

# Road Act 1993 Review Feedback

## 4.0 What is working well under Roads Act 1993?

- The primary role between local councils and Transport for NSW (TfNSW) is a key strength of the Roads Act 1993. The Act clearly identifies the management responsibilities for Council and TfNSW.
- The Act allows road authorities to acquire private land for road projects, ensuring infrastructure development aligns with public needs.
- Provisions related to road safety, environment impact, and community consultation that helps balance development with sustainability.

## 4.1 a) How could the Act be changed to enable more community uses for roads and streets?

The Act was established over 30 years ago, during a time when it was primarily focused on vehicles. To enable roads and streets to better serve community purposes, the Act could be updated to incorporate provisions that explicitly prioritize pedestrian and cyclist-friendly infrastructure, fostering vibrant, multi-use public spaces.

Specifically, the Act can be amended to incorporate the following provisions:

- **Explicit Recognition of "Shared Spaces":** Introduce legal definitions and frameworks that formally acknowledge roads as community spaces beyond their function as mere transport corridors. This entails a shift from a purely vehicular perspective to one that prioritizes the diverse needs of all users.
- **Streamlined Permitting for Community Events:** Implement simplified and expedited permitting processes for temporary community uses, such as street festivals, farmers' markets, and neighbourhood gatherings. This would reduce bureaucratic hurdles and encourage greater community engagement in public spaces.
- **Statutory Recognition of "Place Functions":** Amend the Act to explicitly recognize the social and economic importance of streets as "places" in addition to their "movement" function. This would necessitate a holistic approach to road planning that considers the diverse needs of residents, businesses, and visitors.
- **Strengthened Community Consultation Requirements:** Enhance the Act to mandate robust and meaningful community engagement in all stages of road planning and redesign. This would ensure that community voices are heard and considered in decisions that affect their neighbourhoods.
- **Legal Protection for Tactical Urbanism Initiatives:** Create legal frameworks that enable and protect temporary, community-led interventions, such as pop-up parks and street art installations, that aim to improve the street environment. This would foster innovation and empower communities to experiment with new ways of using public space.

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- **Formal Recognition of Non-Transport Uses:** Incorporate provisions that explicitly allow for a wider range of non-transport uses on roadways, including outdoor dining, recreation, play, and cultural activities. This would diversify the use of streets and create more vibrant and engaging public spaces.

By implementing these changes, the Act can be transformed from a vehicle-centric document into a comprehensive framework that empowers communities to shape their streets and create vibrant, multi-use public spaces.

### **4.1 b) How can safety be better considered in the planning, administration and management of roads?**

To better address safety within the Roads Act 1993, adopting a safe system approach and emphasizing the needs of vulnerable road users could drive meaningful improvements.

Safety considerations could be enhanced through:

- **Vision Zero principles in legislation** - Embed principles of eliminating fatalities and serious injuries as a primary objective of the Act.
- **Mandatory safety impact assessments** - Require formal safety assessments for all significant road changes.
- **Vulnerable road user prioritization** - Include specific provisions that prioritize the safety of pedestrians, cyclists, and other vulnerable users.
- **Regular safety audits** - Mandate periodic safety reviews of existing road infrastructure.
- **Data-driven decision making** - Require the use of crash and near-miss data in road planning and management.
- **Speed management framework** - Develop a comprehensive approach to setting appropriate speed limits based on road environment and user mix.

### **4.1 c) How can the Act better recognise the public health and environmental benefits of roads and streets?**

The Act could better recognize the public health and environmental benefits of roads and streets by emphasizing the promotion of active transport and the integration of intelligent transport systems.

The Act could better recognize these benefits by:

- **Green Infrastructure:** Promote the use of green infrastructure in road design, such as permeable pavements, rain gardens, and tree planting, to reduce stormwater runoff and improve air quality.
- **Active Transport:** Prioritize active transport modes (walking and cycling) by providing dedicated infrastructure and promoting their use.
- **Air Quality Monitoring:** Require Road authorities to monitor air quality near roads and take steps to mitigate pollution.
- **Noise Reduction:** Implement measures to reduce road noise, such as noise barriers and low-noise pavements.

