

Transport  
for NSW

# Review of the *Roads Act 1993*

## Options Paper

August 2025







Woolgoolga to Ballina  
Pacific Highway upgrade,  
Iluka interchange,  
Woombah, NSW

# Preface

Roads are the arteries of the New South Wales economy, while streets are the places that connect people, support local life and shape the character of our communities. Together they form a vast and vital public network that enables movement, fosters social interaction and underpins economic activity across the state.

*The Roads Act 1993* has long provided the foundation for managing this network. However, over the past 30 years the policy focus has changed. For much of the past century, the focus was on building main roads and highways to support car travel, regional access and freight movement. This approach reflected a period of rapid urban expansion, growing vehicle ownership and an infrastructure-led vision of development.

Today, the policy focus is shifting. As NSW grows, there is increasing recognition of the need for streets to do more than move vehicles. There is a need to support sustainable modes of transport, integrate land use and mobility, and create streets that enable vibrant, accessible and liveable communities. This includes a greater emphasis on public transport, walking and cycling, higher productive freight movements with increased demand for servicing and deliveries and the role of streets as places of civic, economic and social activity. There are also changes in technology like Electric Vehicles and a changing way that roads are funded as a result.

These changes require a modern regulatory framework that supports not just efficient movement but also efficient land use and better place outcomes, and enables coordinated, outcomes-focused management of roads and streets across the state.

This Options Paper is a key milestone in the review of the Roads Act. It builds on the feedback and evidence gathered through extensive consultation and analysis. It presents three alternative models for reform, each offering a different approach to modernising road regulation in NSW. These models are not simply technical or legislative options. They are different ways of responding to the complex challenges and opportunities that lie ahead.

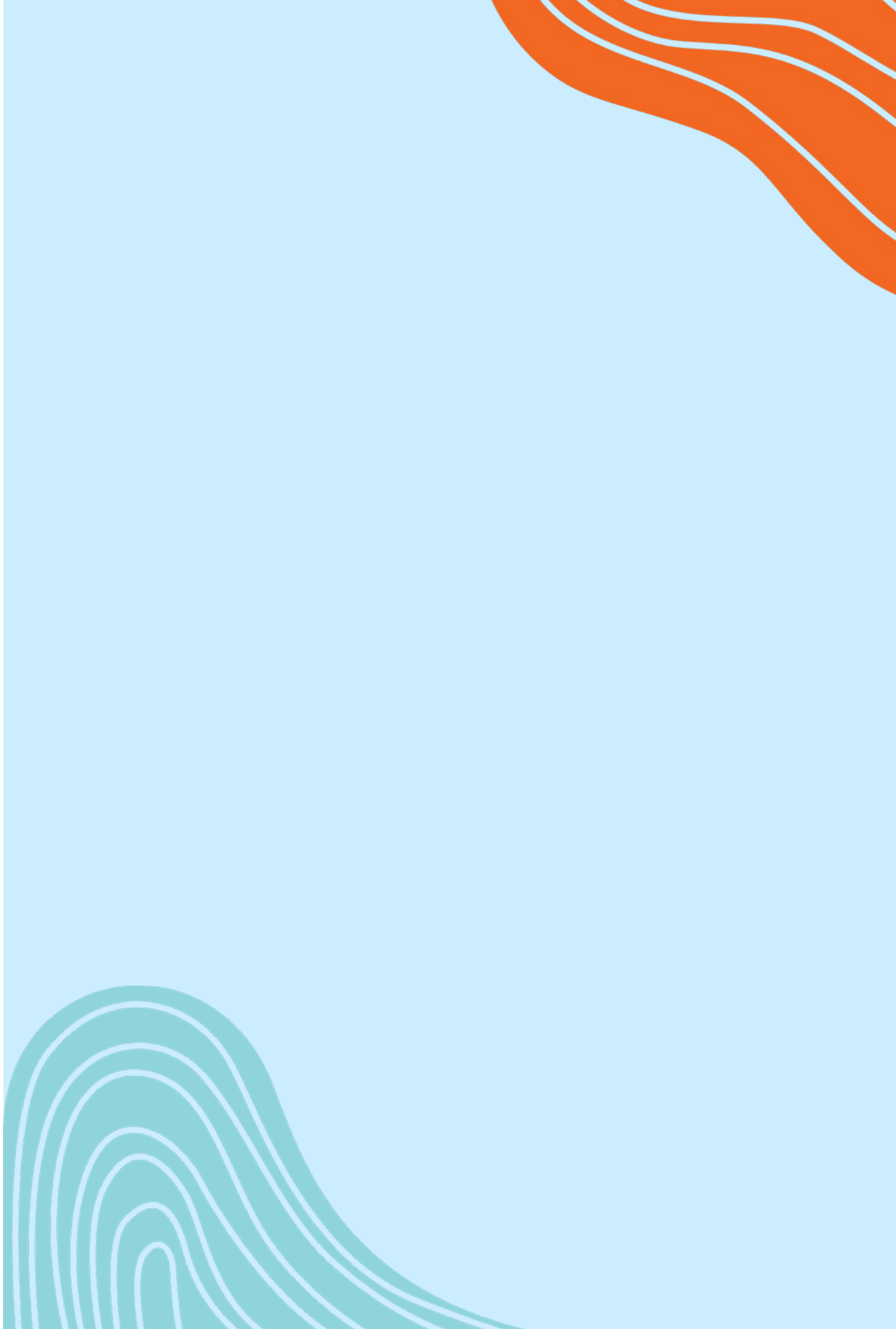
The aim is not simply to update an ageing statute but to create a regulatory framework that supports great places, efficient networks and shared public value. This means recognising roads and streets as more than infrastructure. They are part of the social, economic and environmental fabric of the state.

We now invite you to consider the models presented and help shape a future-focused approach to managing roads and streets across NSW.

