

27 March 2025




Strategic Policy Lead, Roads  
Transport for NSW  
7 Harvest Street  
Macquarie Park NSW 2113

Dear Susan

Re: Submission Response to Issues Paper associated with Roads Act Review

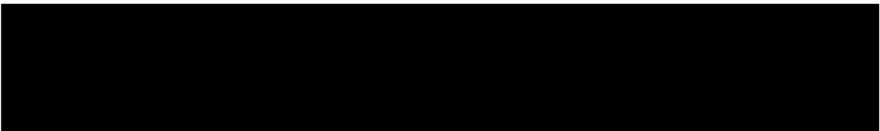
Thank you for providing an opportunity to comment on the Issues Paper associated with a review and update of the *Roads Act 1993* (The Act). The proposed strategic objective-based review to ensure that ongoing implementation of The Act is streamlined and easy to use whilst remaining fit for purpose by aligning to key transport policies is welcomed and timely given other Transport for NSW (TfNSW) reviews currently underway including the Approach to Road Recategorisation Process and proposed updates to the NSW Permit Parking Guidelines and NSW Pay Parking and Controlled Loading Zone Guidelines. The relationship between The Act and other transport legislation including the Roads Transport Act 2013 and the Transport Administration Act 1988 also needs to be explored and included as part of this review.

 is supportive of the review subject to consideration of the following matters raised in regards to the targeted key reform objectives defined within the Issues Paper and relevant legislative clauses of The Act.

**Issue: Approaches to Road Classifications**  
**Legislative Section(s): Part 1 – Preliminary**

Section 3(d) allows for the classification of roads however the administrative categorisation of roads (State, Regional and Local) is not defined and different to the functional classes of roads defined by the Act. Road categorisation definitions should be included within the Act and if practicable, aligned with classification definitions to reduce duplication and confusion associated with the differences between road classifications and categorisations. Similarly, the established roads authority for the respective classifications/categorisations should align per Section 7 (Roads Authorities).

The incorporation of mapping and/or lists would also help to inform all parties, including the general public, of the classified and categorised road corridors. Some mapping is already available through the TfNSW Road Network Classifications online mapping and the adjustment to incorporate additional layers is not considered unreasonable.





This alignment between classifications and categorisations would help simplify ongoing operational maintenance responsibilities and management of road corridors whilst improving road type interpretation for the general public, thereby avoiding confusion of road corridor responsibility when seeking action or advice on specific road corridors.

**Issue: Requirement to publish in a local newspaper**

**Legislative Section(s):** Various Including 19, 22, 29, 31, 35, 38B, 67, 79, 116, 122, 128, 152D, 154, 156, 184

Other legislation reviews have undertaken steps to remove references to archaic and outdated publishing methods including the removal of requirements to lodge/receive documents via fax and incorporated more appropriate notification methodologies such as placed on exhibition through websites or similar technology-based improvements to communications. The requirement to publish via newspaper in today's media cycle adds to long lead in timeframes and processes due to the cycle of some publications and their content cut-off timeframes. When combined with legislated notification timeframes, simple processes that are rarely objected to require extensive lead in time frames to ensure appropriate processes and legislative provisions are followed. For example, respected events like Anzac Day or Remembrance Day that require short duration temporary traffic closures are required to commence application up to 4 months in advance of an event to ensure sufficient time is provided to notify and subsequently report and approve the proposed event.

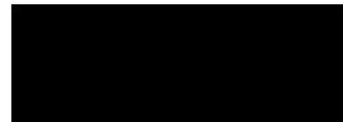
It is requested that any references to "published in a local newspaper" be removed and replaced with "placed on public exhibition" or "published on the roads authority's website" (or similar) to allow for a range of public notification options to be utilised efficiently for the purposes of managing actions under The Act.

**Issue: Process associated with temporary road/street closures for community events**

**Legislative Section(s):** Part 8 – Regulation of Traffic

The ability of Council as a road authority to regulate traffic is limited to the provisions of Section 115 of The Act. Whilst the road authority can implement traffic management to close a road for the purposes of protecting a road and/or the public from damage or hazards, the application of temporary traffic management for the purposes of other aspects, including special event road closures, requires consent from TfNSW in accordance with Section 116. It is incongruous that Council has the subject matter experts and ability to regulate traffic associated with some but not all road related functions. Particularly given the similarities between the processes associated with the provision and assessment of traffic guidance schemes for road works and community events in accordance with the Traffic Control at Work Sites Technical Manual.

When combined with other process requirements (see publication issue noted above) this extends approval timeframes associated with community events. Whilst Council is familiar with these approval timelines and has planned for Council organised event approvals to accommodate this process, privately organised community events are often unaware of the long lead-in timeframes, resulting in event postponement or cancellation in some instances due to a lack of sufficient planning. Removing this requirement for TfNSW consent and associated twenty-eight (28) day newspaper publication process will allow streamlined approval to be granted by the relevant road authority in line with the seven (7) day notification timeframes specified under Clause 5 of the Roads Regulation and allow expedient notification on the roads authority website and Live Traffic (OneRoad) as currently occurs with regards to works incorporating temporary road closures.





Adjustment to Sections 115 and 116 are requested to allow a roads authority the ability to regulate traffic for all functions, not just in connection with road work.