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## 4.1 d) What other community issues would you like to raise in relation to the Act?

With rapid urban growth, the Act should incorporate strategies to manage increasing population densities and their impact on road networks. This could include provisions for sustainable urban planning, better integration of public transport, and enhanced infrastructure to accommodate future growth. Rural communities should receive the same level of attention and investment as urban areas. Provisions in the Act should ensure that rural road networks are adequately funded and maintained to improve accessibility, safety, and economic opportunities for residents in these regions. Parking-related issues are escalating due to urban growth.

- **Streamlined Permitting for Community Events:** Implement simplified and expedited permitting processes for temporary community uses, such as street festivals, farmers' markets, and neighbourhood gatherings. This would reduce bureaucratic hurdles and encourage greater community engagement in public spaces.
- **Statutory Recognition of "Place Functions":** Amend the Act to explicitly recognize the social and economic importance of streets as "places" in addition to their "movement" function. This would necessitate a holistic approach to road planning that considers the diverse needs of residents, businesses, and visitors.
- **Strengthened Community Consultation Requirements:** Enhance the Act to mandate robust and meaningful community engagement in all stages of road planning and redesign. This would ensure that community voices are heard and considered in decisions that affect their neighbourhoods.
- **Legal Protection for Tactical Urbanism Initiatives:** Create legal frameworks that enable and protect temporary, community-led interventions, such as pop-up parks and street art installations, that aim to improve the street environment. This would foster innovation and empower communities to experiment with new ways of using public space.
- **Formal Recognition of Non-Transport Uses:** Incorporate provisions that explicitly allow for a wider range of non-transport uses on roadways, including outdoor dining, recreation, play, and cultural activities. This would diversify the use of streets and create more vibrant and engaging public spaces.

## 4.2 a) How can The Act be improved to ensure that it considers each category of road user?

The Act can be improved to consider all road users by integrating intelligent transport systems (ITS) that optimize traffic flow and enhance safety, particularly for pedestrians and cyclists. It should prioritize active transport by mandating wider footpaths, protected bike lanes, and pedestrian-friendly zones to promote non-motorized travel.

Mandating community and stakeholder consultation which may include representative from cyclist advocacy groups, disability rights organisation and public transport bodies in decision-making.

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### **4.2 b) Share your personal experience in navigating the Act to provide for a specific group of road users.**

Working within the framework of the Roads Act 1993, addressing the needs of cyclists as a vulnerable group in road safety projects has often required proactive effort to ensure they are adequately considered as well as pedestrian friendly infrastructure, such as expanded footpaths and priority crossings.

### **4.2 c) What other issues would you like to raise for accommodating all road users?**

- Emerging mobility options - The Act needs provisions for e-scooters, e-bikes, and other micro-mobility options.
- Disability inclusion - Strengthen requirements for accommodating people with disabilities beyond minimum compliance.
- Age-friendly design - Include specific considerations for both older adults and children.
- Tourist and visitor needs - Consider the needs of visitors unfamiliar with local road systems.
- Loading and servicing activities - Better accommodate essential services like deliveries and waste collection.

### **4.3 a) What issues have you experienced due to overlapping classification systems to determine roles and responsibilities for NSW roads?**

One significant issue arises from the confusion surrounding the management of regional roads. These roads often fall into a gray area where responsibilities are not clearly defined.

Common issues with overlapping classifications include:

- Coordination challenges - Difficulties in coordinating between state and local authorities where responsibilities overlap.
- Funding ambiguities - Uncertainty about which authority is responsible for funding improvements on roads with multiple classifications.
- Inconsistent standards - Different design and maintenance standards applied to similar roads based on administrative classification.
- Regulatory conflicts - Conflicting regulations from different authorities applying to the same road segment.

### **4.3 b) How could the system of road classification in the Act be improved?**

Ideally, all arterial and high-volume roads should be managed by the state government to ensure consistency, rather than leaving their oversight to local councils, which may lack the resources for effective management.