# Contents

<b>Preface</b>	<b>2</b>	<b>Model 1: Codification of current practice</b>	<b>44</b>
<b>Acknowledgement of Country</b>	<b>5</b>	Clarify existing rules-based regulation.....	45
<b>Executive summary</b>	<b>6</b>	Key reform: Clarify ownership and responsibility.....	45
How to approach this document .....	7	Implications of this reform .....	47
<b>Introduction</b>	<b>10</b>	Regulatory outcomes – strengths and weaknesses .....	49
The regulation of roads in NSW .....	11	<b>Model 2: Plan-led framework</b>	<b>50</b>
Why reform is needed .....	14	Upfront agreement through statutory road plans.....	51
Terms of reference .....	16	Key reform: statutory road network plans.....	51
The <i>Roads Act 1993</i> review .....	17	Implications of this reform .....	52
How you can be involved .....	19	Regulatory outcomes – strengths and weaknesses .....	56
About this Options Paper .....	19	Embedding safety in road network plans .....	56
<b>What we asked and what we heard</b>	<b>20</b>	<b>Model 3: Institutional change</b>	<b>60</b>
Issues Paper .....	21	Strategic oversight of regulatory performance .....	61
What we heard.....	22	Key reform: A roads authority regulator .....	61
Prioritising road safety.....	23	Implications of this reform .....	62
<b>The current Act and its limitations</b>	<b>26</b>	<b>Supporting mechanisms</b>	<b>66</b>
What’s working.....	27	Regulatory tools and processes .....	67
Recognition of all users of roads.....	29	Compliance and penalties .....	68
Best practice regulation.....	38	Cost recovery .....	70
<b>A pathway to reform for roads regulation in NSW</b>	<b>40</b>	Funding arrangements.....	70
Establishing an outcomes framework.....	41	<b>Other considerations</b>	<b>72</b>
Three regulatory models to deliver these outcomes.....	42	Crown roads.....	73
Efficiency and equity of outcomes.....	43	Additional legislative improvements .....	74
		<b>Implementation</b>	<b>76</b>
		<b>Implementing reforms</b>	<b>77</b>
		Regulatory experimentation .....	78
		<b>How to provide feedback</b>	<b>80</b>
		Questions.....	81
		References.....	84
		<b>Appendix A</b>	
		<b>Table of figures</b>	<b>86</b>

Cover images clockwise from left: Bus driving through Griffith wine region, traffic, light rail and pedestrians on George Street in Sydney CBD, and People riding bikes on Doncaster Avenue cycleway, Kensington.







# Acknowledgement of Country

Transport acknowledges the traditional custodians of the land and pays respect to Elders past and present.

Transport acknowledges that the roads we plan, build and maintain today follow pathways that have connected Country for tens of thousands of years. These routes trace traditional Songlines, trade routes and ceremonial pathways that Aboriginal people used to move across Country, share knowledge, conduct ceremony and maintain connections between communities and sacred sites.

We recognise that these routes are not simply transport infrastructure. They are cultural and living connections, shaped by thousands of years of custodianship, ceremony and care. Our road network carries the responsibility of maintaining these ancient connections while serving contemporary communities.

Roads and streets are not only corridors for movement. They are shared places where people meet, interact and build connections. As stewards of the road network, we have a responsibility to respect these deeper cultural meanings and support roads that serve all who live on and travel through Country, now and into the future.

We carry a shared responsibility to honour ancient connections, to care for Country and to ensure that roads support sustainable, inclusive and resilient communities.



Moss Vale, NSW  
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## Executive summary



This Options Paper asks for your views on the approach to reform that Transport for NSW should recommend to the NSW Government to take to Parliament in 2026. It brings together the issues with the current legislative framework and outlines a pathway to reform for the regulation of roads in NSW.

## How to approach this document

Feedback is invited on the on the three models outlined in chapters 5, 6 and 7, the supporting mechanisms in chapter 8 and other considerations in chapter 9.

Your feedback will help shape the recommendations made by Transport for NSW to Government on the preferred reform approach and implementation pathway.

## Why reform is needed

The *Roads Act 1993* (The Act) is over 30 years old, and the NSW Government wants to ensure it remains fit for purpose by creating a more contemporary planning and management framework for roads and streets across NSW.

This reform aims to better support Transport for NSW, councils, and other roads authorities as decision-makers. It recognises that roads serve all road users and acknowledges the importance of both traffic movement and the place-making roles of streets.

The Act should align with community expectations, transport modes, technology, and the modern way of life. It should also better support the Government's objectives for housing, vibrancy, and a more equitable and healthy transport system that recognises the multiple users and uses for roads within communities.

Over time, administrative processes for managing and delivering the road network have introduced additional complexity and time to the process. Several inquiries and reform initiatives have recently recommended reviewing the *Roads Act 1993*, including the NSW Bus Industry Taskforce Review, the NSW Parliament inquiry into Use of E-scooters, E-bikes and related mobility options, and the Productivity and Equality Commission Review of Regulatory Barriers Impeding a Vibrant 24-hour Economy.

## Reform outcomes

Your views are sought on a proposed purpose and outcomes for the regulatory framework.

### Purpose statement

**'To manage the road network in a way that ensures safe, efficient, and equitable access for all users; supports economic productivity and community wellbeing; promotes sustainable travel choices and efficient use of resources; protects the natural and built environments; and coordinates infrastructure and land use to enable sustainable, orderly development.'**



The following table describes the proposed regulatory outcomes:

Table 1. Proposed regulatory outcomes

Outcome	Description
Universal access	Ensure the right of passage and access for all people
Safety	Provide a safe road system for all road users
Wellbeing	Support the physical, mental and social wellbeing of communities through equitable, safe and pleasant streetscapes
Efficiency	Manage the network to support the space-efficient and reliable movement of people and goods
Productivity	Support economic activity, including freight movement, deliveries, servicing, vibrancy and place activity
Sustainability	Promote sustainable travel choices and the efficient use of energy, materials and land
Resilience	Enable the road network to withstand, adapt to and recover from disruption and a changing climate
Environmental protection	Protect the built and natural environment from degradation or harm
Asset protection	Prevent premature deterioration, structural damage and excessive wear
Orderly development	Coordinate road network development with land use, public transport and multimodal movement
Financial responsibility	Develop and manage the road network in a way that makes the best use of public funds

### Three reform models

Three regulatory models are presented for consideration and feedback. Each model offers a different approach to structuring legislative powers, institutional responsibilities, and regulatory tools to support a more coherent, risk-based, and outcome-focused road management framework.

