



Submission

Review of the NSW Roads Act 1993 – Options Paper

31 October 2025



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Submitted via online portal

31 October 2025

To whom it may concern

Re: Submission to the Review of the NSW Roads Act Options Paper

The ten Member Councils of the Hunter Joint Organisation (Hunter JO) welcome the opportunity provided by Transport for NSW to provide input to the review of the *NSW Roads Act 1993* via the currently exhibited Options Paper.

The Hunter JO is the statutory Local Government entity established by the NSW Government, through the *NSW Local Government Act 1993*, to support the ten member Councils of the Hunter Region to work together for better rural and regional outcomes, and to enhance the way Local and State Governments work together to plan and deliver important regional infrastructure and investment.

Member Councils of the Hunter JO include:

- Cessnock City Council
- Dungog Shire Council
- Lake Macquarie City Council
- Maitland City Council
- MidCoast Council
- Muswellbrook Shire Council
- City of Newcastle
- Port Stephens Council
- Singleton Council
- Upper Hunter Shire Council

The core statutory functions established by the NSW Government for the Hunter JO and joint organisations more broadly across NSW include:

1. Strategic planning and priority setting
2. Intergovernmental collaboration
3. Shared leadership and advocacy


Through the [Hunter JO Strategic Plan 2035](#), our Member Councils have identified the following shared priorities for the Hunter Region, all of which would benefit from a more efficient and effective framework and management approach to the regional road network arising from the current reform process. These priorities include:

Strategic Theme	Focus
Housing and Population Growth	Inclusive, affordable, and sustainable housing that supports population growth through integrated development, efficient land use, protection of natural environments and reduced exposure to natural hazard risk.
Economic Transformation and Jobs	The evolution of our region toward renewable and future focused industries, maximising our mining related and industrial lands and leveraging our regional strengths to drive innovation and economic growth, create jobs and protect our natural assets and environment.
Infrastructure and Connectivity	Seamless, multimodal, low-emission connectivity powered by modern transport networks, enhanced digital infrastructure, and integrated planning to support sustainable mobility and regional growth.
Environmental Sustainability and Resilience	A future focused on long-term resilience, where disaster preparedness, climate mitigation and adaptation, sustainable water management, and circular economy practices work together to protect ecosystems and build holistic resilience for future generations.
Financial Sustainability and Funding Reform	Financial sustainability achieved through reformed funding processes and secure financial models that ensure the long-term viability and success of Local Government to deliver services to communities.
Community Liveability and Wellbeing	A community where enhanced access to services, improved public spaces, and a strong sense of identity and opportunity promote wellbeing and a high quality of life for all.

The following submission has been developed in direct consultation with our Member Councils and drawing on the Hunter JOs regional advocacy and capacity building work in this area. I encourage you to consider our feedback and recommendations and would welcome the opportunity to further discuss with you.

Should you have any further queries please don't hesitate to contact Steve Wilson, Executive Officer on M0448 401 436 or at steve@hunterjo.nsw.gov.au.

Yours Sincerely



Cr Sue Moore
Mayor Singleton Council
Chair Hunter Joint Organisation

SUBMISSION

Review of the NSW Roads Act Options Paper

31 October 2025

Introduction

The ten Hunter JO Member Councils collectively manage around 12,644 kilometres of roads across the Hunter and Mid North Coast Region. We therefore welcome the opportunity to provide input to this important review of the *NSW Roads Act 1993* and greatly appreciate the opportunity to provide input through what has been a considered and engaging consultation process.

The views of the Hunter JO Member Councils are broadly consistent with the discussion included in TfNSW's options paper which identifies that the current Act is vehicle-centric and outdated, that roles are fragmented, approvals cumbersome, planning disconnected, liability ambiguous and sustainability overlooked.

