

Our ref: [REDACTED]
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30 July 2021

Mr Gavin Crouch
Sanctions and Legislation Policy Lead
Customer Strategy and Technology
Transport for NSW

By email: RTGR@transport.nsw.gov.au

Dear Mr Crouch,

Remake of the Road Transport (General) Regulation 2013

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to provide comment on the Remake of the Road Transport (General) Regulation 2013. LGNSW understands that the Regulation is being remade as part of the staged repeal of statutory rules under the Subordinate Legislation Act 1989 and that this is due to occur on September 1, 2021.

LGNSW understands that the Road Transport (General) Regulation 2013 is one of a number of statutory instruments made under the Road Transport Act to meet its objectives including road safety, road travel efficiency and road traffic management. Among other matters, it specifically addresses areas of particular relevance to local government including parking schemes, parking permits, mobility parking schemes, compliance and enforcement, appeals and fees.

LGNSW has reviewed the Regulatory Impact Statement (RIS) for the proposed remake of the Road Transport (General) Regulation 2013 and its proposals for the remade Road Transport (General) Regulation 2021. LGNSW supports the assessment of options which include:

- 1) allowing the existing Regulation to lapse.
- 2) remake the existing Regulation without change and, the preferred option:
- 3) remake the existing Regulation with amendments (the proposed Regulation).

LGNSW agrees there are clear benefits to be derived by updating the Regulation to make it more responsive to contemporary needs, in particular, advances in technology. LGNSW concurs that generally, it will “provide benefits to business, road users and the community as a whole” as stated in the RIS.

We note that Part 3 of the proposed Regulation addresses “Seizure and impounding of vehicles”, which remains an ongoing area of concern to councils. LGNSW understands that this aspect of the Regulation is not undergoing significant revision. However, these matters are being addressed separately by the Office of Local Government (OLG) which has been closely engaging with councils on the related Impounding Act. We support the efforts that have been made to date in this regard and the OLG review should result in substantial improvements to

this portion of the legislation and make it easier for councils to deal with abandoned vehicles and trailers among other related issues.

Another area of concern for councils is addressed in Part 6 of the proposed Regulation “Pay Parking Schemes”. LGNSW broadly supports the proposed revisions to the Regulation. We understand that councils in their capacity as parking authorities will retain the ability to establish and operate schemes. Council preference is for decision making autonomy when it comes to parking schemes, and it is pleasing that the changes to the regulation recognize this. The key change is to the terminology which will refer more broadly to the general concept of ‘pay parking scheme’ rather than outline specific examples to accommodate the emergence of new technologies. We also support the new prosecution provisions for would-be hackers.

Part 7 of the proposed Regulation addresses “Mobility scheme parking authorities” which addresses, among other things, matters relating to use of information, photographs, evidence of disability, expiry and revocation. LGNSW strongly supports this scheme as we value the importance of facilitating accessibility wherever possible. However, councils have advised LGNSW that this scheme has been abused. Consequently, LGNSW welcomes the proposed changes to the Regulation that will tighten eligibility requirements, including provisions for failure to provide evidence of eligibility when sought by TfNSW.

Part 8 of the proposed Regulation addresses “Other parking schemes – parking permits, controlled loading zones and special event parking schemes”. This has also been an area of concern for councils and businesses. It has been evident for some time that loading zones have been abused by members of the community and the removal of references to station wagons and three-wheeled motorcycles under the definition of ‘goods vehicles’ should help stop this practice. Similarly, the standardisation of a 30-minute expiry time should also help to encourage the efficient use of these spaces for pick-ups and deliveries.

LGNSW appreciates the effort Transport for NSW has made to engage directly with councils regarding the proposed Remake of the Road Transport (General) Regulation 2013. This has helped to ensure that the proposed amendments to the Regulation, due to take effect on 1 September 2021, should be well-received by councils, businesses and the wider community.

For further information please contact [REDACTED] – Infrastructure and Finance at [REDACTED]

Yours sincerely,

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Executive Manager Advocacy