The models build on each other, with later models incorporating aspects of the previous ones. The reforms could be implemented in phases to deliver more substantial changes over time.

The proposed models represent different stages along a regulatory maturity continuum, from codifying current practice to more advanced, outcomes-based and institutionally integrated governance. While each offers distinct benefits, they also vary in the level of reform complexity, implementation impact and resourcing required.

- Model 1: Codify current practice** – retains the current legislative structure with targeted improvements but avoids deeper structural reform (chapter 5).
- Model 2: Plan-led framework** – replaces the current classification system with statutory road network plans that allocate powers and responsibilities based on agreed objectives and spatial context (chapter 6).
- Model 3: Institutional change** – introduces a clear separation between regulatory and operational roles within Transport enabling strategic oversight of the entire road network (chapter 7).





## Supporting mechanisms

Achieving the desired regulatory outcomes will require more than legislative change. Practical tools, clear guidance and delivery mechanisms are needed to turn intent into consistent, effective action across all roads authorities.

### Regulatory tools and processes

Effective regulation of third-party activities in the road reserve depends not only on clear legislative powers, but also on the systems, tools and protocols that support day-to-day implementation. Activities involving utility works, temporary occupations and private infrastructure in the road corridor often involve multiple stakeholders, overlapping legislation and variable local practices. To ensure consistent, transparent and high-quality regulatory outcomes, the following mechanisms could be implemented to support the regulation of third parties across the domains of assets, structures and temporary activities.

New systems, tools and protocols may include those listed below.

- Enforceable statutory permits.
- Standardised templates and model processes.
- Regulations establishing standardised terminology, forms and procedures.
- Centralised digital portal for scheduling and notifications.
- Risk-based assessment frameworks for common activities.
- Mandatory codes of practice promoting quality standards.
- Flexible standards framework with assessment hierarchy.
- Integrated assessment pathways combining land use planning and roads approvals.
- Formalised decision protocols and timeframes for multi-agency approvals.
- Comprehensive quality assurance and compliance framework.
- Regulation of fees and charges for all roads authorities.

## Compliance and penalties

Effective compliance mechanisms are critical to realising the benefits of reforming the *Roads Act 1993* and maintaining public trust in the regulatory system. To support a modern, multi-level and context-sensitive road regulation framework, the compliance system must be strengthened through more flexible enforcement tools, clearer statutory powers, and improved systems for monitoring, reporting and accountability.

### Other considerations

The review of the *Roads Act 1993* provides an opportunity to consider the most efficient arrangements for administering and managing Crown roads across government agencies, which could involve removing Crown roads from the public road network, redefining them as trails or private roads, or having Crown Lands retain responsibility as a roads authority with clearer identification and classification of Crown roads, as well as additional legislative improvements to modernise the Act.

The review also considers the added legislative complexity when a road is on land that is managed by an organisation that is not a road authority. This includes State Government agencies like National Parks, State Forests and Greater Sydney Parklands. It also includes land owned by Aboriginal Land Councils.

## Implementation

Implementation will be shaped by budgetary constraints and competing priorities. A staged and scalable approach will allow progress to be made within available funding, while still aligning with broader strategic goals. It is unlikely that any model will be delivered through a single large-scale reform. Instead, a phased program of change is likely to emerge, starting with foundational actions such as legislative amendments, capacity building, pilot programs and updated guidance. This should be supported by ongoing evaluation and feedback mechanisms, allowing adjustments to be made as reform momentum builds and system needs evolve.

A clear and realistic implementation roadmap will be essential to achieving the reform ambition, while ensuring that councils and communities are well supported throughout the transition.



## Introduction

# 1



Streets where you can comfortably walk your kids to school, cycle safely to work, catch a bus easily and roads to drive efficiently to your destination, this is the vision for NSW roads and streets.

A clear system to navigate, with fast decisions and certainty for businesses, developers and local governments who shape our neighbourhoods. NSW roads and streets should support thriving, sustainable communities that are resilient against climate change and inclusive for all, no matter their mode of travel.

The NSW Government has asked Transport for NSW (Transport) to review the *Roads Act 1993* to ensure it remains fit for purpose. The existing act no longer reflects today's lifestyles, community expectations or environmental realities. The community expects roads and streets that serve multiple roles: not only for moving people and goods but also supporting vibrancy and community wellbeing.

## The regulation of roads in NSW

In NSW, three separate but intersecting Acts govern the planning, use and management of the NSW road network.

*Roads Act 1993* primarily governs the physical infrastructure of roads, ensuring public access and defining the functions of roads authorities.

*Road Transport Act 2013* focuses on road users, including licensing, vehicle registration, and safety regulations to ensure efficient and secure transport.

*Transport Administration Act 1988* oversees the broader transport system, ensuring that NSW transport entities integrate planning, delivery and resourcing effectively.

Supporting the Acts are a vast array of regulations, delegations, policies, procedures, standards and guidance documents.

Transport legislation and policies also interact with other legislative frameworks such as the *Environmental Planning and Assessment Act 1979*, which generally applies to the development, assessment and maintenance of roads, and the *Local Government Act 1993* which empowers Councils to manage public assets and lands.

There are also several state government agency road managers (such as National Parks and Wildlife Services, Forestry Corporation of NSW, Royal Botanical Gardens and Domain Trust, and Sydney Olympic Park Authority) that manage roads via their own legislative frameworks.

The *Roads Act 1993* also established the Minister administering the Crown Land Management Act 2016 roads authority for around 520,000 ha of Crown roads. These roads were mapped during the settlement of NSW to ensure some legal access would be available to property as land was subdivided..

