

Comments/Feedback on:

TfNSW – Targeted Review of the Roads Act 1993

Unit: Engineering Services
Strategic Planning
Roads and Drainage Infrastructure

Date: 26 March 2025

Contact: 

Thank you for the opportunity to provide comment on the **Transport for NSW – Targeted Review of the Roads Act 1993**.

The following comments and feedback are provided for your consideration:

1. Strategic Planning Unit comments:

Overall Comments:

- **Evolution of Roads and Streets**

Land patterns have shifted since the early 1990's, and things like accelerated urbanisation/densification and climate change have contributed to a change in how roads are fundamentally used.

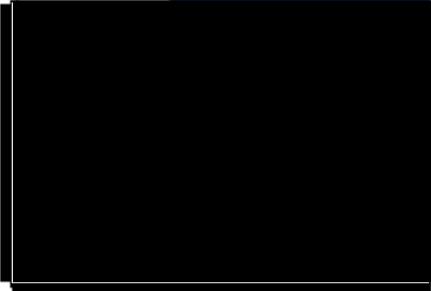
Council advocates for integrated transport and land use planning which allow for a broader mix of transportation options beyond cars. It would also be worth considering ways in which roads can contribute to place-making, supporting vibrant local economies and communities.

- **Accommodating All Road Users**

Road networks can be considered as a form of social infrastructure, not only as a means of connecting people to places, but as a place in itself. Clearer design standards that promote safer environments generally for all users should be encouraged to help in the accommodation of those vulnerable elements of our community.

- **Enhanced Functionality**

Design guidelines that Promote green infrastructure (permeable surfaces, tree planting) to mitigate heat and improve stormwater management should be considered as well as the need for multi-modal streets that adapt to different functions (e.g., shared zones, slow streets, freight corridors).



- **Streamlined Planning**

To avoid conflict that could arise out of misaligned strategic and road planning objectives future review of the act should consider a means of synchronising transport and urban growth priorities. With the urgent need for greater housing and employment opportunities, a more consistent approach between local government and state government should be encouraged. Identification of the issues which are preventing clearer communication between these bodies should also occur and the identified matters resolved.

- **Adaptable Regulatory Framework**

A key factor identified was the need to make the policy itself more adaptive to change. Policy within the Act should be flexible to accommodate the emergence of new transportation technologies so as to avoid delays in implementation.

Similarly, policy should be adaptable in the sense that it can accommodate rapid transitions of road usages for things like temporary street closures for markets, festivals etc. Environmental factors such as flood, fire, subsidence, landslip, and heatwaves should also be considered in this regard to accommodate for rapidly changing conditions.

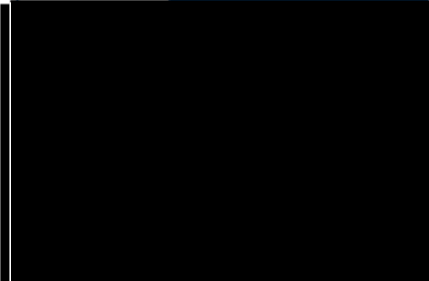
- **Community Uses/Road Safety/Public Health/Amenity/Sustainability/Resilience**

It is essential that roads appropriately function for the intended purposes (which will vary significantly depending on their location (eg low density residential areas vs city centres) whilst also providing high amenity. It is recommended that consideration be given to specifying minimum verge widths for different settings. The distances specified should consider:

- the setting
- the location of services
- tree planting/landscaping to providing shading, amenity and address urban heat.
- pedestrian/shared paths, and
- in city centres, sufficient area to also accommodate street furniture and outdoor dining opportunities.

- **Recreational Vehicles**

The increasing use of public roads for the long term parking of recreational vehicles (for example boats, boat trailers, caravans, motor homes) in residential streets and adjacent to foreshore areas is impacting the amenity and function of these roads. Further, due to the size of these vehicles, sightlines for pedestrians crossing roads and vehicles entering and exiting driveways can be compromised.



Consideration needs to be given to restricting the use of public roads for the long term parking of these vehicles.

- **Street Classification/Naming Convention**

It is recommended that a review of the street classification/naming convention be undertaken to simplify interpretation. In particular, it is considered that improved explanations can be provided in sections 46 to 50 in Part 5, Division 1 of the Roads Act to clearly define/articulate the differences between the different road classifications.

