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Roads Act Review Committee
Transport for NSW
Sent by: online submission

Dear Committee members

Feedback on the review of the Roads Act 1993

We appreciate the start of the comprehensive review of the Roads Act 1993 and fully support the principles outlined in the Issues Paper and on the project webpage.

We align with the review's objectives of empowering councils as decision-makers and recognising roads as multifunctional spaces that serve pedestrians, cyclists and contribute to community vitality.

These principles are essential for overcoming operational challenges and ensuring that roads meet the diverse needs of our communities.

As a result, our initial recommendations to the review team are to consider amendments to the Roads Act that:

1. delegate all local road responsibilities, including setting of speed limits to councils
2. relieve councils from the financial burden to maintain state roads (classified roads) without compensation
3. minimise red tape and eliminate inter-departmental charging by ensuring resources and data are efficiently shared
4. ensure roads are for all users by including active transport and e-micro mobility (with regulations) within the new revised act.

Further explanation on each of the above recommendations is set out on the following pages.

If you have any queries on the information provided, please contact our Manager City Transport, Hendrik Roux on 9839 6269 or city.transport@blacktown.nsw.gov.au

Thank you for the opportunity to contribute. We look forward participating further in the review of the Roads Act 1993.

Yours sincerely


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Chief Executive Officer

Feedback on the review of the Roads Act 1993

1. We propose the Roads Act be amended to delegate all local road responsibilities, including setting of speed limits, to councils

Local councils are uniquely positioned to manage local roads due to its understanding of local conditions and ability to act swiftly to enact change.

Delegation of local road responsibilities to councils will:

- Enhance local decision-making. Councils have a deep understanding of their communities' needs, whether it's road repairs, traffic adjustments, safety improvements or integrating active transport into the network. This local knowledge and understanding allows for decisive and appropriate action without the need for Transport for NSW referrals.
- Cut red tape. Reducing administrative controls from Transport for NSW will streamline processes, allowing councils to focus resources on delivery rather than administrative compliance. This will lead to more efficient and effective management of local roads.
- Improve accountability. Sole responsibility for local roads will make councils directly answerable to residents, clarifying lines of responsibility that are currently blurred by Transport for NSW involvement and oversight.
- Support community outcomes. Free from constraints, councils can prioritise community needs and develop and implement local road and streetscape projects.

Allowing local councils to set and enforce speed limits on local roads will address critical issues, including:

- Inappropriate default speed limits. The default 50 km/hr speed limit on local residential and neighbourhood streets is inappropriate in certain locations given the surrounding land use and road geometry. Drivers are supposed to drive to local conditions however many see the speed limit as the safe speed to travel on the road.

These areas host families and vulnerable road users along narrow roads, filled with parked cars. The inappropriate speeds create an unsafe environment, leaving residents feeling trapped in their homes and reluctant to walk or cycle due to speeding vehicles. Speeding complaints are among the highest in volume we receive from our community.

- Lack of responsiveness from the State. Transport for NSW's centralised control is less responsive to community needs and safety concerns. Councils are better positioned to act in residents' interests and respond to demands for lower, safer speed limits.

For example, we are still waiting for a response to an April 2024 request to review the 60 km/hr speed limit on a local road (Abell Rd), despite numerous follow-ups from us, residents and the local member.

- Costly infrastructure barriers. Transport for NSW's requirements/guidelines require councils to install expensive speed calming measures (e.g. speed humps, chicanes) before considering reducing speed limits below 50 km/hr. This places an unjust financial burden on councils, and one which most councils cannot afford.
 - The lack of effective enforcement. Currently, speed enforcement on local roads is solely the responsibility of NSW Police, who lack the manpower to effectively control speeding in these residential areas. Delegating speed enforcement on local roads also to councils, leveraging new technologies such as cameras and radar, would allow for consistent monitoring and response to community complaints, deterring dangerous speeding.
2. We propose the Roads Act be amended to relieve councils from the financial burden of maintaining state roads (classified roads) without compensation

A significant imposition exists regarding maintenance responsibilities on councils for State roads (classified roads), where Transport for NSW is the designated road authority.