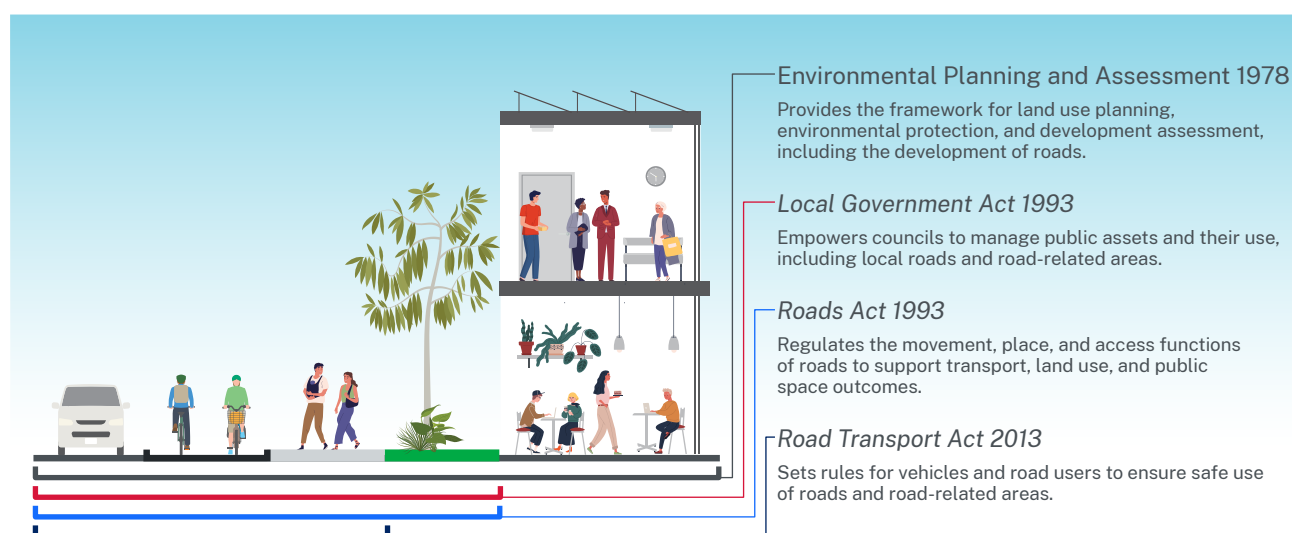


Figure 1. Legislation governing road management



# Roads and streets

The terms road and street are often used interchangeably; however, it is helpful to clarify the functional difference between roads and streets.

Roads are for longer distance journeys—from a Movement and Place perspective we call this ‘through movement’—and are designed for higher speeds and saving time. Streets provide local access and are places for the community to spend time.



Figure 2. The functional difference between roads and streets





Roads prioritise the right of passage over access to property. They are designed for through movement at higher speeds for broader district or regional connections and have limited entry points, intersections, and driveways. Road users are physically separated or controlled with signals due to the high differential in travel speeds between walking, cycling and general traffic. Roads make up less than 20 per cent of the network in NSW.

Streets make up the greater part of the transport network and focus on the right of access to property. Streets play an important role in local travel and connectivity. They range from quiet and calm local streets to vibrant main streets and lively civic spaces. Streets can be important transport corridors—providing vital connections for public transport, deliveries, cycling, and walking and also creating important places in their own right. Streets have significant meaning for local communities.

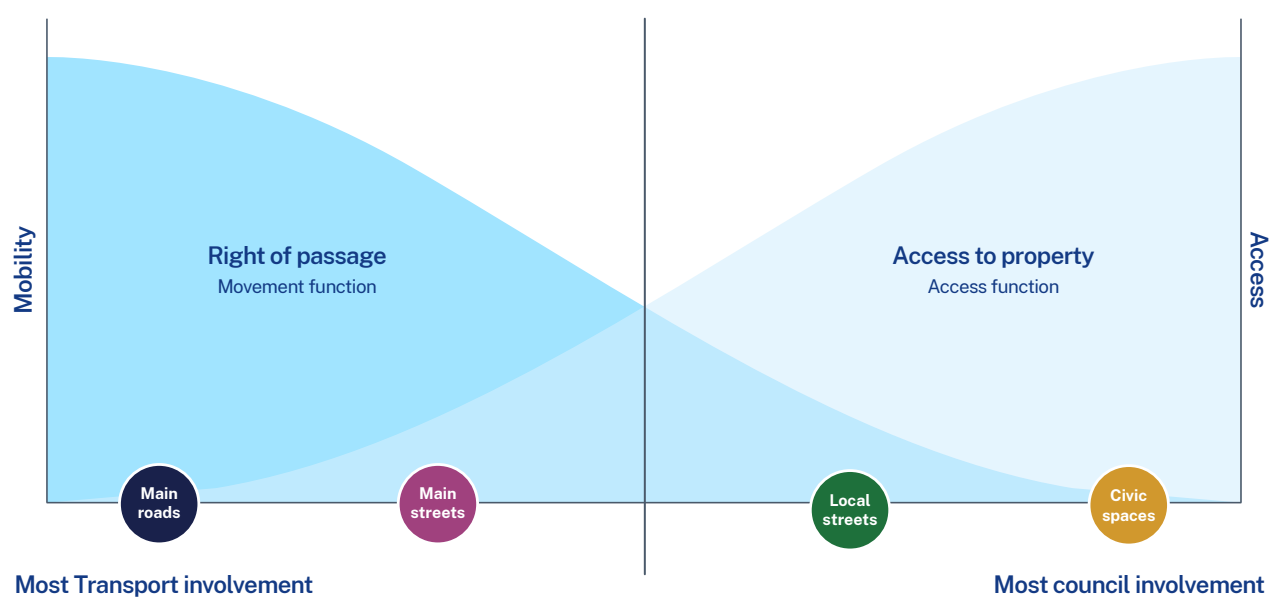


Figure 3. Roads preference right of passage while streets preference access to property

## Why reform is needed

The Roads Act is a crucial piece of legislation that impacts everyone, from families to business and even our cultural heritage. The Act governs how roads are planned, built, and maintained, and influences safety, accessibility, and efficiency for road users.

The review of the Roads Act is essential to address the diverse needs and concerns of the community. Reforming the Act can make roads safer, more inclusive, and better managed, ultimately benefiting everyone who relies on our road network.

Using fictional personas helps to illustrate the diverse perspectives and real-life scenarios that different individuals might face.



