



# Action for Public Transport (N.S.W.) Inc.

P O Box K606  
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Secretary,  
Transport for NSW  
Parramatta.

*Submitted via email:* roadsactfeedback@transport.nsw.gov.au

Dear Secretary,

## Roads Act 1993 Review

### Submission on Issues Paper

### Introduction

Action for Public Transport (NSW) Inc. is a transport advocacy group which has been active in Sydney since 1974. We promote the interests of beneficiaries of public transport - passengers and the wider community alike.

We make this submission on the February 2025 issues paper published at [https://www.haveyoursay.nsw.gov.au/download\\_file/7522/1599](https://www.haveyoursay.nsw.gov.au/download_file/7522/1599).

### Discussion

Where possible, specific discussion of a matter is located under its question below.

**Other matters**, in no particular order:

- Overall, the Roads Act does not set out specific policies, but rather it provides the mechanisms by which policies are implemented. However, it does set out the framework and environment within which this implementation happens, such as overall goals. Frequently the Paper says the "right things" e.g. re emissions control or priorities for public and active transport users, but the underlying intent of policies is to reinforce the dominance of private cars and trucks.

- The document generally, and particularly figure 5 on page 15, ignores the existence of **stroads**, even though there are plenty of examples around Sydney. A **stroad** is a street that also serves as a road. Not only do people live in it, many people travel along it without stopping. An interesting example of a stroad is Pentecost Avenue near St Ives which used to be called Pentecost Highway but was re-named in an attempt to reduce speeding by through traffic. Disclosure: the writer lives in a stroad; thousands of vehicles traverse that street daily, with many of them travelling long distances.
- The word "**Transport**" is defined on page 7 to be an abbreviation for the NSW government department known as Transport for New South Wales. This can be confusing for the casual reader, especially as the abbreviation TfNSW is used in some places and the whole document is about transport.
- We refer to the increased popularity of larger private vehicles - SUV/4WDs and tradie utes. This has implications for road design at all levels from trunk roads to parking. Does the government see this trend as continuing, or likely to reverse in time? Should policy aim to actively encourage smaller vehicles? We think it should.
- The vexed question of road-user charges should be addressed, although perhaps not in the Roads Act. Currently some road costs (not all, especially environmental and health impacts) are met through fuel excise. This revenue base will decline through the shift to EVs, which do not pay this charge. Currently this anomaly is accepted by government because it encourages people to buy EVs. In the longer term a more user-neutral user charge should be applied.
- There are privacy issues in the data collected by toll barriers and the ubiquitous cameras. Should these be addressed in the Roads Act?
- There are YouTube channels for the collected highlights of vehicle camera recordings. They clearly show that numerous drivers regard speed limits, lane lines, traffic signals and regulation generally as unwelcome suggestions. Does this warrant addressing in the Roads Act?
- The space allocation policy described on page 32 is commendable but is academic in a world where motor traffic is given huge amounts of space for moving and parking.
- We note that there is a Regulation made under the Roads Act although its provisions are not discussed in the Issues paper. Presumably this is to receive some attention as part of reviewing the Act.
- The most important changes needed for our transport system are not included in this review. The review is expressly limited to the Roads Act 1993 and is further

limited by precluding considering changes to certain parts of that Act. Why not fix the broken things first?

A few roads-related suggestions:

- We think the present dominance of the single-occupant car in urban transport is unsustainable for several reasons. There should be State policies on the matter.
- Impose a peak-hour road access charge with the intention of deterring peak-hour trips that could be made at other times. This has been recommended by several economists and others, including Professor Allan Fels<sup>1</sup>. It would help counter adverse economic effects of chronic traffic congestion.
- Require assessments of road projects to make allowance for generated traffic.
- Require assessments of road projects to make allowance for local and global air pollution, including climate change effects. Note that most electric cars are powered from the public grid and therefore some of their power comes from polluting power generators.
- Require assessments of road projects to make allowance for the adverse social effects of our over-reliance on car transport. Many people cannot afford a car and/or do not have a licensed driver available.
- Remove the bias favouring road projects over public transport projects which is inherent in contemporary benefit-cost analysis.
- Formalise the concept of the **purpose** of a road. Roads are not necessarily supposed to guarantee high-speed unlimited access to all points by an unlimited number of vehicles. A road might equally be intended to provide carriage for a large number of people which in practice can only be done with public transport priority.

## Formal questions and some responses:

### Question 4.0

a. What is currently working well?

Please provide examples of what is currently working well when working under the Roads Act 1993

### Questions 4.1

- a. How could the Act be changed to enable more community uses for roads and streets? (select all that apply)
- Define the different objectives for roads and streets

These are academic while ever there are so many stroads to obscure the situation.

