

Council reference:  
Your reference:

28 March 2025



Transport for NSW  
Via Have Your Say Portal

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



Dear Sir/Madam,

### **Tweed Shire Council Submission – Review of Roads Act 1993**

Thank you for the opportunity to make a submission on the current review of the Roads Act 1993 (Roads Act).

The issues paper provided by Transport for NSW (TfNSW) provides an excellent summary of the current legislation, and identifies several challenges faced by Roads Authorities in its application.

In particular, it highlights in Figures 16 and 17 the convoluted nature of road regulation and planning powers. Rationalisation and increased efficiencies in these areas would be of great benefit to Councils, State Agencies and our communities.

Tweed Shire Council wishes to contribute constructively to the review and would like to highlight the following aspects of the review that are of particular interest:

- i. Clarification of the definition of road and road related areas, as they relate to regulation, compliance and road rules.
- ii. Review of delegations between TfNSW and Councils, including Local Traffic Committees, when concurrence is needed and why.
- iii. Confusing road classification systems, noting that legal classifications under the Roads Act are different from administrative categories. Specifically classified roads, their identification by Council officers, the need for concise mapping (e.g. in SIXMaps) and notification requirements for various uses and works.
- iv. The relationship between the Roads Act and the Environmental Planning and Assessment Act 1979, including: landowner's consent requirements from road authorities, s138 approvals for works on classified roads, appeal rights, reference to State Environmental Planning Policies e.g. SEPP Transport and Infrastructure, and approvals for new roads e.g. subdivision and intersection works.
- v. The relationship between the Roads Act and the Local Government Act, including approvals for events and outdoor/footpath dining.
- vi. The extent to which approval is required from TfNSW / Department of Planning Housing and Infrastructure (DPHI) for matters involving Local Government decisions on its local road network. For example:
  - a. Over-regulation and extended time periods required for resolving leases (including air space leases) on Council owned classified roads (e.g. approval from Secretary DPHI)
  - b. Extended periods of time required for TfNSW to resolve traffic signal designs and approvals on Council road upgrades.

- vii. Interaction with Crown Roads, including their maintenance, closure, disaster repair, and transfer to Council.
- viii. The ability for Council to regulate access on a Council owned classified road in special circumstances e.g. installation of a gate.

The issues paper rightly identifies several important performance criteria for roads and road related areas that affect place making, community use, environmental sustainability and economic growth of these public spaces, including:

- Active and public transport
- Pedestrian facilities
- Road safety
- E-mobility
- Freight
- Climate resilience
- Water sensitive urban design

It is Tweed Shire Council's view that these aspects of road planning need not be explicitly addressed by legislation. These should however be key focus areas for TfNSW in their provision of guidance material, funding, grant programs and technical support to Councils.

We look forward to future opportunities to have further input into this review. Please contact the undersigned on 02 6670 2476 or [drose@tweed.nsw.gov.au](mailto:drose@tweed.nsw.gov.au) if you wish to discuss this submission or engage directly with Tweed Shire Council.

Yours faithfully



Danny Rose  
**Manager Roads and Stormwater**