

Thanks for the opportunity to make comment & provide input into the review of the Roads Act.

This is a collective submission, currently representing 263 Development, Design & technical Local Government staff from 60 of the 128 Councils in the state.

We wish to have input in the review of the Roads Act for improvements for all stakeholders & are happy to provide ongoing support & assistance in the review.

I think it's very important that as principal users of the Act we have meaningful input, particularly due to the size of this group.

Many of the items referenced below are highlighted as requiring improvements despite many of these being identified in the "Issues paper".

It is welcoming to see there is a commitment to work with Local Government as highlighted in the text below from the "have your say – Web page".

## ***Working with local government and industry***

*Simplifying the planning, management and delivery of roads is key to building stronger communities and connections across NSW. Transport for NSW wants to work with councils and key industry bodies to identify opportunities to simplify processes within the legislation to make road management more efficient and straightforward.*

*By working together, we hope to achieve these four outcomes proposed for the Roads Act Review:*

- 1. enable more contemporary uses for roads and streets through the Act to guide how the law applies to a range of road users, and inform a more simplified road classification system to improve road and street administration and regulation and contribute to improved road safety outcomes.*
- 2. enable faster local council and other roads authority decision making.*
- 3. create an easier to use statute that is adaptable and responsive to the future via planning.*
- 4. overcome operating challenges for roads authorities.*

The issues below, although some identified in the Issues paper" have been raised by the collective group as needing improving &/adding to the Act.

Some items overlap the Regs & the new TfNSW Guide to Transport Impact Assessments.

- Improved integration/operation between the Roads Act & the EP& A Act. EG S128 EP & A Act. This could also identify that Planning approval doesn't guarantee "Roads Act" approval.
  - TfNSW role & LG role & the specific role/s of each agency & if, when & how this is altered through & if needed by this Act. This would include TfNSW assuming responsibility as the "Roads Authority" & if so, what role would Council still perform? Refer below for additional comments.
- Tree removal as part of the current S138 heads of consideration is unclear. Provide clarification that is easily understood as there is often disputes with small developers,

Mum & Dads, etc. This will assist with tree removals for CDCs. Clarification on application of S88 as many try & apply this out of context.

- Road Authority should have a better say on who can works on its roads (e.g approved contractors - three strikes you're out?) This should include & be related to the regulation/control of traffic in regard to ROLs issued by Council & TfNSW.
- Easier provisions for Rangers/Compliance Officers to issue PIN's/Orders etc. Generally, Rangers etc don't want to get involved in the Roads Act.
- Make it a criminal offence if a person ignores/contradicts the Roads Authority (e.g. excavating a road which has the potential to cause serious harm). A simple process could be developed in regard to breaching of the Roads Act. Ease of enforcement & the issuing of penalties as well as achieving rectification of unapproved, non-compliant & unsafe works.
- A simple process & ability of Roads Authority to get costs reimbursed if Council has to undertake works to make a road safe, such as case above.
- Revised Roads Act to take precedence/priority over all other Acts. All utility providers to obtain an approval for Roads Authority regardless of their own Acts, excepting in emergency situations.
- Fix up the 'grey area' of verge maintenance in the front of properties. Clarify that the property owner is responsible for keeping it safe/ passable.
- Make it clear that Certifiers obtain an approval for driveway crossings prior to issuing any approvals for work on private sites. Don't leave it up to individual Council policy, practices, mandate it in the Act. Far too often if not done this results in large/expensive developments dictating road levels & poor undesirable mitigation treatments rather than the other way around.
- Provide controls/approvals on signage, especially temporary (e.g. Business A-frames, Election Signage).
- Consideration of on-road car charging provisions controls.
- Requirement for properties to have a formalised driveway crossings at the direction of Council for pedestrian safety reasons. Unformed driveways to be made safe. Currently only S142 applies to formal accesses.
- Requirements for bike lanes/share paths and who can use them. Overall improved requirements for active transport is required.
- Local Area Traffic Management.
- Lighting & utility allocations (work better with Streets Opening Conference guide/s.) & reference road safety in this space rather than electrical agencies driving their own "standards" that do not come close to meeting any industry road design & road safety guidelines.
- Ensuring all road infrastructure is designed to be accessible for people with disabilities, including tactile paving, audible signals, and wheelchair-friendly pathways.
- Requirements around road safety auditing/safe systems/ safer by design principles. The cost to the NSW Community for road trauma is about \$9 bill. Road safety should be front of mind, similar to what is in the TfNSW Guide to Transport Impact Assessment.
  - Give clear guidance for installation of street trees & utility authorities that believe their standards override all the road industry design, traffic & road safety guidelines. Needs to be correctly aligned with Movement & Place & Street Design Guide.
- Referral back to the National Construction Code/Disability Stds for some items ( e.g. fencing, staircase designs/ ramps/bus facilities, etc)
- Consideration of velocity and depths of stormwater flows within the carriageway/footpaths, etc
- Consideration of requirements in Planning for Bushfire Protection (e.g. road widths, grades)

- Consideration of waste retrieval (bin pickup) in road reserve
- Requirements, hoardings/fencing/construction & delivery areas within road reserves.
- Road opening permits & ROLs. Clearer for utility & others.
- A set & specific process that is clear for how TfNSW assumes responsibility as the “Roads Authority” & what if any role Council still has in the process.
  - There are many ways this operates where Council contributes to the design assessment & that TfNSW issues the s138, or the TfNSW issues concurrence & Council issues s138, or there is a split that Council does behind face of kerb & TfNSW within carriageway, etc.
  - TfNSW officers are all aware of the set process & they need to be interpreted & applied the same way.
- Consideration of all users of the Act, particularly external stakeholders & that the review of the Act needs to be written in a very clear way.
- Traffic Committee? Would there be a review of functions, processes, permanent delegations, etc
- Clearer processes for closing temporary or permanent roads.
- Greater clarity on s142 in regards to owners (beneficiary) responsibilities & how this can be better highlighted to the owner as there has been many legal issues (as with others above) where we have been advised that S142 isn’t clear & responsibilities cannot be clearly applied.
- Consideration of & the provision of how Movement & Place will need to evolve as areas change (land use types/densities, etc change in growing areas)
- Set procedures for WADs as each project seems to have a WAD progressed in different ways, including the RSA process.
- Section 5 & 6 of the Act should be expanded to include provisions that the right of passage and access is subject to reasonably practicable safe access (i.e. some existing road reserves have no means of providing safe or reasonable access).
- Road Occupancy provisions should be included for activities on the road reserve such as filming, events, traffic control, utility & geotechnical investigations, hoardings, etc.
- Works and structures provisions should be expanded to include matters for consideration (eg. review of environmental factors, s89 of LG Act, etc.) and provide better integration with EP&A Act, Exempt & Complying Development Codes, LG Act, etc. (eg. awnings on the road reserve).
- Provisions should be included for construction and maintenance of private works (eg. driveways) constructed along an unmade public road.
- Clearer provisions should be included to allow Roads Authorities to regulate works carried out by private contractors including stop work, timeframe to complete works, take over works, recover costs, fines, etc. for protection of public health, safety and convenience and protection of the environment.

I understand that with development & refinement of the review of the Act, new issues will arise & these will require consideration & enhancement.

As mentioned above, we are more than happy to assist in any process as there will hopefully be a much-improved benefit to all stakeholders, particularly us, as principal users.

Thanks again for the opportunity to provide input.

Kind regards



On behalf of 263 Development, Design & technical Local Government persons from 60 of the state’s 128 Councils.