



NSWPF submission in response to the *Roads Act 1993* Review Issues Paper

The NSW Police Force (NSWPF) appreciates the opportunity to respond to the Transport for NSW Roads Act 1993 Issues Paper.

We are happy to discuss these comments further. Please make requests to the contact person detailed at the end of this submission.

Safety of road users and community use

As noted in the Issues Paper, the *Roads Act 1993* (the Roads Act) does not fully incorporate the NSW Government adopted Safe Systems approach to road safety, which aims for zero deaths and serious injuries. NSWPF supports full implementation of the Safe Systems approach and welcomes inclusion in the Roads Act to ensure that roads, roadsides, and vehicles are designed to minimise crashes and reduce severity of crashes.

NSWPF considers that embedding the Safe Systems approach would enable better consideration of safety in the planning, administration and management of roads by directly integrating safety into road design and planning. Improving traffic management and controls including appropriate speed limits, speed calming devices, and clear signage (parking and general signs) would also be beneficial.

We note that the Issues Paper cites potential changes to the Roads Act to enable more community uses for roads and streets. Whilst enabling more community uses could enhance public life and economy, it is essential these uses are balanced with road safety considerations such as impacts on different road users and uses. For example, this could lead to an increase in pedestrian and cyclist traffic which could lead to higher risks of crashes and injuries if not safely and appropriately managed. Temporary street closures and other changes could impact traffic flow, operational policing duties such as emergency response times, and overall public safety.

Consideration should also be given to freight movement as it is necessary for businesses to operate and to allow for safe movement of freight, including heavy vehicles, in and out of these areas at all times. The risk presented by freight movement is amplified in circumstances where the space is also being promoted for use by pedestrians and active transport (including e-micromobility), as these groups are considered vulnerable road users. We agree with including in the review the movement of oversize and/or overmass vehicles, noting the increased movements to facilitate the establishment of Renewable Energy Zones across the state.

Road classification

The NSWPF considers the classification systems for roads is complex and may need simplification. This complexity can lead to confusion about who has authority for specific segments of road and creates challenges in managing and maintaining the road network. The NSWPF has experienced this when implementing protracted road closures due to operations or disasters. For examples, where there are extended road closures due to flooding, confusion has arisen as to who owns the road on which the flooding is occurring, and regarding the management of the road to divert traffic away from the hazard. In NSWPF experience, there are often delays in resources attending hazards due to this confusion over roles and responsibilities. Similarly, this confusion is evident when road infrastructure is damaged and urgent repairs are needed to maintain road safety (e.g. Traffic Control Lights).

The Roads Act could benefit from clarification of roles and responsibilities for roads authorities, for example by requiring the establishment of clear agreements between roads authorities



detailing how the network is operated. This would help ensure that each authority understands its roles and responsibilities, reducing confusion and improving coordination.

Response to natural disasters

In relation to increasing flexibility under the Roads Act to improve response to disasters, whilst NSWPF is not a roads authority under this Act, we are aware of limitations in respect of taking possession of land, as raised in the Issues Paper. For example, in April 2024, a landslip resulted in the Megalong Valley becoming inaccessible via public roads. The Blue Mountains City Council was unable to use the provisions under section 175 of the Act to establish a temporary access route because the two possible routes identified were not interpreted as being in the immediate vicinity. Section 175(1) refers to “any land along or near the line of the road” and these options were at least 12 kilometres away.

The review could also examine section 175(2) as it requires 7 days’ notice to exercise the power outlined above, which is viewed unreasonable when a community is isolated in an emergency.

Regulatory experimentation under the *Roads Act 1993* and *Environmental Planning and Assessment Act 1979*

If regulatory experimentation occurs under these Acts, it is important to ensure that any changes to the primary function or use of a street does not compromise public safety. Accompanying any changes, consideration would need to be given to managing traffic flow, ensuring clear signage, and implementing crash prevention mechanisms. The NSWPF notes that the encouragement of walking and cycling increases the amount of vulnerable road users in crashes.

Local Councils would need to ensure that all road users, including pedestrians, cyclists, and motorists, can coexist safely. This could involve setting up temporary barriers, directing traffic, and ensuring that emergency vehicles can access these areas when needed. Consideration should also be given to the parking of e-micromobility devices and the dangers that silent electric vehicles present in areas of high pedestrian traffic.

Penalties and compliance

The NSWPF supports a review of the penalties and compliance framework in the Roads Act and considers it may require updating to reflect the seriousness of offences and to provide adequate deterrence to offending.

We welcome further opportunities for ongoing consultation as this review progresses.