The classification of "Freeway" is not used now. The classification of "Motorway" is not mentioned but needs to be.

Additionally, there needs to be improved alignment in naming across the suite of documents, particularly the Roads Act 1993, Movement and Place Framework and Ausroads. For example there are instances where a road's naming convention changes when it extends through different areas, such as in a city centre. As a suggestion, perhaps the road name stays the same but where different outcomes (eg increased amenity and/or path outcomes) are required to be achieved, an extension of the name is provided. For example, Collector road (city centre) or Collector road (local centre) or Collector road (residential).

2. Road Traffic Engineering (focussing on the existing Roads Act)

The following comments and feedback are provided for your consideration and was undertaken from a traffic engineering perspective:

Overall comments:

- Consideration should be given to how to deal with roads which pass through private property and/or are not wholly contained within the road reserve.
- Investigation is required to additional provisions for what road authorities are permitted to do (works undertaken) in relation to drainage and stormwater management.
- The Roads Act is trumped by several other acts and pieces of legislation – which results in damage to Council (and TfNSW) assets from suppliers / contractors operating under other Acts / Legislation. There are also potentially traffic management implications. I.e., Electricity Supply Act, Communications Act, Gas Supply Act.
- Clarification of the definition of the reference to a "Road" - does this mean road reserve or the physical road?
- Consideration of how advertising signage is dealt with and when / where it is permissible in the road reserve. I.e., bus shelters, street signage.
- ~~Advertising in newspapers is outdated.~~
- Consideration of inclusion of Road Occupancy Licence requirements
- Further guidance around private works within the road reserve is required, approval of these works, enforcement of unapproved works including penalties and roads authorities recouping costs for removing / making these works safe.
- TfNSW concurrence under s138 of the Act has recently been used by TfNSW as a requirement to obtain an ROL from them. Consideration should be given for this to be changed.
- Confirmation is required in regards to the definition of "Traffic Control Facility / Prescribed Traffic control device"
- Confirmation is required in regards to the definition of a "structure"
- The Roads Act should consider inclusion of the provision for the roads authority (Council) to seek rectification/repair/remuneration for damage to road and drainage assets.

3. Roads and Drainage Infrastructure Unit Comments

Overall comments:

- Council may have higher levels of responsibilities/powers with no proposal for additional funding or resources.
- Requirement to clearly define State vs Local Government responsibilities.
- If decision making function is seen as a centralised function, then while Council's will be required to execute higher volumes of information/decisions the power to impose these decisions might reside with TfNSW/State limiting Council autonomy.
- Increased delays due to approvals from State/TfNSW when executing major projects.
- Stronger integration with environmental laws are beneficial for sustainability, tighter alignment with the Environmental Planning and Assessment Act 1979 may add extra planning steps and delays. This needs to be clarified in detail within the Roads Act or via Explanatory Notes or associated policies or strategies.
- If State becomes the lead in development approvals, then there may be potential loss of influence over major developments. (Section 4.6 - Codifying the regulatory framework for permits)
- Community may expect councils to make quick decisions on road management, but changes could require more approvals from the state. (Section 4.5)
- The primary purpose of Roads Act is to ensure Road user accessibility. With the proposed vision amendments may require councils to prioritise different modes of transport (e.g., cycling, public transport), potentially leading to conflicts with existing primary user base. Additionally, provision of additional assets to accommodate for all user needs will result in increase project budgets and delays when delivering significant infrastructure (e.g. Cycling Routes where existing pathways only allow for Footpaths etc.)
- Emergency Management – Council has the flexibility to amend emergency routes due to ever changing landscape. Amendments could limit Councils' ability to quickly create temporary detours or emergency evacuation routes.
- Speed zone adjustments – Amendments to speed zones within local roads is very difficult and time consuming. A review of the act to allow the review of speed zones to be undertaken by council would be more appropriate
- Traffic light approval process – Local roads which are distinctly removed from State road influence should be able to install traffic lights without requiring approval from TfNSW

Specific Comments:

Section	Comment
Part 1, Section 6	Clarification is required around access entitlements for private property owners.
Part 3, Division 3 – Road levels	Clarification is required regarding requirements for road authorities undertaking road works (ie, pavement re-surfacing) regarding obligations in relation to maintain or altering the height of the adjacent private access. I.e., If Council resurfaces the road with a 30mm asphalt overlay, is Council liable for damages to vehicles who now scrape when accessing their property and/or is Council liable to upgrade their private access so that the vehicle does not scrape?
Part 4, Division 3 – Closing of Council Roads	<p>Clarification is required regarding closing the road (i.e., for sale) as opposed to closing the road to vehicular traffic (ie, for a pedestrianised area / street dining etc)</p> <p>Notification method requires updating - newspapers no longer exist in most areas.</p>
Part 5, Division 1.	Classifications require updating and aligning with current naming conventions commonly in use.
Part 6, Division 1, Section 71.	Clarification is required that this refers to Local Roads managed by Council, and the road reserve area beyond the physical road asset, which is managed by TfNSW on classified roads.
Part 6, Division 1, Section 72 & 73	Needs to be a mechanism where TfNSW requires concurrence from Council (if on a Council managed road / road reserve)
Part 6, Division 3, Section 85	Needs to be a requirement for utility providers to construct conduits / install services within their allocations within the road reserve, and requirements for them to reinstate to a certain standard. Refer to NSW Streets Opening Coordination Council guidance.
Part 6, Division 3, Section 86	Needs to be further guidance and clarification regarding maintenance and responsibility of assets which are privately owned and located within the road reserve. I.e., driveways, continuation of access tracks along Council road reserve, where the Council managed road terminates some distance prior to the property being reached etc.

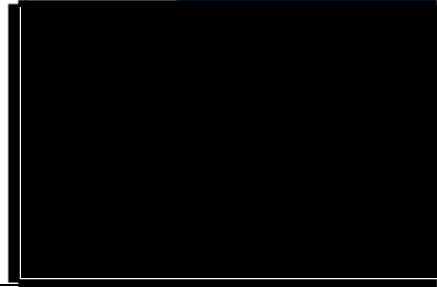
Part 6, Division 3, Section 88	Consideration should be given to amendments and/or provision to include where private accesses require an existing tree to be removed to enable access to the property.
Part 6, Division 3, Section 89	Consideration should be given to include modern pavement materials – or generically refer to pavement material rather than calling out a resurfacing type as tar is no longer used.
Part 7, Division 1, Section 92	Consideration should be given to this section being expanded from not only stability of the road, but could also include many other reasons – drainage, road safety, clear zones.
Part 7, Division 1, Section 96	Consider including under capacity pipes, placement of soil; and anything that potentially blocks or restricts the flow of stormwater resulting in a back up of water to / over the road.
Part 7, Division 1, Section 97	Comments as per Part 6, Division 3, Section 85
Part 7, Division 1, Section 98	Consider removing Part (5) - with costs to be required to be reimbursed to the Authority by the property owner as why would the roads authority pay to alter a private structure?
Part 7, Division 1, Section 99	Consideration should be given to what the penalties would be if they don't. and subsequent power for the roads authority to enforce any of these clauses. Clarification of which service / utility providers that this applies to.
Part 7, Division 1, Section 101	Confirmation if this is the road itself, or does it relate to the entire road reserve? Consider this to be road reserve.
Part 7, Division 1, Section 104	S104 requires TfNSW to exercise this function. Council should be able to have the same power on their network. Should be similar powers as S107 (obstructions and encroachments). Confirmation on how TfNSW forms the opinion that a hazard exists? There needs to be evidence to support the request of a 'traffic hazard'. It shouldn't be an opinion of TfNSW. It needs to be justified in accordance with set criteria – which should be outlined in this section.
Part 7, Division 1, Section 107	Confirmation on how this is enforced as there is no penalty. What powers does the roads authority have if the person says no? This is particularly important for encroachments / unapproved private works undertaken the road reserve. There needs to be an improved mechanism for requiring removal and clear penalties and criteria set out in this section.