- Include outcomes for safety, public health and the environment in the objects of the Act

Safety: the NSW annual road deaths toll has fallen from about 1200 in the 1970s to less than 400 today. We do not expect significant further reductions unless/until all vehicles are fitted with equipment that enforces road rules and communicates with other vehicles nearby to minimise collision risks.

- Simplify the types of roads and streets defined in the Act

No, there should be **stroad** types between roads and streets.

- Include desired outcomes for the design and operation of local streets and civic spaces
  - Other (please specify)
- b. How can safety be better considered in the planning, administration and management of roads?
- c. How can the Act better recognise the public health and environmental benefits of roads and streets?

Correction: roads and streets with cars on them do **not** have public health and environmental benefits. They **may well** have economic and social benefits.

- d. What other community issues would you like to raise in relation to the Act?

## Questions 4.2

- a. How can The Act be improved to ensure that it considers each category of road user?

In recent years, unregistered light vehicles have joined bicycles to form a significant class of road users. Unfortunately, many of them are illegal under current NSW law. Some of them are capable of speeds that should preclude mixing them with pedestrians. The Roads Act should lay the foundation for controlling light vehicles and ensuring they don't clash with pedestrian safety.

- b. Share your personal experience in navigating the Act to provide for a specific group of road users.
- c. What other issues would you like to raise for accommodating all road users?

In discussions of road usage, environmental social and economic effects may exist and will need to be considered.

## Questions 4.3

- a. What issues have you experienced due to overlapping classification systems to determine roles and responsibilities for NSW roads? (select all that apply)
- Confusion between legal, functional and administrative systems
  - Hard to find which legal classification applies to which road segment
  - Confusion about who has authority for which segment of road
  - Too many legal classifications
  - Other (please specify)

There should be more mechanism to apply strategic road planning (e.g. prohibition of roadside retail) to enforcement by local government.

- b. \* How could the system of road classification in the Act be improved?

#### Questions 4.4

- a. What issues have you experienced with parallel approval processes under the NSW planning system and the Act?
- Extra time/cost associated with parallel Roads Act 1993 approvals
  - Confusion with different processes for the Roads Act 1993 and land use related approvals

It was observed 55 years ago that land use and transport should be planned together<sup>2</sup>. There should be no such confusion.

- Conflicting advice from roads and land use agencies or areas of council
  - Other (please specify)
- b. Can you provide further information on the issues you have experienced?
- c. If you've experienced differences in approach to road network planning and land use planning, how have these affected your work?

#### Questions 4.5

- a. How could the Act make roles and responsibilities clearer for decision making? (select all that apply)
- Agree to how the network is operated between road authorities
  - Less focus on individual regulatory signs and lines on local neighbourhood streets with low traffic volume
  - Codify 30-year-old practices that work in the Delegation into the Act
  - Align network plans with decision making roles based on risk and network implications
  - Other (please specify)
- b. Describe your experience of using the Delegation to Councils and any improvements which could be made.
- c. Describe your experience of using the Temporary Delegation to Councils and if this approach is more streamlined to regulate traffic and deliver local street and

place improvements.

#### Questions 4.6

- a. What improvements can be made to the Act to increase flexibility in response to natural disasters?
- b. How can the permit approval process for installing works and structures, undertaking road works, events and activates be made clearer and more consistent across all Road Authorities?
- c. How could compliance and penalty frameworks be changed to address environment and safety compliance?

#### Questions 4.7

- a. What regulatory features should be tested to ensure the Act can accommodate emerging technologies and new approaches? (select all that apply)
  - Ability to change the primary intended function or use of a street at different times of day or days of the year
  - Area wide speed zone reduction on local neighbourhood streets delegated to councils
  - Regulation of traffic on local neighbourhood streets and civic [sic] spaces delegated to councils
  - Other (please specify)
- b. Which provisions in the Act and the Environmental Planning and Assessment Act could benefit from regulatory experimentation?
- c. How could these Acts better support new developments in sustainability?

## **Conclusions**

While the present review might be intended to rectify several problems of the 1993 Act, much more could be done involving other legislation and practices.

## **Recommendation**

We would prefer to see a wider-ranging review of road and planning legislation.

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#### Footnotes

<sup>1</sup>Motorists First, Final Report of Independent Toll Review, July 2024, Recommendation 10.

<sup>2</sup>Transport planning : the men for the job / A report to the Minister of Transport by Lady Sharp, January, 1970. <https://catalogue.nla.gov.au/catalog/2295953>.

\* Incorrectly labelled 'a' in Appendix 1

Jim Donovan  
Secretary  
Action for Public Transport (NSW) Inc.