**Issue: Integration with the Environmental Planning and Assessment Act**  
**Legislative Section(s): Part 9**

Whilst the EP&A Act has implemented changes to streamline assessment and approval processes, the Roads Act has not, and a review of the processes associated with approvals under The Act is warranted. For example, certain low risk work types such as driveway crossings could be reviewed to permit construction as exempt development and/or incorporated into an integrated approval mechanism associated with specific development like low density residential dwellings to help streamline development and approvals.

Request for legislation in The Act to incorporate references to relevant State Environmental Planning Policies such as the SEPP (Transport & Infrastructure) or SEPP (Exempt and Complying Development Codes) and any such amendments to allow for the application of a risk based considered approach to development works such as driveway crossings to be approved and constructed as part of a streamlined or exempt development application process.

**Issue: Systematic Arrangement of Approval mechanisms**  
**Legislative Section(s): Part 9**

The recognition of a system of approvals and their requirements under The Act is supported. This will help improve clarity for road authority responsibilities and the required approval pathways associated with various regulatory permits. Currently most of these approval types fall under Part 9, Division 3 and Section 138 and the broad definition of "Other Works and Structures". Separation and improving clarity on the types of development and their required approval mechanisms would be beneficial for both applicants and roads authorities.

Consider rearranging and providing a systematic approach to the various types of approvals and when they apply with respect to roads authority requirements and development types.

**Issue: Cost Recovery of Regulating the Network**  
**Legislative Section(s): Parts 9 & 13**

The Issues Paper suggests that the ability to recover costs is limited when TfNSW is required to provide concurrence. It is reasonable to allow for the provision to recover costs associated with the management of the road network and the process for such works should be proportionate to the works scope. However, much of this requirement for concurrence is brought on by the provisions which severely limit the ability of the roads authority to carry out actions on their road networks which has already been highlighted by this submission. As noted within the Issues Paper, the burden of imposing costs may have implications to multiple stakeholders throughout the transport sector, and impact on productivity outcomes associated with the broader economy.

Should cost recovery be sought on matters that require TfNSW input, the cost of concurrence should reflect the required work and resulting response. For example, many referrals to TfNSW as part of Development Assessment are often returned with limited comments or commitments relating to





transport and traffic related matters and often incorporate advice that Council is the roads authority responsible for determining matters. More content would be expected as part of responses should cost recovery be sought as part of this process.

**Issue: Compliance and Penalty Infringement Notices**  
**Legislative Section(s): Parts 7 & 14**

Compliance officers have identified that the provisions for enforcement of the Roads Act “lack teeth” and that other legislation such as the Protection of the Environment Operations Act 1997 provide greater enforcement actions (and infringement penalties) to enact necessary action to remove, remediate or otherwise penalise infringements. The lack of indexation is considered to be a factor in this lack of weight associated with The Act. Other limiting factors include numerous sections such as Section 99 that outline the process for issuing directions and taking action but ultimately require works by the roads authority to affect an outcome. Whilst accrued costs associated with such actions can be recovered in accordance with Section 238 of The Act, pursuit of cost recovery is often not undertaken given the value of the remediation action and the further costs that would be accrued seeking compensation. Alternative and stronger provisions to help enforce and discourage non-compliance is required.

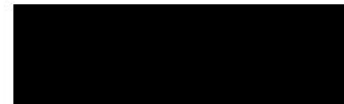
For example, damages to footpath paving occurring during building works are accepted by Council and scheduled as a maintenance item at Councils cost, because the process and costs associated with pursuing action is not in Councils and the best interests of the public.

Query was raised within the Issues Paper on the current focus towards criminal penalties within The Act whilst other legislation allows for other categories including civil (remediation orders) and administrative (permit/approval cancellation). It is acknowledged that non-compliance matters can vary significantly but such matters within road corridors are often derived around the safety of transport users and maintaining the safe and functional operation of the network. As such even minor non-compliance matters may lead to severe outcomes if not addressed. Whilst different categories and types of penalties can be established, they should give consideration to the potential severity of any outcome associated with non-compliance.

Actions to increasing penalty units would be supported as part of this review process. Review of stronger enforcement and recovery powers would also be supported provided consideration is given to the potential severity of outcomes that may eventuate from non-compliance matters.

**Issue: Alignment of The Act to established transport principles**  
**Legislative Section(s): Part 16 – Miscellaneous**

The Issues Paper notes changes that have occurred with regards to traffic and the emergence of the Safe Systems approach, Movement and Place, Road User Space Allocation Policy and other transport principles that are being applied as best practise for the delivery and co-ordination of transport related infrastructure. Whilst supportive of the application of these current principles and the overall integration of all transport related functions including active transport, freight, etc. caution is advised should it be desired to adopt and reference these principles as part of amendments to The Act. As flagged by this review, such documentation may become dated but remain tied through the legislation. Any requirement to reference relevant guidelines as part of application to The Act should consider a clause similar to Clause 170 of the Environment Planning and Assessment Regulation which



notes “the issue of guidelines in relation to...” that can be used as reference material but can also be updated without the need for legislative changes.

Request that where legislation calls for consideration of transport related factors, that this references guides, policies (and similar documents) as issued by the Minister.

Thank you for your consideration of this submission and Council looks forward to continuing to work with TfNSW and contribute to the Review of the Roads Act throughout 2025. Should you have any queries or wish to discuss the content of this submission further please contact [REDACTED]  
[REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]