**Minh**

**Mum of two  
school aged  
children living  
in an urban  
area**

‘As a mum of two, I worry every morning when my kids head off to school – the roads are so busy, and there just aren’t enough safe crossings or dedicated bike paths in our area. Cars come flying around corners, and sometimes the footpaths are blocked or uneven. I want my kids to be independent and active, but it’s hard to feel confident letting them go on their own when I’m not sure they’ll be seen or safe.

If a change to this law means that children can move around roads and streets more safely, that would be reassuring.’



**Jordan**

**Heavy vehicle  
Driver**

‘I’ve been driving heavy vehicles across NSW for over 20 years. The roads are our lifeline- without them, freight doesn’t move, shelves don’t get stocked, and businesses grind to a halt. I worry about how decisions are made. We need a system that’s consistent across the state, with clear rules and proper oversight.

When roads are closed due to floods or landslides, we need temporary routes fast. The Roads Act should recognise that freight isn’t just about trucks, it’s about keeping communities supplied and businesses running. Give us safe, reliable roads, and a voice in how the network is managed.’



**Sara**

**Small business  
owner**

‘I run a small café on a busy street, and we’ve been trying to set up some outdoor seating to attract more foot traffic. But the process to get approval is confusing and slow. Every time we apply, it feels like we’re navigating a maze of permits, regulations, and unclear responsibilities.

I didn’t realise how much the Roads Act influences things like kerbside dining, signage, or even where we can place a planter box. It’s frustrating because we’re just trying to make the street more inviting, and the Act should support that.’



**Tanya**

**Field  
operations  
manager at a  
utility company**

‘We install and maintain infrastructure like power poles, conduits and hydrants – most of it sits within the road corridor. Every time we need to dig or upgrade, we have to navigate a different set of rules depending on the council or road authority. It’s time-consuming and inconsistent.

The Roads Act affects nearly everything we do, but it’s not always clear how. If the Act could standardise permitting and make it easier to coordinate with councils and Transport, we’d save time, reduce disruptions, and deliver better service to the community.’



**Uncle Bill**

**Aboriginal  
Elder**

‘I know most people think roads are just for cars and trucks, but for me, they’re part of something much older. They’re living connections. They carry meaning, memory and responsibility. When the Roads Act was written, it didn’t speak to that. It didn’t recognise that these corridors are cultural spaces, not just infrastructure.

I’d like to see the Act do more to respect Country. That means involving Aboriginal communities early when roads are planned or changed. It means protecting sacred sites, listening to Elders, and making sure roads don’t just serve movement, they serve connection. It also means thinking about how roads affect our health, our access to services, and our ability to gather and share knowledge.

Roads should be safe and inclusive for everyone, but they should also honour the stories they’re built on. If the Act can help roads do that; carry people and culture together – then it’s heading in the right direction.’

**Tamika**

**Project  
Director at a  
Development  
Consultancy**

'We're working on a multi-stage residential development that's meant to deliver hundreds of new homes over the next few years. Roads are a critical part of that—driveway access, traffic flow, pedestrian safety, stormwater management, you name it. But the process for getting road-related approvals is slow, fragmented, and often unclear.

We get planning consent but then hit roadblocks when we try to get access approvals or coordinate with roads authorities. Sometimes Transport and council don't agree, and we're stuck redesigning layouts or waiting for months. That costs time and money, and it's frustrating when we're trying to deliver housing that the state says it needs urgently.'

**Morgan**

**Council  
infrastructure  
manager**

'Our team is responsible for maintaining and upgrading the local road network. Everything from potholes and footpaths to stormwater and signage. The Roads Act underpins a lot of what we do, but it's not always clear or easy to work with. There are overlaps with other legislation, and sometimes it's hard to know where our authority ends and Transport's begins.

We often face delays when trying to get approvals for minor works or traffic changes, especially on classified roads. The current system can be rigid and doesn't always reflect the local context or urgency, like when we need to respond quickly after a storm or landslip.

What we need is a clearer, more flexible framework that empowers councils to act efficiently while still coordinating with state agencies. If the Roads Act could streamline decision-making, clarify responsibilities, and support better integration with land use planning, it would help us deliver safer, more responsive infrastructure for our communities.'

**Taylor**

**Council  
Manager**

'We're already stretched managing our local road network. Between maintenance, community expectations, and emergency response, our team is constantly juggling priorities. The idea of a major change to the Roads Act makes me nervous. If it means more responsibilities without more resources, that's going to be a real challenge for us.

I understand the need for reform, and I support the goals- better integration with planning, clearer roles, safer and more inclusive streets. But councils like ours need practical support to make it work. That means clear guidance, digital tools, training, and funding where needed. We can't be expected to absorb new processes or planning requirements without help.

If Transport for NSW is serious about partnering with councils and backing us through the transition, then I'm open to change. But we need to see that commitment in the day-to-day support that helps us deliver for our communities.'

**Sina**

**Community  
member living  
with disability  
in a large  
regional centre**

'I use a mobility scooter to get around, and while some parts of town are accessible, others are really difficult. Footpaths can be narrow or broken, crossings are often too far apart, and I've had to take long detours just to avoid unsafe areas. It makes everyday tasks like getting to the shops or catching a bus more stressful than they should be.

I didn't know the Roads Act had anything to do with this, but if it shapes how streets are designed and managed, then it needs to do more to include people like me. Accessibility shouldn't be an afterthought, it should be built in from the start.'

**Alex**

**Project  
Manager at a  
civil works firm**

'We applied for a Section 138 approval to upgrade a driveway and drainage. It should've been simple, but the process was slow and confusing. We weren't sure who had final say – Council or Transport, and the requirements kept shifting.

If the Roads Act could streamline approvals and clarify responsibilities, especially for low-risk works, it would save time and reduce frustration. We just want to get the job done safely and efficiently.'





Armidale, NSW

## Terms of reference

The Minister for Transport and the Minister for Roads and Minister for Regional Transport have asked Transport for NSW (Transport) to investigate and address regulatory barriers to achieving fundamental government priorities like increasing housing supply, improving vibrancy, enabling a range of road-based transport modes, and ensuring coherence in the administration and regulation of roads in NSW. The review of the *Roads Act 1993* is a primary element of this investigation, and it is envisioned that the recommendations will fundamentally shape the way roads and streets across NSW are managed into the future.