The classification system could be improved by:

- Simplified Classification System: Streamline the classification system to reduce complexity and overlap.
- Clear Definitions of Responsibilities: Clearly define the responsibilities of each road authority for different road classifications.
- Centralized Road Data: Establish a centralized database of road information, including classification, ownership, and maintenance history.

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- Introduce a performance-based classification model as using real time data like traffic, accident rates and economic impact to determine roads classification and reviewing regularly every 5 years.

### **4.4 a) What issues have you experienced with parallel approval processes under the NSW planning system and the Act?**

- Duplication of effort and delays in approvals.
- Inconsistent requirements between the planning system and the Roads Act.
- Lack of coordination between planning and road authorities.
- Confusion over funding responsibilities as some road projects falls into grey areas where its unclear whether local Councils, the state government or developers should fund the infrastructure.

### **4.4 b) Can you provide further information on the issues you have experienced?**

- Development approvals vs. road opening permits - Conflicts between conditions imposed by planning authorities and road authorities.
- Traffic management plans - Multiple different traffic management approvals required for the same project.
- Utility coordination - Challenges coordinating between road authority approvals and utility provider requirements.
- Environmental assessments - Separate environmental assessments required under different legislative frameworks.
- Community consultation requirements - Different consultation requirements under planning and roads legislation.

### **4.4 c) If you've experienced differences in approach to road network planning and land use planning, how have these affected your work?**

One significant challenge arises when land use planning encourages high-density developments without adequately upgrading the road network to accommodate the increased demand. This mismatch often leads to heightened traffic congestion, which complicates traffic engineering efforts. Maintaining efficient traffic flow becomes more difficult, and it often necessitates reactive solutions such as traffic calming measures or intersection upgrades.

These differences typically result in:

- Strategic misalignment - Road network planning not aligning with land use density and distribution.
- Timing gaps - Road infrastructure lagging development, creating congestion and safety issues.
- Funding disconnects - Lack of coordination between development contributions and road funding.
- Design compromises - Road designs that don't adequately support adjacent land uses.

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### **4.5 a) How could the Act make roles and responsibilities clearer for decision making?**

To clarify roles and responsibilities for decision-making, the Act could benefit from the introduction of a comprehensive framework that explicitly defines the responsibilities of key stakeholders, such as Transport for NSW, local councils, and private contractors. This would establish a clear reference point for decision-making processes and ensure accountability at every stage of project development.

### **4.5 b) Describe your experience of using the Delegation to Councils and any improvements which could be made.**

Recent improvements to the temporary delegation of Councils for example parking control installation delegations given to councils has been positive, as it allows for a more efficient process by passing the Local Traffic Committee (LTC). This streamlining can save time and reduce unnecessary delays. However, I believe the role of the Local Traffic Committee should not be entirely eliminated, as it plays an important role in providing local expertise and ensuring that decisions align with community needs. That said, I recommend reducing some of the bureaucratic red tape associated with the LTC process, allowing for a more flexible and timely approach without compromising the quality of decision-making.

### **4.5 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.**

With the recent Temporary Delegation to Councils has been largely positive, as it offers a more streamlined approach to regulating traffic and implementing local street and place improvements. By allowing councils to take a more direct role in decision-making, the process becomes more efficient, reducing delays that typically occur when approvals are routed through multiple agencies. However, for this approach to be truly effective, it is crucial that councils are provided with adequate funding for road safety improvements. Ensuring financial support would enable councils to carry out necessary upgrades and interventions, enhancing both traffic management and the overall safety of local streets.

### **4.6 a) What improvements can be made to the Act to increase flexibility in response to natural disasters?**

The Act could be improved by:

- Emergency powers provisions - Clearer and more comprehensive emergency powers.
- Streamlined reconstruction processes - Expedited approval pathways for post-disaster rebuilding.
- Pre-approved contingency plans - Framework for advance approval of disaster response plans.
- Collaborative emergency frameworks - Clear mechanisms for multi-agency coordination during emergencies.
- Climate resilience requirements - Mandates for climate-adaptive infrastructure to reduce disaster impacts.
- Funding mechanisms - Built-in provisions for emergency funding allocations.