At a broad level our Member Councils therefore support the intent of the reforms to deliver certainty in roles and responsibilities, reduce duplication, and empower councils to manage local roads efficiently while ensuring safety, accessibility and community benefit, including:

- clearer statutory responsibilities (especially on traffic regulation and approvals),
- streamlined Section 138/Works Authorisation Deed (WAD) processes
- better alignment with planning and transport legislation,
- explicit support for all road users and road safety, and
- resolution of legacy and utilities issues.

Key Focus Areas for Reform

1. Modernising the Act to reflect all road users

We support the NSW Roads Act moving beyond its current predominant focus on vehicle movement to a broader "movement and place" framework that recognises walking, cycling, public transport and placemaking as legitimate functions of the road reserve. We support broadening the definition of 'traffic' in the Roads Act to include consideration of all road user groups.

Broadening in this way will align with the movement & place principles and will ensure the needs of all road users are considered as a part of the design, maintenance and operation of the road network. The degree to which road user groups are engaged with or considered should be left to the discretion of the relevant road authority, as not all user groups may be significantly represented in all road types or in regions managed by all road authorities.

2. Roles and delegations

We support TfNSW's view that responsibilities between agencies are currently unclear. We agree that clearer statutory definitions of authority for traffic regulation, speed zoning and infrastructure approvals are needed. Long-standing delegations should be codified so councils can manage routine matters, with TfNSW retaining responsibility for state roads and higher-risk activities.

3. Street management and legacy issues

We agree the Act should better accommodate shared zones, low-speed environments and temporary place activations. We support provisions to address legacy encroachments (public infrastructure constructed on private land) and that give councils authority to direct utility companies to repair or relocate shallow services.

4. Safety and sustainability

We support embedding road safety as a core objective, consistent with Safe System and Vision Zero principles, and aligning the Act with broader sustainability and net-zero transport goals.

5. Approvals

We agree that approval processes can be improved. We recommend simplified procedures for minor works, clear guidance on when a Works Authorisation Deed applies, and removal of duplicate approvals for signage and temporary traffic management.

6. Planning integration

We support TfNSW's observation in the Options Paper that road management should be better aligned with land use planning. We agree with integrating the Roads Act with the *Environmental Planning and Assessment Act 1979*, the *Road Transport Act 2013* and the *Local Government Act 1993* and embedding road network plans within strategic planning instruments to support proactive management of growth areas. This approach has the potential to support the more efficient delivery of shared Federal, State and Local Government housing targets.

7. Purpose Statement and Regulatory Outcomes & Processes

The proposed purpose statement and regulatory outcomes identified in the Options Paper are generally supported. These provide a strong foundation for a more outcomes-focused regulatory framework, ensure the legislation reflects the strategic purpose and public value of the road network, and will better align the Act with more contemporary objectives and policy around movement and place.

8. Regulatory Tools and Processes

The development and engagement with Councils around proposed supporting mechanisms, including systems, protocols and compliance tools is supported. These have potential to ensure consistent and transparent regulatory improvements across all road authorities.

We support streamlined approval processes through risk-based permits and digital portals, with the addition of parameters for natural disasters. Current processes are overly complex and resource intensive, particularly for minor works such as driveways. The following is recommended:

- Risk-based assessment tools that differentiate between high-impact and low-impact works.
- A clear and consistent framework for third-party works in the road corridor
- A centralised digital approval portal to reduce administration burden, increase efficiency and ensure transparency.

- Recognise natural disaster and provide for the ability to respond quickly to community needs during / immediately post events.
- Include flexibility to streamline resilient measures such as road raising.

9. Compliance and Penalties

We support greater enforcement powers and associated penalties for road damage, unapproved work, overmass / oversize and non-compliance that are supported, defensible and robust in legal proceedings. This should include clear powers for councils to issue penalties, supported by state provided systems, tools and training. This is recommended to ensure greater and flexible enforcement powers for all road authorities to ensure compliance with the Act over roads they control.

