

Our Ref: 5673826

25 March 2025

Attention:

Susan - Strategic Policy Lead, Roads

Ben - Manager Movement and Place

Roads Act 1993, NSW GOVERNMENT

[roadsactfeedback@transport.nsw.gov.au](mailto:roadsactfeedback@transport.nsw.gov.au)

Dear Sir / Madam,

Thank you for your email dated 19 March 2025, which offers Council the opportunity to provide input on the Roads Act review. Below, please find the points from Eurobodalla Shire Council for your consideration.

- Crown Lands ability to transfer public roads to us is unfettered and should at least be subject to a 'public interest' test i.e. why is it better to transfer to Council. Their guidelines don't consider cost to Council of such transfer and given our constrained finances it should. Councils should have the same level of consent to except transfers of Crown Roads as TfNSW under Section 152I of the Roads Act.
- When Council is acquiring land for roads from a Crown agency, it should not be subject to the Treasury Directive to pay market value. This will achieve objective 2 as it will allow us to sign up to projects much more quickly rather than wait until land value can be confirmed
- Many physical roads are not in road reserves and this causes ongoing problems. Council tried to rely on s18-21 of the Act to resolve one local issue but failed which brings into question what those sections of the Act are trying to achieve
- Several sections of the act require public notification including to be put in the local newspaper (e.g. s38B). This needs to be deleted as its expensive and some areas do not have a local paper. Public notification requirements could mirror the Local Government Act as a suggestion
- We also need to notify all statutory authorities even if they are not present in the LGA e.g. the railway
- Tree removal as part of the current S138 heads of consideration is unclear. Set a clear process that is easily understood & also assists with tree removals for CDCs.
- Road Authority should have a better say on who can works on its roads (e.g approved contractors - three strikes you're out)
- Easier provisions for Rangers/Compliance Officers to issue PIN's/Orders etc.
- Ability of roads Authority to get costs paid if Council has to undertake works to make a road safe, such as case above.
- 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. Yes, don't leave it up to individual Council policy, practices, mandate it in the Act.

- Provide controls/approvals on signage, especially temporary (e.g. Business A-frames, Election Signage).
- Requirements for bike lanes/share paths and who can use them. Overall improved requirements for active transport.
- Give clear guidance for installation of street trees & utility authorities that believe their standards override all the road industry design, traffic & road safety guidelines.
- Referral back to the National Construction Code/Disability Standards for some items (e.g. fencing, staircase designs/ ramps 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 erected in 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.
- Consideration of all users of the Act, particularly external stakeholders & that the review of the Act be written in a clear way.
- Clearer processes for closing temporary or permanent roads.
- Consideration of & the provision of how Movement & Place will evolve as areas change (land use types/densities, etc)
- No Clear link connecting Sections 29, 32, and a 138 that pf the current Act. Following on would a DA process qualify as a "plan" or "proposal" under Section 29, or if those terms are intended to refer to something else initiated by the road authority itself?

Thankyou for taking the time to review and consider Councils submissions on the Roads Act review.

Should you require further information, please contact Council on 4474 1000 or [council@esc.nsw.gov.au](mailto:council@esc.nsw.gov.au).

Yours sincerely



Mark Brain  
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