Highways of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.7 Notification to Emergency Services and Public Transport Services Division

Council must notify the SA Metropolitan Fire Service, SA Country Fire Service, SA State Emergency Service, the SA Ambulance Service and the Public Transport Services Division of the Department of Planning, Transport and Infrastructure ("DPTI") as appropriate, of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.8 Notification to Traffic Management Centre, Metropolitan Region

Where an event requires intervention by DPTI to ensure the safe and efficient conduct and movement of traffic, Council must ensure that it or the event organiser contacts the Traffic Management Centre, Metropolitan Region (ph: 1800 018 313) no less than 15 minutes prior to the commencement of the event and immediately upon completion of the need for such intervention.

G.9 Notification to Commissioner of Police

Council must notify the Commissioner of Police of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.10 Agreement of Commissioner of Police

If Council proposes to make an order under sub-section 33(1) that involves any motor vehicular traffic, Council must first obtain the agreement of the Commissioner of Police before making an order that exempts a person from any of the following Australian Road Rules: 230, 231, 232, 234 and 238.

G.11 Use of Advance Warning Signs

Where the event will significantly and/or adversely affect a road which is under the care, control and management of the Commissioner of Highways, Council must ensure that the event organisers place advance warning notification signs on the affected roads. The signs must clearly indicate to the public the times and dates of the temporary road closure.

G.12 Effect on Roadside Furniture

Where an event affects any roadside furniture owned or maintained by the Commissioner of Highways or road markings, Council must ensure that it or the event organiser reinstates such furniture or markings to its original condition.

H. DEFINITION OF TERMS

For the purposes of this Instrument, unless a contrary intention appears:
Words defined in section 5 of the Act have the same meaning as in the instrument.

A reference to a road includes a reference to a road-related area unless it is otherwise expressly stated.

Council means a council constituted under the *Local Government Act 1999*;

Code means the Code of Technical Requirements, as amended from time to time (formerly known as the Code of Technical Requirements for the Legal Use of Traffic Control Devices);

Event means event as defined in section 33 of the *Road Traffic Act 1961* namely an organised sporting, recreational, political, artistic cultural or other activity, and includes a street party;

Officer means Council employee

SA Standards means the Department of Planning, Transport and Infrastructure's SA Standard for Workzone Traffic Management;

Work area means work area as defined in section 20(1) of the Act, namely a portion of road on which workers are, or may be, engaged;

Work site means a portion of road affected by works in progress, together with any additional portion of road used to regulate traffic in relation to those works or for any associated purpose.

I. FUTURE VARIATIONS TO THIS INSTRUMENT

This Instrument may be revoked or varied by a subsequent Instrument in writing.

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Hon Tom Koutsantonis MP
MINISTER FOR TRANSPORT AND INFRASTRUCTURE
Dated this 22 day of AUGUST 2013

Knet #7388435