While primarily focused on reshaping key aspects of the *Roads Act 1993*, achieving the government objectives may also require consequential change in the *Road Transport Act 2013* and the *Transport Administration Act 1988*.

The NSW Government is delivering on a diverse agenda for people in NSW including housing supply, vibrancy, road-based public transport and active transport. Transport will aim to achieve the following objectives, which have been set by our NSW Government ministers. They are, ensuring:

- more contemporary uses for roads and streets that are safe and responsive to community needs
- faster local decision making with appropriate mitigations to manage network risk
- a streamlined and easy to use statute that keeps pace with change
- a more operationally effective statute.

This is a complex task that will occur during this term of the NSW Parliament.

## Out of scope

Some roads-related aspects are out of scope. The review will not be addressing funding arrangements between and within different levels of government. The review will also not be considering changes to the way roads are maintained and the contractual arrangements currently in place. The Government's tolling reforms and statutory review of Part 9 Division 7 of the Act, which deals with offences related to unauthorised entry or disruption on major roads, tunnels and bridges, are also out of scope and addressed through separate processes.

## The Roads Act 1993 review

The purpose of the NSW Government's reform agenda for the *Roads Act 1993* is to create more contemporary and responsive transport systems that align with the state's goals for vibrant, sustainable, resilient and inclusive development. This includes facilitating increased housing and enabling infrastructure, as well as recognising the dual role of roads and transport networks in supporting both mobility and community connection.

These reforms require more contemporary transport systems that are responsive to the needs of communities. Central to this approach is the NSW Movement and Place Framework, which recognises the dual role of roads and transport networks in facilitating both mobility and community connection.

Therefore, the agenda for roads and streets is not just about building roads, but about creating a connected, liveable and responsive environment that aligns with the Government's housing and urban development goals.

The Roads Act commenced on 1 July 1993. Although amended several times over the past 30 years, a first principles review is needed now to ensure it remains fit for purpose.

Transport's targeted review is designed to create a streamlined and easy to use statute that keeps pace with change and remains relevant and effective in the face of rapid technological advancements and shifting community attitudes.

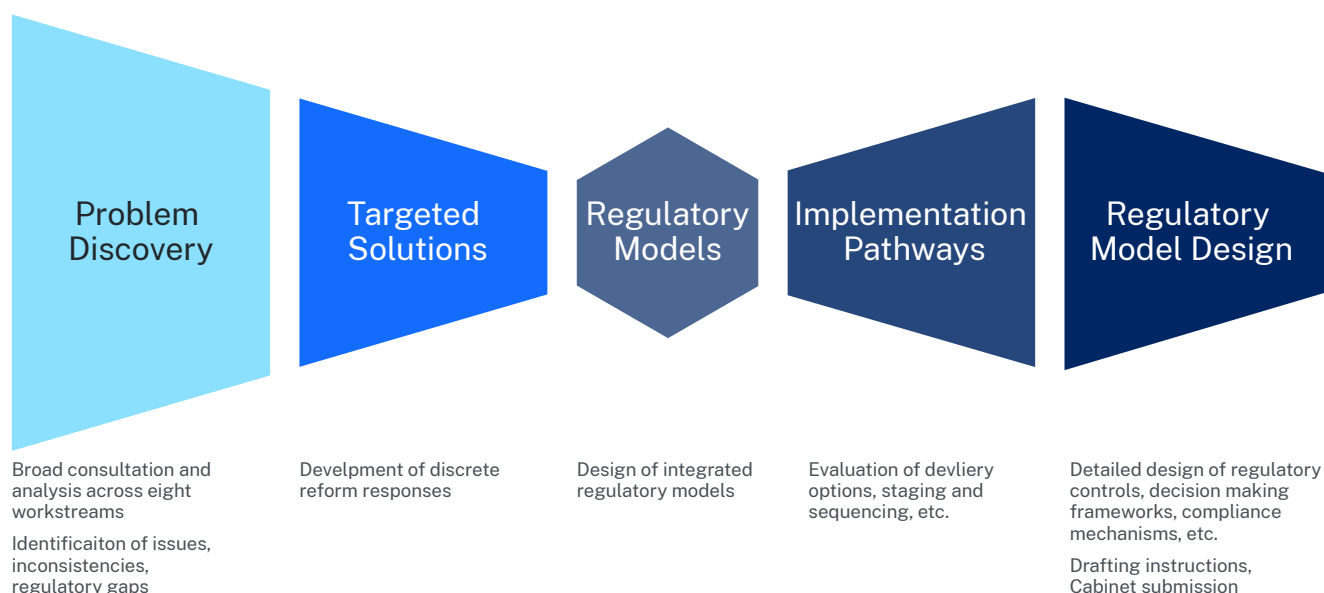


Figure 4. Our Roads Act review pathway

This Options Paper asks for your views on the approach to reform that Transport should recommend to the NSW Government to take to Parliament in 2026. It brings together the input that was received in the first half of 2025 to define the problems with the current legislative framework (chapters 2 and 3) and outlines a pathway to reform for the regulation of roads in NSW (chapter 4). Your views are sought on the reform outcomes for NSW, three reform models (chapters 5, 6 and 7), supporting mechanisms (chapter 8) and other considerations (chapter 9). Transport will use your feedback to shape its recommendation to Government on the preferred reform approach and implementation pathway (chapter 10).

Several inquiries and reform initiatives have recently recommended prioritising a review of the *Roads Act 1993*, including the [NSW Bus Industry Taskforce Review](#), the NSW Parliament inquiry into [Use of E-scooters, E-bikes and related mobility options](#) and the Transport [Implementation Review of the Road User Space Allocation Policy](#).