10. Crown Roads

We support simplifying the Crown Road closure / transfer process and strengthening the roles and responsibilities for Crown Lands as the roads authority for Crown roads. This is because the current Crown Road permanent closure process is slow, complex, costly, cumbersome and inefficient even when all parties agree with the proposed closure. It is recommended that:

- A low-impact closure process for Crown roads where there are no adjoining landowner or agency objections.
- Automatic transfer of ownership where roads are already managed by councils and transfer has been initiated by councils.
- Councils should be afforded the right to refuse transfer of Crown roads, similar to the rights afforded to TfNSW.
- Provide clearer roles and responsibilities

11. Road Classification

The current approach to road classification is inconsistent and inhibits effective corridor planning and places unfair resource and funding burdens on road authorities, typically councils. We support establishment of a framework to ensure that road classification and the recategorisation process is based on clear criteria and delivered in a transparent manner. The classification must reflect the road function, network connectivity and access to critical infrastructure recognising that important road corridors often cross council boundaries in regional areas. The following is recommended:

- A clear and transparent road classification framework that considers the function, use and strategic importance of each road or broader corridor.
- Commit to regular recategorisation reviews to ensure a timely response to changes in the regional importance, function or road use.
- Recognise and facilitate easy processes for the classification / recategorisation of road corridors that span multiple council areas.
- Provide a consistent and consultative decision-making process between road authorities which is underpinned by a clear methodology with in-built independent dispute resolution mechanisms.
- Ensure that the road classification system recognises the importance of access to critical infrastructure and key public assets, such as hospitals, schools and larger localities / towns. This is required for ensuring community resilience, natural disasters management and economic development.

12. Road Funding

While noting that funding arrangements between and within different levels of government are out of scope for this review, it should still be noted that one of the biggest challenges facing Local Government across Regional NSW is a lack of funding to support delivery of a safe and secure road

network. Given that well-maintained road networks fundamentally connect local and regional communities, support community wellbeing and liveability, and underpin local and regional economic activity and prosperity, a more equitable and sustainable approach to road funding models and arrangements is urgently required.

Regional Councils in particular manage vastly greater road networks and have historically had to bear an undue burden when it comes to road funding compared with capital city counterparts, with this further exacerbated through Federal Financial Assistance Grant funding allocations which continue to deliver inequities to regional communities. For example, metropolitan councils manage a much smaller road network, meaning their funding needs are significantly lower. To put this into perspective, if 5% of the road network were renewed to the same standard each year, the relative cost would be about \$75 per ratepayer in Sydney, compared with over \$250 in Newcastle. In rural areas the gap is even more stark. Dungog Shire Council ratepayers would contribute more than \$3,800 each per year for the same outcome, while in Singleton the figure would exceed \$1,800 per ratepayer. This clearly disadvantages the affordability and capacity of regional and rural councils and their communities to effectively maintain their road networks.

While outside the scope of this review, truly effective and sustainable reform of road management across NSW will require a review of current funding models and arrangements.

Potential Models

From reviewing the potential models included in the Options paper, we understand they are not mutually exclusive, and elements may be combined or phased in over time. The following comments reflect this understanding and approach.

Model 1: Codification of Current Practice

Model 1 provides a pragmatic and achievable approach to improving clarity, consistency, and usability of the Act without requiring significant structural/regulatory change. It can also be achieved within the shortest timeframe.

While not providing as strategic an approach as could be delivered by a plan led framework (Model 2), initially proceeding with Option 1 could provide the opportunity to then progressively move toward Model 2, once initial issues have been addressed and resolved. It is noted that some elements of the mapping and planning tools proposed under Model 2 could also be initially incorporated into Model 1 to enhance decision-making and transparency. It is recommended that if proceeding with Model 1, that a road user hierarchy also be included to better reflect the needs of vulnerable users and align with contemporary transport policy.

