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 Property Council of Australia

28 March 2025

Mr Josh Murray  
Secretary  
Transport for NSW  
231 Elizabeth Street  
SYDNEY NSW 2000

Lodged via: NSW Have Your Say Portal

Dear Mr Murray,

We welcome the opportunity to provide feedback on Transport for NSW's (TfNSW) issues paper on the review of the *Roads Act 1993* (the Act).

As the leading peak body representing Australia's property industry, our membership spans property developers, financiers, builders, asset managers and owners across all asset classes. We work across our members and all levels of government to create excellent places to live within our cities and regions while make a positive contribution to the national economy.

The Property Council commends TfNSW on their intent to ensure the Act remains fit-for-purpose, allows for faster decision-making and improves operational processes. The review is particularly relevant given there are several separate but intersecting Acts governing the planning, use and management of the NSW road network.

### **Objects of the Act**

As populations grow and economies change, the purpose and capacity of our road network must evolve to meet this challenge. The interplay between transport and land use planning will be increasingly important, so there is merit in expanding the objects of the Act to emphasise this along with better integration with the *Environmental Planning and Assessment Act 1979*. Revised objects that emphasise sustainability, road safety, advances in technology and support active transport modes will also ensure that the Act remains relevant and responsive to contemporary opportunities challenges.

The objects of the Act should also consider the role of road infrastructure in supporting economic development, particularly in areas earmarked for high growth and industrial precincts. The Issues Paper recognises the importance of the role of freight and the absence of its consideration in the Act. The Act should be amended to ensure that freight, including the mapping of A and B-double routes, is considered as part of the regulation of traffic under the Act.

### **Integrated land use and road network planning**

In its current form, the Act lacks a clear framework for strategic road network planning that aligns with broader land use planning objectives. For example, the current approach to the road reclassification process is reactive and infrequent, falling short of meeting the needs of modern

urban expansion. Without a clear framework, this will result in ongoing fragmentation across councils and other road authorities, leading to uncertainty, delays and inefficiencies for developers, landowners and communities.

### **Road reclassification**

The NSW Government has an opportunity to lead by integrating road reclassification into the preparation of strategic plans for greenfield release areas and infill developments. By identifying roads that will assume greater significance based on traffic projections, connectivity needs, and economic impact, TfNSW can pre-empt delays and better align infrastructure delivery with development timelines. Our submission on the approach to road recategorisation provides more detailed recommendations on this issue.

### **Road authorities for future roads**

Section 7(3) of the Act currently allows for the Regulations to declare a specified public authority to be a roads authority for a specified road or for all roads within a defined or specified precinct. This is important and should remain. However, this subsection does not cover off on the scenario of who the road authority is, or should be, for a road that does not exist yet. This could be interpreted as only applying where the public road has been built, making it unclear whether this subsection can be applied to privately owned land before the road is delivered or a section/part of a public road.

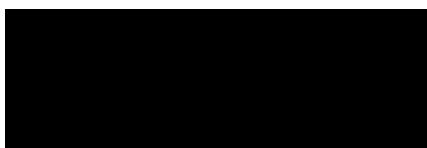
This results in confusion and delays to the delivery of projects and infrastructure with no clear way of determining the road authority to enter into a voluntary planning agreement with for the delivery of the road infrastructure. Getting clarity on this matter (and an amendment to the Act) would make it clear as to which authority the private sector needs to engage with for the preparation of a VPA where a road is not yet a public road.

### **Conclusion**

We acknowledge this is the first phase of consultation to inform the review of the Act. We welcome the opportunity for continued engagement throughout this process to ensure the legislation facilitates more efficient processes for road management and provides greater certainty for the development industry.

We thank TfNSW for the opportunity to provide a submission to this review. If you have any questions about this submission, please contact NSW Policy Manager, Emma Thompson at [ethompson@propertycouncil.com.au](mailto:ethompson@propertycouncil.com.au) or by phone on 0458 294 817.

Yours sincerely,



**Katie Stevenson**  
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