Despite its ownership and strategic control of state roads, Transport for NSW compels councils to maintain significant portions of these roads and associated infrastructure such as footpaths, drainage and verges without adequate funding support. It is inequitable and unsustainable with little consistency and no formal agreements.

The Act must mandate that Transport for NSW assume full maintenance responsibility for classified roads. Should there be a requirement for councils to maintain some infrastructure in state corridors, then formal agreements must be negotiated with councils and councils should be reimbursed for maintenance work done on state roads. These agreements should be collectively negotiated with the representative body of local governments (Local Government NSW).

3. We propose the Roads Act be amended to minimise red tape and eliminate inter-departmental charging by ensuring resources and data are efficiently shared.

Streamlining processes and minimising red tape will ensure Transport for NSW can action requests for approvals without significant delay. Examples are the obtaining of a Road Opening Notice on a state road and road closure procedures, both of which are unnecessary cumbersome and time consuming.

Additionally, eliminating inter-departmental charging between Transport for NSW and councils is an unnecessary burden and cost that hampers collaboration and efficiency. The new Act should discourage this practice and mandate that available information and data such as traffic models and traffic counts be shared between Transport for NSW and councils at no cost.

4. We propose the Roads Act be amended to ensure roads are for all users by including active transport and e-micro mobility (with regulations) within the new revised act.

We strongly support the recognition in the Issues Paper that roads must serve all users; pedestrians, cyclists and micro-mobility users, as well as vehicles. This shift aligns with modern transport needs and community expectations.

Specifically, we propose that the new Act:

- explicitly address active transport as a right within the road corridor, mandating that road space be shared equitably between all users and the safety of vulnerable road users will receive priority
- accommodate emerging technologies, particularly e-micro mobility (e.g. e-scooters, e-bikes), which have transformative potential to shift travel away from unsustainable car-centric modes. We advocate for the Act to embrace e-mobility, ensuring it is safe and accessible for all users. To facilitate a smooth, secure transition, we suggest a legal compulsory requirement that all e-micro mobility devices' electric support be limited to, for example 15 km/hr.

5. We propose the Roads Act be amended to include provisions for sustainable road construction and maintenance practices

Incorporating sustainable practices in road construction and maintenance is essential for reducing environmental impact and promoting long-term resilience. We recommend the following amendments to the Roads Act:

- encourage the use of recycled and sustainable materials in road construction and maintenance
- integrate solutions like permeable pavements and green verges to manage stormwater and reduce urban heat islands
- mandate the use of energy-efficient construction and maintenance practices.
- support biodiversity by incorporating wildlife crossings and native vegetation in road projects
- track and report the environmental impact of road activities to ensure continuous improvement.

6. We propose the Roads Act be amended to enable more community uses for roads and streets

Roads and streets should provide maximum community benefits, including public health and environmental benefits. Ensuring trees form part of the streetscape is a natural and cost-effective way to achieve this.

Given that 80% of public spaces in NSW communities are roads and streets, they need to provide maximum benefits to the community. Street trees can cool the environment, provide shade, and encourage community building,

Street trees can increase safety, reduce stormwater runoff, and provide shade to reduce local temperatures.

7. We propose the Roads Act be amended to address environmental and safety compliance through improved penalty frameworks

The current maximum penalty of \$220.00 is insufficient. A reasonable alternative is to match the penalty value and method of imposition to that for the same offence on private land, with penalties raised to \$3,000.00 per offence for individuals and \$6,000 per offence for companies.

Implementing the Penalty Infringement Notice (PIN) system would reduce the burden on Local Courts and mirror existing processes.

8. We propose the Roads Act be amended to support new developments in sustainability

Tree canopy cover is the primary mitigation method for the urban heat island effect. The Roads Act should recognise and allocate space for street trees to provide a wide variety of benefits to local communities.

Recognition of a requirement for street trees within the Roads Act would be the first step in integrating planning for street trees into the development of urban landscapes.

9. We propose the Roads Act adopt Blacktown City Council's approach to 'Risks of NOT planting trees'

Support the planting of large, non-frangible shade-providing trees. This approach addresses environmental, personal physical, and mental health needs. Blacktown City Council would welcome the opportunity to present its work for appropriate consideration in the Act amendments.