

# **NSW Roads Act 1993 Review**

***Submission by NSW & ACT Branch, AITPM***

## **Introduction**

AITPM appreciates the opportunity to contribute to the review of the New South Wales Roads Act 1993. The Act has served the community of NSW well and plays a critical role in shaping the management, regulation, and development of our road infrastructure, which is vital to the safety, mobility, and economic well-being of the state.

In this submission, we have highlighted some key issues of relevance to our membership and seek to work cooperatively with the NSW Government to highlight some practical considerations to enable meaningful reforms.

Our submission has been developed with the input of our membership including senior local government and consulting industry representatives with direct, relevant experience with the Roads Act.

## **About AITPM**

AITPM is Australia's leading association for transport professionals, focused on advancing the skills, knowledge, and capability of professionals in the industry to deliver more sustainable, efficient, safe, and accessible transport systems for all. We are the primary membership association for professionals and practitioners working across all transport modes in the industry, with the breadth of disciplines encompassed by AITPM including transport planning, traffic engineering, transport and land use modelling, travel demand management, road safety and traffic management.

AITPM members and stakeholders work together to ensure multimodal transport systems are designed, built and operated in ways that support healthy people, communities and economies in all parts of Australia. To set a strong foundation for this mission, AITPM has adopted a Policy and Principles Platform that addresses how AITPM will advocate on behalf of the broader Transport Community for the creation of successful transport systems. The AITPM Policy and Principles Platform is provided as Attachment 1 to this submission. See [www.aitpm.com.au/policy/policy-platform](http://www.aitpm.com.au/policy/policy-platform) for further information.

Established in 1965, AITPM is a national organisation with a reach of more than 6,000 professionals across Australia, operating in local, state/territory and federal government, private sector consultancy, transport-related companies including technology and private infrastructure and transport service operators, and academia. We operate at a national level, supported by local activities in our five state branches: Queensland, New South Wales, Victoria, South Australia, and Western Australia, along with our special interest networks of Transport Modelling and Young Professionals.

In the NSW Branch, we represent professionals across the range of Transport for NSW, local government staff, engineering firms, the private development industry, NGOs and academia.

Our members focus in areas of transport practice including delivering safer roads and infrastructure, improving accessibility for road users of all ages and abilities, integrating public transport use, walking and cycling to reduce emissions, managing in travel demand to ease congestion, and improving people's access to employment and services to improve quality of life.

## Roads Act Review

The Roads Act has provided a solid foundation for the development, operation, management and maintenance of roads and the provision of traffic management. While some more recent entrants to the industry may have concerns about references to traffic, AITPM, as an institution founded on traffic management, considers traffic to be all forms of movement within the road environment. As such we are not concerned with nomenclature and consider this to be a distraction from the broader issues at play.

These issues are

- Embodying safety into the Act
- Clear guidance on roles and responsibilities
- Lack of clarity within the Act of the roles funding, operations and management of roads other than freeways.
- The Act and Transport and Infrastructure State Environmental Planning Policy being an impediment to the good management and operation of local streets and housing delivery.

## Embodying safety into the act

The Roads Act does not consider road safety to be an objective of the Act and the first two objects (a) and (b) should be modified to include "safely" – e.g. (a) becomes "to set out the rights of members of the public to pass *safely* along public roads, and".

## Clear guidance on roles and responsibilities

The Act and its application guidance (including delegations and references to other Acts) are vague and not written in plain English. New guidance documentation is urgently required for practitioners, councillors and general members of the public.

## The role of transport for NSW in the management of local roads, including traffic signals

The management of local roads has been undertaken by local councils under delegation from TfNSW with a check through the Local Traffic Committee. The LTC, including the local member of parliament is an outdated mode of ensuring that Councils undertake their management functions responsibly.

## Council control of traffic and the roadside

While the delegation under s115(2) has temporarily been expanded, the requirement of a local

Council to submit a Traffic Management Plan (2011 Delegation to Councils) to Transport for NSW to manage traffic (eg No Right Turn signs) on a local road is an onerous impost which disempowers Councils to manage traffic in the best interest of its local community.