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### **4.6 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?**

Permit processes could be improved through:

- Standardized application forms - Common forms across all road authorities.
- Central permit portal - Single digital platform for all road-related permits.
- Clear assessment criteria - Published, consistent criteria for permit approvals.
- Tiered approval system - Different levels of scrutiny based on risk and impact.
- Deemed approvals - Automatic approvals for minor works if not assessed within timeframes.
- Pre-approved activity categories - Standard conditions for common activities.

### **4.6 c) How could compliance and penalty frameworks be changed to address environment and safety compliance?**

- Increased Penalties: Increase penalties for environmental and safety violations.
- Proactive Enforcement: Implement a proactive enforcement program to detect and address non-compliance.
- Environmental Audits: Require regular environmental audits of road projects.

### **4.7 a) What regulatory features should be tested to ensure the Act can accommodate emerging technologies and new approaches?**

- Autonomous Vehicles: Provisions for trials and deployment of autonomous vehicles.
- Electric Vehicles: Infrastructure for electric vehicle charging.
- Smart Roads: Integration of sensors and data analytics to improve road management.
- Smart Parking and Transport technology such as sensors and AI Cameras

### **4.7 b) Which provisions in the Act and the Environmental Planning and Assessment Act could benefit from regulatory experimentation?**

Road Act 1993:

- Section related to Road Closures and Openings: Experimentation could involve temporary closures for pedestrianization, cycling trials, or community events, with streamlined processes for evaluating the impacts.
- Provisions for Road Works and Infrastructure: Testing new materials, construction methods, and technologies (e.g., permeable pavements, solar-powered lighting, smart sensors) through pilot projects with expedited approvals.
- Sections related to traffic control: Experimentation of new traffic control methods, such as adaptive traffic lights, or dynamic lane management.
- The act could create an "innovation zone" where new technology could be tested without full compliance to the act.

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Environmental Planning and Assessment Act (EPAA):

- Development Assessment Provisions: Experimenting with streamlined assessment pathways for sustainable transport infrastructure, green infrastructure, and projects that promote active transport.
- Strategic Planning Provisions: Testing new approaches to integrating land use and transport planning, with a focus on reducing car dependence and promoting sustainable development patterns.
- Provisions related to environmental impact assessments: Experimenting with new methods of environmental impact assessments, that more accurately measure the impact of road infrastructure on the environment.

## **4.7 c) How could these Acts better support new developments in sustainability?**

Roads Act 1993:

- Incorporate Sustainability Principles: Explicitly integrate sustainability principles into the Act's objectives and decision-making criteria.
- Promote Green Infrastructure: Mandate the use of green infrastructure in road design and construction and provide incentives for sustainable road projects.
- Support Active Transport: Prioritize active transport modes (walking and cycling) by providing dedicated infrastructure and promoting their use.
- Electric Vehicle Infrastructure: Facilitate the development of electric vehicle charging infrastructure along roads.
- Lifecycle Assessments: Require lifecycle assessments of road projects to evaluate their environmental impacts over their entire lifespan.

Environmental Planning and Assessment Act (EPAA):

- Strengthen Sustainability Requirements: Strengthen sustainability requirements in planning policies and development assessments.
- Incentivize Sustainable Development: Provide incentives for developments that promote sustainable transport, reduce car dependence, and protect the environment.
- Integrate Transport and Land Use Planning: Improve coordination between transport and land use planning to create compact, walkable, and transit-oriented communities.
- Protect Natural Environments: Strengthen protections for natural environments and biodiversity in planning decisions.
- Promote Carbon Reduction: Introduce regulations and incentives to reduce greenhouse gas emissions from transport and development.
- Promote the use of recycled materials in road construction.
- Increase the number of green spaces within road reserves.