

Submission on Roads Act Review Issues Paper, March 2025.

Dr. Danny Wiggins, MPIA (Life Fellow)

<https://dannywiggins.com>

Thank you for the opportunity to comment on the Issues Paper, and for the review of the Roads Act.

My submission focuses on Qs 4.1, 4.4, 4.5 and 4.7, with a number of general comments up-front and throughout. I have highlighted my main comments, as a summary.

One up-front comment:

One of my mentors Ross Blunden's (Professor of Transport Planning, UNSW) two golden rules were:

1. "Land-use and Transport are interdependent", yet we still split them up legally (EP&A Act/ Roads Act) and administratively (Departments etc)
2. "More roads more cars" – like water finding its level.

Both are very important generally but, in particular for land-use planning/ engineering practice.

Consider No.1:

- Acknowledging the interdependence of transport and land-use should be an **objective of the Roads Act**. The Issues Paper acknowledges this as "better aligning to the planning framework".
- This is significant at the strategic planning level (regional/ district/ neighbourhood scales) – road hierarchy, including laneways, cycleways, pedestrian areas etc. The issues paper distinguishes "roads and streets". "Master planning" of neighbourhoods (e.g. activity centres and new suburbs) should break the standard "one size fits all" street widths – a variety of street/ laneway classes promotes a variety of use-types, providing opportunities for improving vibrancy (e.g. Central Park Chippendale and numerous traditional Sydney suburban shopping strips).
- The relationship at specific Development Application (DA) level is equally significant (street scale, cumulative impact of developments, ideally implementing a masterplan/ DCP place- based chapter – as above). To me, we need to emphasise that **crucial interface** between public land ("streets") and private land – access, gutter crossings, car dominance, street character etc. In practice, at all scales. "Movement and Place" is a good initiative.

As the Issues Paper notes, one of the two main principles of the Roads Act is the "access function" – rights of access between public roads and adjacent properties. Currently, works on roads/ streets need separate approval by council (usually) under the Roads Act. The Issues paper raises this (around Q 4.4). To me, there is a lack of integration (public/private realms), at all levels. This is an **administrative issue**. At present, government is organised by a "functional split" (i.e. by discipline; Council and State level). My long-standing preference for a more place-based approach – it is happening but needs promotion.

“A body of law never rises above its administration” (Justice Murray Wilcox)

“Form follows organisation” (John Mant, lawyer and planner)

One administrative solution, not mentioned in the paper, is to have council-level Roads Act permits promoted as a form of “integrated development”. Currently, and formally, this only applies to State roads. i.e. dealing with both Acts in a coordinated fashion as “Integrated Development” under the EP and A Act. I would recommend a consequential amendment to the EP and Act to permit/ promote the formal integration of council-level s.138 permits (Roads Act) with the DA, in the same way that such an “integration” move currently exists for “parallel” Local Government Act s.68 approvals (e.g. skips on the road, triggering pedestrian/cyclist/ disabled access consideration with the DA). Further, this would promote the role of the DA planner as an overall project manager, assist in striking a balance with engineering viewpoints, assisting with the problem issue (from my experience in reviewing council approval processes) of internal referrals at councils, and promote “holistic”, place-specific co-ordination. As the Issues Paper states, this is currently coordinated administratively (“in parallel”) at some Councils (successfully in some cases). This would also encourage applicants to consider the land use/ street interface in preparing their applications – “getting the front end (of the DA process) right”.

A similar approach should apply to specific “on-street” activities (Part 9 on the Roads Act).

For well over a decade, I have been involved in “healthy planning” as a member of the ‘Healthy Planning Expert Working Group’, originally established by the former Premier’s Council for Active Living. The Roads Act review is a big opportunity for healthy built environments, flagged up-front in the Issues Paper (on objectives and “outcomes for public health”) and discussed throughout the paper. I support comments and recommendations from others concerned with and active in healthy planning.

Finally, while it is great to see consideration of the planning system throughout the paper, I am surprised that I could not find mention of Part 5 of the EP and A Act (especially Division 5.1 EP and A Act – “no DA”, infrastructure) or Complying Development (more and more on the cards with the State Government’s housing strategy). The “pattern book” initiative for low and medium rise housing could be complying development.

Once again, congratulations on the initiative and the thought-provoking Issues Paper. Please don’t hesitate to contact me for any clarification on my comments.