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Roads Act 1993 Review
Transport for NSW
PO Box K659
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Dear Sir/Madam

Review of the *Roads Act 1993* – Issues Paper

Thank you for providing the Housing Industry Association (HIA) with the opportunity to comment on the Issues Paper as part of the review of the *Roads Act 1993*.

As the voice of the residential building industry, HIA represents a membership of 60,000 across Australia. Our members are involved in delivering more than 170,000 new homes each year through the construction of new housing estates, detached homes, low & medium-density housing developments, apartment buildings and completing renovations on Australia's 9 million existing homes.

HIA members comprise a diverse mix of companies, including volume builders delivering thousands of new homes a year, small and medium home builders delivering one or more custom built homes a year through to land developers, building product manufacturers and associated professionals. From sole traders to multi-nationals, HIA members construct over 85 per cent of the nation's new building stock.

Most developments in NSW, including the construction of a dwelling will involve at least one activity that is regulated by the *Roads Act 1993*. This can include the construction of the vehicle driveway crossover, the installation of a stormwater drainage pipe connection to the kerb or excavations for the connection of utility services. In most cases, each activity will require a separate application under section 138 of the *Roads Act 1993*. The need for the separate approval of minor and routine works within the footway adds significant costs, leads to project delays and reduces productivity.

It is considered that where works such as driveway crossings, stormwater drainage connections and excavations meet prescribed design standards, additional approvals should not be required. Inclusion of pathways similar to 'exempt development' under the *Environmental Planning and Assessment Act 1979* should be adopted to minimise the need for further approvals, particularly where the works are associated with development that has planning approval. This would be similar to the approach adopted in other jurisdictions where the separate approval of driveways is not required.

Implementing some form of exempt development for minor works especially those undertaken on roads that are not classified roads or are not roads under the control of Transport for NSW

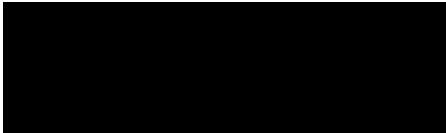
has the potential to deliver substantial benefits. Inclusion of prescribed design and construction requirements will drive consistency and at the same time improve overall construction standards. The creation of standardised traffic management plans will produce further efficiencies and cost savings whilst still maintaining appropriate levels of safety during construction.

It is estimated that removing the need for the separate approval of driveways and other works within the road reserve has the potential to reduce overall costs to NSW by more than \$25M per year and reduce construction timeframes by 6 - 8 weeks per project.

Further detail on these issues is contained in Appendix 1.

If you would like to discuss any of these matters further, please do not hesitate to contact Michael Said, Senior Building and Planning Policy Advisor on 9978 3390 or email m.said@hia.com.au.

Yours sincerely
HOUSING INDUSTRY ASSOCIATION LIMITED



Brad Armitage
Executive Director NSW

Interaction with the *Roads Act 1993*

As part of the construction of a dwelling some works are usually required within the footway or road reserve. This can include the construction of the vehicle driveway crossover, the installation of a stormwater drainage pipe connection to the kerb or excavations for the connection of utility services. To undertake these activities approval is required under the *Roads Act 1993*. This is in addition to approvals required under the *Environmental Planning and Assessment Act 1979* to construct the dwelling itself.

Multiple approvals may also be required for the same activity particularly when it relates to Complying Development Certificate (CDC) applications. Section 1.18 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) requires that before a CDC is issued, the written consent from the relevant roads authority be obtained for the building of any kerb, crossover or driveway (vehicle crossing). Blacktown Council for example only provides 'design approval' at the CDC application stage. As noted in its application form¹, further applications for the vehicle crossing, stormwater and utility connections are required at the construction stage. HIA also understands that the vehicle crossing approvals given by some councils may also be time limited.

The need for the separate approval of minor works within the footway adds cost and reduces productivity. Fees for Section 138 applications can exceed \$1500 per project adding to the cost burden for the delivery of new housing.

Reducing the number of applications that need to be processed will save the NSW community over \$25M per year. It will also have positive resource implications for councils by allowing them to distribute resources associated with this function elsewhere.

Comparison to other Jurisdictions

The separate approval for the construction of a vehicle crossing across a footway is not required in some interstate local government areas. In these areas, approval may be given automatically where the driveway is shown on the plans submitted with the Development Application. In some cases a vehicle crossing may not require any approval at all where the driveway meets certain criteria.

Sunshine Coast Council² for example provides automatic approval for 'standard crossovers'. Proponents are required to complete a checklist to determine if the conditions for a standard crossing are met. For non-standard crossings, an application is required. Automatic approval is also granted in the City of Moreton Bay for residential driveways that meet specified standards³. Brisbane City Council has implemented a self-assessable pathway for crossover permits⁴. The permit is available immediately if the self-assessment criteria is met.

Traffic management plans increase the regulatory burden

In NSW, as part of the Section 138 application, a Traffic Management Plan (TMP), certified by an accredited/licensed Traffic Controller is commonly required to be provided. Costs associated with the preparation and implementation of these plans vary considerably

¹ <https://www.blacktown.nsw.gov.au/files/assets/public/v/1/plan-and-build/roads-cdc-vehicular-crossing-and-roof-water-design-assessment-application.pdf>

² <https://www.sunshinecoast.qld.gov.au/development/building/construction-of-vehicle-crossovers>

³ <https://www.moretonbay.qld.gov.au/Services/Building-Development/Building/Residential-Driveway>

⁴ <https://www.brisbane.qld.gov.au/laws-and-permits/laws-and-permits-for-residents/footpaths-and-driveways/driveway-permits/residential-driveway-permits>

depending on the extent of the works. Even for minor or short-term works, the cost of TMP can be a minimum of \$1,300 which adds to the regulatory cost burden.

On roads where traffic volumes and pedestrian activity is low, the risk associated with work on the road reserve is minimal. These risks can be managed without the need for a certified TMP through the provision of warning signs, barricades and the adoption of appropriate work, health and safety practices. Some councils including Tweed Shire Council have developed template TMPs for use in their area as part of works within the footway⁵. Standardised TMPs for works within the footway/road reserve should also be developed and adopted more broadly to ensure consistency and provide an adequate level of safety.

⁵ <https://www.tweed.nsw.gov.au/files/assets/public/v/2/documents/council/council-policies/driveway-access-to-property-design-specification.pdf>