## Outcomes we are aiming for

The reform is focused on improving how roads and streets function for all of us. That means:

- **safe and accessible streets for everyone on all modes** – including the 40% of people who don't drive such as children, older people and people living with a disability
- **efficient movement of goods and services** to support local business and communities across all regions
- **communities connected by high quality and fit for purpose infrastructure** that enables regional communities to thrive
- **healthy, green neighbourhoods that support the wellbeing of communities** where active travel and outdoor recreation are encouraged through design
- **resilient and sustainable design** that reduces environmental impacts and adapts to climate change
- **coordinated, consistent and smart financial decision making** that supports land use and public transport planning across all agencies.

## Options being considered

The paper outlines three possible reform models – from simple updates to bigger changes:

1. **Keep the structure, tidy it up** – Minor changes that clarify existing rules and regulations into a more accessible system.
2. **Plan-led reform** – Use local and regional road network plans to guide who manages what and why.
3. **Bigger system change** – Create clearer roles and responsibilities within government so the system works better overall.

Each could build on the other, and rolled out gradually, so the system has time to adapt.

## Other considerations

To make the system work better day-to-day, the paper also explores:

- clearer, faster permits for utility works, outdoor dining, temporary street use, etc.
- standard templates, digital systems, and risk-based approvals to reduce delays
- better coordination between agencies, especially for shared road space
- consistent rules and expectations across the state
- less duplication of roles and responsibilities, and less paperwork for approvals.

The review proposes stronger tools to ensure fair and consistent enforcement, including:

- a wider range of penalties (not token fines, and not just court action)
- rules for approving and monitoring frequent contractors
- site inspections, audit powers and performance checks
- digital tracking of permits and works.

The idea is to encourage good behaviour and hold everyone accountable whether it's a local council, contractor, or a government agency.

While largely focusing on opportunities to improve regulation of the road network this review also provides a valuable opportunity to consider the most efficient arrangements for administering and managing Crown roads. This Options Paper notes these opportunities where relevant and asks: should they stay as they are, or should other authorities (like councils or Transport) take them over? This could improve maintenance, access, and decision-making.





## How you can be involved

This Options Paper marks a significant milestone in the review of the *Roads Act 1993*. It has been shaped by the extensive feedback received during the Issues Paper consultation, and through ongoing engagement with a broad and diverse range of stakeholders.

Insights gathered from written submissions, survey responses, briefings, workshops and meetings with councils, peak bodies, advocacy groups and community representatives have directly informed the development

of the reform options. The Options Paper reflects the priorities, challenges and aspirations of those who interact with the Act in practice.

We now invite all stakeholders to continue their involvement by reviewing the Options Paper and providing feedback on the options for reform through the Have Your Say portal: [www.haveyoursay.nsw.gov.au/roads-act-1993](http://www.haveyoursay.nsw.gov.au/roads-act-1993).



Figure 5. Roads Act review timeline

## About this Options Paper

This Options Paper builds on the previous work detailed in the Issues Paper to consider models of reform that may provide the appropriate framework for a modern and streamlined Roads Act.

It first outlines the key themes from the Issues Paper and what we heard through the consultation period, which included workshops and a roundtable discussion, targeted engagement with key stakeholders and submissions. Findings from the consultation and review process are summarised in a detailed consideration of the limitations of the current *Roads Act 1993*.

The paper outlines the objectives and scope of reform before highlighting the frameworks of good regulation. These frameworks provide key principles to build reform options.

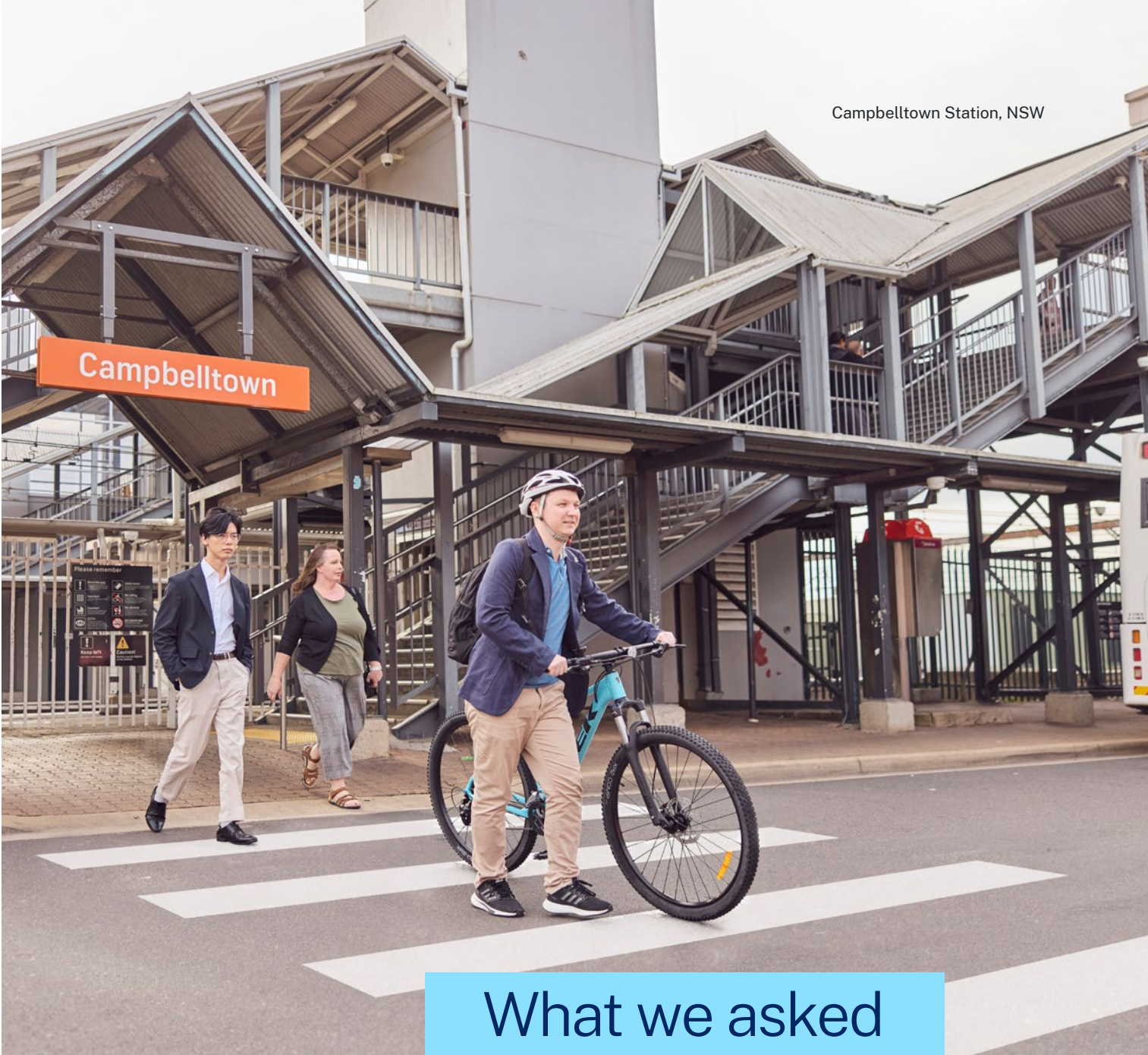
The options for reform are then presented as three models. Each are frameworks that provide structure to the new regulatory system. These models are the focus of what we are seeking feedback on.