Model 2: Plan-led Framework

It is recognised that a plan-led framework under this model would support governance, strategy, planning and operational management through network plans and enable a more proactive approach to road management. This model provides:

- Clearer roles and responsibilities between state government (Transport for NSW and Crown Lands) and councils.
- Statutory road network plans to assist in long-term strategic planning, investment and management.
- Greater scope to provide delegations for routine approvals to road authorities and councils.
- Integration of road planning with the movement & place principles and with land use planning.

Model 2 also provides the most appropriate mechanism for achieving consistency in road categorisation and recategorisation, ensuring that administrative responsibility and funding align with actual road use, connectivity, and strategic function. A plan-led approach would allow state government and councils to jointly determine the function / purpose of each road corridor within the broader transport network.

While proactive road safety programs can occur under the existing Act, a plan-led framework would provide stronger statutory support, clearer processes and better alignment with state priorities. Embedding network-wide safety planning within a plan-led framework would therefore shift safety from a reactive, case-by-case process to a structured, risk-based approach supported by approved local network plans. This would include embedding safety treatments and priorities within local network plans which would help councils identify, assess and address risk across the network in line with Safe System principles, rather than responding only to individual requests or crash sites. This model would also enhance collaboration between councils and Transport for NSW, provide greater transparency in decision-making, and make proactive safety planning a core and ongoing responsibility under the Act.

However, while the value and principles that underpin Model 2 are recognised, it is considered that a progressive move toward this model may initially be appropriate, to enable initial issues to be addressed and resolved via Model 1. A progressive approach of this nature also acknowledges the resourcing implications for Councils that would be inherent in moving to Model 2 immediately, particularly around the drafting, consultation, review, and maintenance of the statutory road network plans. These responsibilities should not be shifted onto councils without appropriate funding and support.

Model 3: Institutional Change

Model 3 is not supported. It is considered that improvements to oversight, performance monitoring and dispute resolution can be achieved through enhancements to existing structures and processes, rather than through the creation of a new regulatory institution. Previous examples of other regulators for NSW councils have typically resulted in additional reporting requirements which do not meaningfully contribute to overall efficiency. Adding further burdens of this nature on to already resource constrained councils would be an undesirable and unproductive outcome.

Councils are best placed to manage local streets and civic spaces, and any reform should strengthen, not diminish their role. The introduction of a new regulator would be inconsistent with this approach and is not considered a necessary supporting action for the governance of roads. Rather, it is considered that the establishment of a new regulator may:

- reduce the autonomy of councils as road managers, and
- introduce unrequired complexity and delay.
- centralise decision-making in a way that undermines local knowledge and responsiveness.

Conclusion

On behalf of the Hunter JO Member Councils we commend Transport for NSW for undertaking this important review of the *Roads Act 1993*, and for the considered and engaging consultation process that has been delivered to date.

Drawing on the information provided in this submission and the individual submissions of our member Councils, we recommend a progressive and/or hybrid implementation of Models 1 and 2 with the intention of eventually delivering a more plan led framework (Model 2). Such an approach would draw on the strengths of codification, strategic planning, and independent oversight, and

offer the best pathway to achieving clarity, efficiency, and community benefit without unduly impacting the resource capability within councils to deliver in the short term.

In regard to Council resourcing, it should be noted that undertaking reform toward a plan led framework would require additional resourcing within councils to enact. This will require a level of support to be provided to councils, particularly in the development and implementation of the proposed road network plans. However, it is considered that the longer-term benefits ultimately implementing a plan led framework would lead to more efficient, integrated and safer roads for all users.

Furthermore, we reiterate our support for reforms that empower councils to manage local roads with greater autonomy, improves coordinated road management, and ensures alignment with state-wide priorities for safety, sustainability, and integrated transport and land use planning. By embedding clearer roles, streamlined approvals, meaningful resourcing and proactive safety planning into the legislative framework, a revised Act can better serve the diverse needs of communities across NSW.

We look forward to further collaboration with Transport for NSW and other stakeholders as the review continues to progress.