

Comments on Roads Act 1993 Review and Issues Paper

Transport for NSW

roadsactfeedback@transport.nsw.gov.au

I wish to make comments on the *Roads Act 1993 Review and Issues Paper* currently on public exhibition.

The comments relate to matters that should be considered in reviewing the Roads Act 1993 and focus on:

1. Updating **legislative objectives for roads** to recognise the importance of multiple road functions,
2. Recognising requirements for **managing biosecurity and protecting biodiversity**, especially in rural areas
3. Recognising **multiple road functions** and services
4. Integrating **roads and land use planning legislation**
5. Considering **carbon emissions and climate change**
6. Establishing a framework for **strategic road and transport network planning**

General comments

The *Issues Paper* provides a good overview of the current situation and is a helpful scoping document. Key issues in the review relate to the need to integrate the provision and maintenance of a range of infrastructure services that exist on roads (eg water, sewer, telecommunications electricity and stormwater) with road and street functions and land use planning processes.

It is pleasing to see the multiple functions and differing roles of roads and streets recognised. This is important in both urban and rural situations. The focus of the review appears largely to be in an urban context, however it is essential that issues associated with rural roads are given equal consideration, especially as they affect important issues including:

1. Biodiversity and habitat connectivity
2. Biosecurity and spread of invasive species, particularly plants and animals
3. Maintenance and fencing of rural roadsides

Legislative objectives for roads

It is important for roads legislation to recognise the importance of providing public utilities and environmental services. It is suggested that additional legislative objectives need to be considered for inclusion including recognising the importance of:

1. Proper environmental management of roads and roadsides that extends beyond the built infrastructure, and includes biodiversity and biosecurity
2. Reducing long term maintenance costs
3. Reducing carbon emissions and adapting to climate change
4. Facilitating implementation of nature positive and biodiversity outcomes on roads

Managing biosecurity and protecting biodiversity

Roads and streets are important vectors for spreading weed plants and feral animals at huge and increasing economic and social cost. The role and responsibilities of road authorities should extend to undertaking monitoring and control functions that potentially may require priority over other road functions such as safety.

Nature positive objectives are required in land use and transport planning and the review of the *Roads Act 1993* provides an opportunity for this to be recognised in legislation. For example, recognition of the impacts of the construction and operation of roads on nature and other species must be considered. This extends from the protection natural wildlife habitat and connectivity to provision of new or retrofitted infrastructure to restore and benefit nature.

It is suggested that the issue of achieving nature positive objectives and recognising transport interactions with wildlife and native species should be recognised in the legislative review process. Specific matters that could be referenced include:

- When wildlife should be considered in road function, design and assessment,
- Management of roadsides and protection of biodiversity values,
- Impacts of lighting associated with roads on wildlife, and measures to reduce light spillage,
- Measures that can be taken to avoid animal/vehicle collisions (eg speed limits),
- Species specific standards for animal accident prevention fencing and maintaining habitat connectivity across roads (eg for koalas).

Recognising multiple road functions and services

More attention should be given to the role that roads play in accommodating public utilities and services, and the potential incompatibilities that may exist between these different functions. This is especially relevant in terms of approval processes and the responsibilities of separate agencies and how they interpret and administer their separate legislation and interactions.

Many utilities are exempt from consent requirements under State Environmental Planning Policy (Infrastructure) which also fails to consider roads and maintenance in an integrated way that maximises public benefits. This is a particular issue in relation to redevelopment of existing urban areas where service provision may need to be organised by a single authority rather than multiple agencies.

Effective management of roadsides is hindered, and often made more expensive as a result of unco-ordinated utility projects and poorly designed and located services. There could be options under the *Roads Act 1993* review to more effectively manage these.

Integrating roads and land use planning legislation

Establishing a framework for strategic road and transport network planning is essential and could be facilitated by improving the legislative objects and requirements.

A clearer framework for strategic road network planning is clearly needed, particularly in relation to future public transport provision. This requires more effective integration of the provisions of the *Environmental Planning and Assessment Act 1979* and roads legislation, especially in relation to *State Environmental Planning Policy (Infrastructure)* approvals, objectives and consent and exemption requirements.

Trees and streets on roads represents an important issue of public interest that needs to be given detailed consideration, and is particularly relevant for local governments. There is a clear need for new legislation for trees and vegetation that extends to trees on roads and replaces the extremely clumsy current arrangements which poorly recognise the multiple functions of roads and streets, especially in relation to urban amenity.

Considering carbon emissions and climate change

With carbon emission reduction of a global priority, it is curious that only one reference is made to this in the *Issues Paper*. It is important for planning for land use, road and transport infrastructure to at least recognise, and also to assess and quantify carbon emissions. The extent to which this is addressed is guided by the requirements of the legislation.

The priority for reducing carbon emissions from transport needs to be higher, particularly making sure that transport infrastructure is carbon neutral in all its aspects. It would be appropriate for the legislation to acknowledge that road infrastructure design and the ongoing management of roads can be undertaken in ways that limit carbon emissions.

It is hoped that the comments above may be able to be incorporated in the review and update of the *Roads Act 1993*.

Thank you for the opportunity to comment.

M Fallding

Urban planner and strategic biodiversity specialist
Land & Environment Planning consultants

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