Further, Councils do not have the authority to control their own footpaths and street furniture, despite owning them. For example, Councils are required to seek approval for the installation of bus shelters, information signs and other street furniture on Classified Roads. This places a burden on the Council, which cannot quickly respond to community needs and changes in outcomes.

### **Recommendation**

The Act or Roads Regulation should specify what councils can control with an increased allowance for Councils to act if they follow Austroads and TfNSW guidance.

## **Ministerial Discretion to control traffic on local roads**

The Minister administering the Act currently has the power to control traffic on local roads against the objection of the local Council for any reason. This authority was applied for the removal of the College Street Cycleway in the Sydney CBD and was an overreach of discretion.

### **Recommendation**

The ministerial authority to override council control of traffic should be removed with the exception of an immediate safety risk.

## **Traffic signals**

Similarly, TfNSW can be a barrier to efficient development through blocking the appropriate and timely provision of traffic signals through the non-delegation of the ability to control traffic under s87(3). For example, an Indicative Layout Plan (ILP) for a new greenfields area which has been reviewed by TfNSW and approved by the Department of Planning, Housing and Infrastructure (DPHI) could have its access arrangements via traffic signals either held up or not approved by TfNSW for installation. Further, Councils have the inability to determine traffic signal timing on local roads and larger Councils could responsibly manage their own signals to the benefit of their community.

### **Recommendation**

Councils should have the ability to authorise the installation of traffic signals on local roads at locations more than 100 m from a Classified Road.

## **Speed limits**

The management of speed limits should not be included in any future delegation to Councils as it is important that they are consistently applied across NSW as per the NSW Speed Zoning Guidelines. However, TfNSW should rely on the advice of the local council and be proactive in delivering safer, appropriate speed limits for local roads.

## Recommendation

Speed Limits are not included in any future delegation to Councils however TfNSW should be proactive in delivering safer, appropriate speed limits for local roads in collaboration with councils.

## Road classification and its impact on construction, operations and maintenance

Under the Roads Act, all roads other than Freeways, Transitways and Motorways belong to the local Council with TfNSW responsible for operating and maintaining State works and controlling Main Roads, Highways and some Secondary Roads. This creates significant confusion in the industry and for some members of the public when functional and access-based considerations (e.g. buses and heavy vehicles) are added in.

While the movement and place hierarchy is useful to determine how various modes and places should be treated, it should not be included within the Act or Regulation as it is a relatively new tool and does not encompass how roads are to be managed.

## Recommendation

Road Classification is modified with the Act to define roads for based on their combined construction, operations and maintenance responsibility. An example of how this could be achieved is given below.

Classification	Responsibility	Description
Motorway	TfNSW	A tolled or untolled Controlled Access Road owned and managed by TfNSW or its delegate (eg Transurban)
Transitway	TfNSW	A dedicated road for the use of buses and/or light rail vehicles owned and managed by TfNSW.
State Highway or Main Road	TfNSW – between the kerbs. Council – all other matters.	A road for the primary movement of people and goods where TfNSW controls access, owns and manages the road.
Secondary & Tourist Roads	TfNSW or Council between the kerbs. Council – all other matters	A road that supports a substantial amount of through traffic or connects tourist destinations where the travel lanes are managed by TfNSW
Local Streets	Council	A Street that connects places to each other and other parts of the road network where local council owns and manages the road.

## Impediment to housing delivery

The form of the Act (s138) and the Transport and Infrastructure (TI) SEPP are an impediment to the efficient delivery of new housing and other development that also benefits the community. For example, the TI SEPP requires that all road access (where practicable) for new developments does not access classified roads. However, this does not consider the nature of the development and its effects on the surrounding community. For example, a Bunnings on a State Road could be required to have all its deliveries via a neighbouring residential street, destroying the amenity of local housing. Similarly, new developments which would be best served having access to classified roads (eg Private Hospitals) are stymied.

Additionally, the s138 process of receiving a Works Authorisation Deed can result in previously consulted and approved developments being held up when TfNSW is given a “second bite of the apple” and can request design changes that have a delivery and cost impact on developers that should have been considered in the assessment phase.