Part 8, Division 2 and Division 4	These divisions are onerous and out of date.
Part 8 – Regulation of Traffic by Road Authorities	<p>Transport for NSW “Permits for neighbourhood activities” does not require Councils to seek TfNSW approval under S115 to close roads for low key not for profit neighbourhood events.</p> <p><u>Permits for neighbourhood activities Transport for NSW</u></p> <p>The entire section needs to be reviewed to align with current practices, and it also needs to be simplified into distinct sections ie:</p> <ol style="list-style-type: none"> 1. Regulate traffic for special events 2. Regulate traffic for street activation 3. Regulate traffic for roadworks 4. Regulate for one-way movement etc 5. Permanent road closures (where road remains as road) 6. As above, but where road reserve no longer exists
Part 9 Division 1, Section 125	<p>TfNSW concurrence is required for footway dining on classified roads, yet Council is responsible for all matters behind the kerb for all other matters.</p> <p>Does TfNSW concurrence reflect contemporary arrangements / delegations in relation to street activation?</p>
Part 9, Division 3, Section 138	<p>Part (1) Define if road also refers to road reserve, include wording that includes private work within the road reserve – it is currently limited to the actions listed in (a) to (e). The penalty needs to be significantly increased, and possibly indexed to the severity of the indiscretion.</p> <p>Part (2). This needs to be removed, and is causing serious issues with red tape to Councils and those undertaking works in the road reserve of classified roads. Either TfNSW needs to be the approval authority, or they stay out of it and let Council be the approval authority. Following the lengthy convoluted process of obtaining TfNSW concurrence has recently developed into a time consuming waste of resources. TfNSW are using this as a tool to review Council's / individuals works or they will not issue Road Occupancy Licences (ROL's) – This is not the intention of this clause and it needs to be revised.</p>
Part 9, Division 3, Section 142	Consider a provision for the roads authority to recoup costs if the work orders are not complied with. Issuing penalty notices may not result in a resolution without Council being significantly out of pocket.

Part 9, Division 3, Section 142	Consider wording to be simplified to provide clarification. For example: private vehicle access crossing maintenance.
Part 10, Division 1, Section 149	Process should be simplified
Part 10, Division 1, Section 150	A process needs to be outlined.
Part 11, Division 1.	Clarification is required on what this refers to?
Dictionary	<p>Part 6 doesn't make any reference to Traffic Control Facility</p> <p><i>traffic control facility</i> has the same meaning as it has in Part 6 of the <i>Transport Administration Act 1988</i>, s</p>
Dictionary	Sydney metro area needs to align with contemporary naming conventions ie : Greater Sydney Metropolitan Area
Dictionary	<p>Classification of roads needs to be simplified to reflect contemporary naming conventions in other TfNSW document (Movement and Place / Speed Zone Standards) – Regional Roads vs Classified Regional – does TfNSW provide concurrence to works in classified regional roads under S138 of the Act? What is a secondary road? Dictionary says refer to S50, which makes it no clearer.</p> <p><i>classified road</i> means any of the following—</p> <ul style="list-style-type: none"> (a) a main road, (b) a highway, (c) a freeway, (d) a controlled access road, (e) a secondary road, (f) a tourist road, (g) a tollway, (g1) a transitway, (h) a State work.

Answers to questions in Issues Paper

4.1 (a)	<ul style="list-style-type: none"> • 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 • Include outcomes for safety, public health and the environment in the objects of the Act • Simplify the types of roads and streets defined in the Act • Include desired outcomes for the design and operation of local streets and civic spaces • Other (please specify) 	Align with current TfNSW guidelines for events on street. Remove outdated processes eg advertise for 28 days in a newspaper.
4.1 (b)	How can safety be better considered in the planning, administration and management of roads?	Add safe systems principles to the Act
4.3 (a)	<ul style="list-style-type: none"> • 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) 	Clearer definitions, one set of consistent definitions
4.3 (b)	How could the system of road classification in the Act be improved?	As above
4.3 (c)	In responding to these questions please consider including examples to illustrate your point of view.	Main Road, Toukley is a State Road / Classified Road / Arterial Road / High Street
4.5 (a)	<ul style="list-style-type: none"> • 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 	Current process is time consuming and labour intensive, the temporary delegations still require the same level of work. Council to be free to install signs / lines devices that as in accordance with TfNSW / Australian Standards.



	<ul style="list-style-type: none">• 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)	
4.5 (b)	<ul style="list-style-type: none">• Describe your experience of using the Delegation to Councils and any improvements which could be made	As above
4.5 (c)	<ul style="list-style-type: none">• 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.	As above