



Our ref: D25/35763

28 March 2025

To:

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roadsactfeedback@transport.nsw.gov.au

Re: Submission to the review and update of the Roads Act 1993

Preface

Waverley Council appreciate the opportunity to provide feedback into the review and update of the Roads Act 1993 ("the Act"). Council believe the Act continues to be relevant after over three decades in use. We also agree with the issues paper that certain parts of the Act need to be updated.

It is hoped that the review and update to the road classification framework would incorporate considerations for all road users and network hierarchy, as well as reduce complexity and streamline roles, responsibilities and decision-making processes. Expanding the current delegation to councils would further streamline processes. Some provisions of the Act remain ambiguous and open to opinions and interpretation. Addressing these common ambiguity issues would help ensure a streamlined and easy-to-use statute.

This technical submission is structured in two parts. The first part, 'General Comments', speaks to issues and considerations at a higher-level or as pertains to a specific part of the Act. The second part responds directly to the questions posed in the Roads Act 1993 Issues Paper.

General Comments

There is scope to clarify councils' powers with respect to granting or not driveway access.

Section 138 and legal precedent indicates councils/roads authorities have this discretion, yet it may conflict – or be thought to conflict – with Section 6. In dense, compact LGAs, there are often clear physical and policy constraints that make additional driveways problematic. We suggest that an updated Act make clearer authorities' ability to limit or restrict this.

Uncoordinated excavation and reinstatement of road infrastructure by utility companies

cause significant disruptions in our densely populated areas, and the Act has limited provisions for restoring the road to its previous condition. In many cases this means merely filling up the excavation, leaving permanent damage to newly completed council projects, such as road resurfacing or footpath upgrades. Council need the Act (primarily Part 7) updated to give greater control over timing of works, adequate planning time and cost recovery for the disruption caused and reduced life expectancy of road assets.



The apportionment of cost guidelines for state roads is another area needing attention. The current process can involve extended negotiations with the State, leading to delays in project delivery. A review and update of these guidelines seeking to make the process quicker, more efficient, and easier to navigate would be welcome and clearly in the interest of all parties involved.

More clarity on cost recovery mechanisms on damage to local roads, and funding for regional roads is required, as well as ongoing consideration for how council transport systems are funded. Recognising linkages to other legislative instruments, such as the Local Government Act, Councils are currently constrained in self-determining funding levels without further complex state-mandated processes. Noting that most vehicle trips start and end on local roads, attributions with respect to regional roads may not be sufficient.

The review should consider how the Roads Act Review can **support establishing an independent arbitration process to resolve disputes** between local councils and other authorities regarding road works. This would provide a fair and impartial mechanism for resolving conflicts. As well, standardised early consultation protocols to better avoid such outcomes should be specified.

Provision for demand management and/or vehicular travel limitations. The Act grants public the right to pass along public roads on foot, in a vehicle or otherwise. As our metropolis continues to grow, provision of road space cannot keep pace with the increase in travel demand. Instead of responding to congestion and other vehicle related issues, we need more proactive demand management for vehicular traffic. This includes provisions in the Act to allow road authorities to restrict access to public roads by motor vehicles. This would enable measures such as low emission zones, superblocks, or neighbourhood traffic calming zones or use potential demand management tools, such as congestion charges or localised registration fees if deemed by Councils to be required. There is also an opportunity to clarify the rights of e-micromobility devices in using public roads in line with the recent inquiry, and powers of road authorities in managing these devices

Comments with respect to the Issues Paper questions

Whether there are better ways to acknowledge and accommodate all road users

Also in relation to: [Question 4.2 a. How can the Act be improved to ensure that it considers each category of road user & Question 4.3 b. How could the system of road classification in the Act be improved.](#)

We support the issues paper on the need to update road classifications in the Act. We need a people-centric road classification framework considering all road users and the road network hierarchy, and its place-movement function. In alignment with other State policies and guidelines, use of roads by pedestrians, bike riders, public transport and freight should receive sufficient consideration in the updated road classification.

Road classification underpins network planning, how we classify and therefore manage roads, and in determining management responsibilities that minimises network risks. At a more tactical level, a workable road classification framework is needed to set priorities for different road sections, balance rights of access with movement by different modes of traffic (e.g. vehicle

access point vs. pedestrian & bicycle traffic), trade-offs between road users, road space allocation, and other traffic management issues. Data on various road users, and input from Councils who have a more intimate knowledge of their local road network and transport needs will be instrumental in shaping road classifications. The current road classification within the Act is vehicle-centric and does not provide enough consideration for different road users, or road hierarchy, which has limited usefulness for transport planning.

How we can enhance the functionality of roads and streets

Also in relation to: [Question 4.1 a. How could the Act be changed to enable more community uses for roads and streets](#)

We need management responsibilities to better align with actual functions of roads and streets. State roads form the main arterial network of vehicular traffic and are currently managed by the state. As traffic and land use continue to evolve, some state roads are taking on more “place” functions with greater significance for people walking, riding, and staying, including street level retail and activities. Bondi Road in our LGA is such an example. As such, it is no longer appropriate to treat all state roads as mere vehicle thoroughfares. To better respond to local needs, councils should be granted more power and resources in the management of roads within their LGAs – this includes both local roads, regional roads, and State roads with greater “place” functions. This aligns with the reform objective 1 of the issues paper: More contemporary uses for roads and streets that are safe and responsive to community needs.

How we can simplify decision making for roads authorities and therefore communities

Also in relation to: [Question 4.5 a. How could the Act make roles and responsibilities clearer for decision making](#)

The issues paper touches on the complexity of roles and responsibilities of Councils within the Act, which resonates with us, and we believe the current statute needs to be simplified to reduce overlapping roles and responsibilities. While Councils are responsible for managing local and regional roads under the delegation, many simple and low-risk traffic regulations, as well as road works with low network impact require lengthy decision-making processes involving the state. While the Temporary Delegation has been a great starting point, for councils to more effectively manage local traffic and respond to local needs, the delegated powers to councils need to be expanded, and there need to be more direct and established procedures to provide input or affect changes in areas currently managed by TfNSW. This includes changing speed limits and school zones, traffic signs (considered restrictive to movement) and signals, bus stops and routes.

- With regards to traffic signals, Councils should not be at the behest of a small body of engineers with sole control over how local streets are managed in time. Nor should that body be the sole authority on what is or is not a safe treatment, particularly when it comes to contemporary design practises and often in conflict with state policy. The review should seek to provide regulatory pathways for Councils or other road authorities co-jurisdiction (or more) of signals.
- With regards to speed limits/zones, this should be delegated to Councils.

We acknowledge that exercising council responsibilities in managing roads have been slowed by inefficient governance structures. Reference of technical decisions to non-technical governance bodies, such as the Local Traffic Committee has not been very productive. Development applications involving controlled access roads require application to both the council and the state. In addition, ambiguities in the Act adds to the difficulties of understanding management



responsibilities. For instance, what constitutes a “road closure” is a frequent topic of discussion that has not been adequately clarified by the Act.

We agree with the issues paper that the Act needs to be simplified for more efficient implementation and decision-making processes. We also agree that delegation to councils (inc. Delegation to councils in the 1990s and the temporary delegation in 2023) and other workarounds that have been proven to work should be made permanent by the Act itself.

Sincerely,



Simon Mueller

Manager, Integrated Transport