### Recommendation

The Act is modified such that development that has been approved following consultation with TfNSW must be given approval for works if it follows TfNSW design requirements.

**NSW & ACT Branch, Australian Institute of Traffic Planning & Management (AITPM)**

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*Attachment 1: AITPM Policy and Principles Platform*



# AITPM POLICY AND PRINCIPLES PLATFORM

## WHY ARE TRANSPORT SYSTEMS IMPORTANT?

The impact of a successful transport system shows up as healthy people, communities and economies. Transport links and activates places, enabling people and businesses to access:

- Goods and services
- Jobs
- Education and training
- Health services
- Entertainment, sport and recreation
- Friend and family networks

AITPM is committed to educating governments and the community on the importance of successful transport systems – and, in turn, a properly resourced Transport Community – in ensuring healthy and prosperous outcomes for Australians.



# AITPM POLICY AND PRINCIPLES PLATFORM



## OUR PURPOSE

**AITPM's purpose is to raise the profile of the Transport Community. The community's practitioners and stakeholders are critical participants in delivering a sustainable, efficient, accessible and safe transport system.**

Every day people across Australia's Transport Community identify, investigate, plan, develop and implement solutions to achieve this. In doing its work, the aims of the Transport Community include:

- Supporting a switch to sustainable transport choices, to help reduce Australia's emissions and lessen transport's impact on the environment
- Growing national and community prosperity by enabling the safe and efficient movement of people, goods and services
- Delivering inclusive transport services that provide access to opportunities for all users
- Building the resilience of communities and businesses by ensuring transport networks remain safe and connected under changing external conditions, including natural disasters
- Integrating the movement of people and vehicles within flourishing places in different geographic settings, from cities and towns to rural and regional areas.

# AITPM POLICY AND PRINCIPLES PLATFORM

## SUCCESSFUL TRANSPORT SYSTEMS ARE CREATED THROUGH

1. Integrated transport and land use planning at all levels, from future-focused strategic planning to the implementation of site-specific developments
  2. The application of sound, long-term, non-partisan and evidence-based public policy, with cross-sectoral support
  3. The systematic collection, monitoring and evaluation of transport data to support decision-making
  4. The consistent application of a range of appropriate contemporary modelling tools by suitably resourced professionals
  5. A culture of research and innovation that is collaborative across sectors and disciplines
  6. Genuine, inclusive engagement, collaboration and co-design activities encompassing all communities and stakeholders
  7. A holistic 'Safe Systems' approach covering all transport infrastructure and operations, and the interactions between people, vehicles and the transport environment
  8. Sustainable and transparent funding and pricing models that support desired strategic transport outcomes
  9. A diverse and welcoming community of transport professionals that has the capacity to handle the demands placed on it
  10. Capable transport practitioners with the qualifications, skills and experience to plan, design, engineer, deliver, operate and manage Australia's transport systems
  11. The commitment of governments and industry to educate and support the next generation of transport professionals.
- As the national association for transport professionals, AITPM leads the Transport Community in connecting, collaborating and delivering, developing industry skills, capability and knowledge as we create successful transport systems together.

**We are the collective voice of the Transport Community, and we advocate for delivering sustainable, efficient, accessible and safe transport systems**



# AITPM POLICY AND PRINCIPLES PLATFORM

## WHO IS PART OF THE TRANSPORT COMMUNITY?

The Australian Transport Community is made up of professionals from a wide range of disciplines and backgrounds, including:

- Transport planners
- Traffic and transport engineers
- Land use, transport and traffic modellers
- Road safety practitioners
- Transport economists
- Road and public transport infrastructure designers
- Active transport specialists
- Travel behaviour change specialists
- Transport researchers, educators and engagement professionals
- Transport policy specialists.



To design, deliver and manage transport systems, this community of transport professionals connects to a broader network of professions and suppliers covering these areas of focus

- Urban and regional planning
- Transport and traffic data collection and analysis
- Modelling programs and resources
- Traffic management and control
- Intelligent transport systems
- Infrastructure supply, engineering and construction
- Transport service operations – from rail through to micromobility.