

Legislation Review Committee of Parliament
NSW Parliament House
6 Macquarie Street
Sydney NSW 2000

28 March 2025

Dear Sir/Madam,

SUBMISSION REGARDING THE ROADS ACT 1993 REVIEW

Thank you for the opportunity to comment of the current review of the Roads Act 1993. Council would like to offer the following comments for your consideration.

The current Roads Act needs to evolve to empower road authorities effectively in managing and maintaining public infrastructure.

As the roads authority, the council frequently faces challenges with utility providers that hinder its ability to manage assets effectively. Additionally, ongoing disputes with landowners regarding third-party rights and access on unformed roads persist, leading to confusion over roles and responsibilities when paper public roads lack formal infrastructure. Furthermore, the council struggles with insufficient compliance authority to impose penalties on third parties who violate regulations. Addressing these issues is critical for enhancing asset management and ensuring clear responsibilities among all stakeholders.

In further detail;

Issue 1: Notification Practices

Current Requirement: Some public activity notifications require newspaper publication and circulation.

Improvement Suggested: Expand notification methods to include various electronic media to enhance public engagement and awareness.

Issue 2: Rights of Passage

Current Provisions: Roads authority lacks the ability to impose access restrictions on unformed roads or public spaces.

Improvement Suggested: Grant road authorities the power to restrict vehicle access on public roads where such access is deemed undesirable, improving management of public spaces.

Issue 3: Access Rights for Adjoining Landowners

Current Provisions: No restrictions on access to unformed roads or properties without legal frontages.

Improvement Suggested: Allow road authorities to impose restrictions on access, particularly for properties with secondary access, to facilitate development and enhance access management.

Issue 4: Compliance Penalties

Current Penalties: Insufficient penalties exist for non-compliance with road usage regulations.

Improvement Suggested: Increase the power of road authorities to impose larger penalties on users conducting unauthorized activities on roads.

Issue 5: Traffic Regulation Authority

Current Limitation: Councils cannot amend speed zones for shared or low-speed streets without TfNSW approval.

Improvement Suggested: Empower councils to establish speed zones under 40 km/h in relevant areas without needing TfNSW approval, aiding in the development of pedestrian-friendly precincts.

Issue 6: Maintenance of Works and Structures

Current Issue: Insufficient definitions regarding maintenance responsibilities for driveways or access tracks.

Improvement Suggested: Define "structures" to include driveways and access tracks for private properties, ensuring clear maintenance responsibilities lie with the benefiting property owner.

Issue 7: Private Easements within Road Reserves

Current Regulation: Lack of clear guidelines concerning private easements within road reserves.

Improvement Suggested: Legislate for automatic release of easements upon road widening and enhance regulations for infrastructure placed by other authorities within road authority assets.

Issue 8: Authority over Service Assets

Current Limitation: Existing regulations limit road authority's ability to manage service authority assets during road works.

Improvement Suggested: Increase road authority's powers to direct utility placements and recover maintenance costs related to necessary adjustments.

Issue 9: Service Agreements Between TfNSW and Councils

Current Framework: Ambiguous authority definitions regarding works within corridor ownership.

Improvement Suggested: Clearly define responsibilities in service agreements to enhance collaboration between Local Government and TfNSW.

Issue 10: Ownership of Unformed Roads

Current Ambiguity: Unclear ownership status of unformed roads or paper roads.

Improvement Suggested: Clarify ownership regulations for unformed roads, enhancing management capacity.

Issue 11: Roads Outside Reserves

Current Limitation: Councils lack adequate powers to address roads not officially recognized within road reserves.

Improvement Suggested: Enhance council powers to take action on roads outside of designated reserves.

Issue 12: Transfers of Crown Roads

Current Process: Crown road transfers to local councils require no consent from relevant road authorities.

Improvement Suggested: Implement a requirement for local councils to consent to Crown road transfers, ensuring greater local governance.

Issue 13: Definition of 'Special Crossing'

Current Definition: The term 'Special Crossing' lacks clarity.

Improvement Suggested: Provide a more detailed definition that encompasses private driveway crossings to prevent disputes regarding responsibilities and costs.

Issue 14: Protection of Public Roads

Current Regulation: Insufficient restrictions on service providers installing private services without road authority consent.

Improvement Suggested: Make service providers responsible for relocating or protecting services installed within road reserves that might hinder future road upgrades or maintenance.

Yours faithfully,



Mike Nelson

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Wollondilly Shire Council