Following discussion of the models, the document highlights supporting mechanisms and other considerations that could be implemented regardless of the models chosen.

Finally, the document discusses implementation and key factors that will be considered moving forward.

This reform is about giving people safer, fairer and better streets, and giving councils, businesses, and builders a clearer, faster and smarter system to work within.

You're invited to have your say on what matters most. Let's build a future where streets work better for everyone.



What we asked  
and what we heard

2

Transport has undertaken comprehensive consultation to date on the *Roads Act 1993* review, beginning with targeted stakeholder engagement and culminating in broad public consultation on the Issues Paper.

## Issues Paper

In February 2025, Transport published the *Roads Act 1993* Issues Paper for consultation. The paper sought feedback on whether the Act remains fit for purpose and how it could be modernised to support safer, more contemporary and community-responsive use of roads and streets across NSW.

The paper acknowledged that NSW's road network is extensive and diverse, consisting of over 188,000 kilometres of roads (BITRE 2023), 89 per cent of which are owned and maintained by local councils (Transport for NSW 2024a). Of these roads, streets make up 80 per cent of the network (BITRE 2023) and serve as public space with multiple purposes, from facilitating the movement of freight and private vehicles to enabling walking, cycling, outdoor dining and local economic activity.

The document explored the following key themes and asked stakeholders to respond to a range of questions on these topics in their feedback:

### Changing community expectations and uses of roads and streets

The paper questioned whether roads and streets could better serve as public spaces beyond their traditional role as transport corridors. It explored how the Act might better reflect social and economic uses such as community events, markets, outdoor dining, walking and cycling, and whether streets could play a greater role in supporting public health, inclusion and climate resilience.

### The structure and purpose of the *Roads Act 1993*

We wanted to know whether the Act adequately accounts for today's diverse movement and place functions. The paper raised questions about whether the Act's objectives should be expanded to reflect current policy outcomes such as safety, place making, and environmental performance.

### Accommodation of all road users

The paper investigated whether there could be better support for inclusive accommodation of all road users, including people with limited mobility, active transport users and public transport passengers. It questioned whether ambiguities in the use of terms like 'traffic' and limited references to walking and cycling might need addressing.

### Road classification and regulatory complexity

The paper questioned whether multiple overlapping classification systems (legal, administrative, functional) might be causing confusion and inefficiency. It sought input on whether classifications could be simplified and better aligned to support clearer roles and responsibilities.

### Integration with land use planning and development assessment

The paper explored whether the Act could provide a stronger strategic basis for road network planning and better integration with the *Environmental Planning and Assessment Act 1979*, questioning whether current arrangements might result in fragmented approvals and regulatory duplication.

### Roles, responsibilities and decision-making processes

The document questioned whether there might be opportunities to clarify and streamline how decisions are made under the Act, particularly between Transport and councils. It explored whether delegations, workarounds and legacy governance structures could be creating confusion and inefficiency.

### Operational tools, permits and cost recovery

The paper examined whether improvements could be made to permit systems such as road occupancy licences, questioned whether common regulatory tools needed better legislative recognition, and explored whether there were limitations on cost recovery when managing impacts on classified roads.



## Compliance and enforcement mechanisms

The paper questioned whether the compliance framework might need updating, exploring whether penalty values had been eroded over time and whether there were sufficient tools to address environmental or safety breaches. It investigated whether civil and administrative penalties in line with other legislation could be beneficial.

## Future-proofing the Act and supporting regulatory innovation

The review explored whether regulatory experimentation could be better enabled and questioned whether the Act needed to be more adaptable to technological change. It investigated whether the Act was sufficiently flexible to respond to future mobility trends, such as electric vehicles, automation and e-micromobility.

## What we heard

During consultation on the Issues Paper, feedback was collated from many sources, including 73 written submissions, 46 completed surveys, over 200 briefings and conversations with stakeholders, and a stakeholder roundtable attended by about 100 people representing councils from across the state and peak professional and advocacy organisations.

The Have Your Say portal received 3544 views and 2642 individual visits, with stakeholders representing diverse groups including regional and Greater Sydney councils, community and advocacy groups, peak professional bodies, NSW government agencies, consultancies, developers and members of the public.

The consultation summary report offers a detailed overview of the key themes and topics highlighted in the feedback, encompassing comments and suggestions received through stakeholder workshops and forums, emails, meetings and the Have Your Say online portal.

The primary topics of feedback were:

## Redefine the purpose and objectives of roads and streets

Respondents broadly spoke of the need to expand the objectives of the Act to recognise roads and streets as multifunctional public spaces that serve purposes beyond just vehicle movement, such as place making, active transport and community activities.

They also suggested that the review should incorporate principles of sustainability, public health and environmental protection into the Act's objectives. Respondents discussed the need to streamline the classification of roads and streets to better align with their functional uses and the Movement and Place Framework.

**'Decarbonising transport and encouraging more trips on foot or by bike is critical to reducing emissions and climate action. Making walking and riding more attractive means roads and streets must be safe and comfortable for people to walk.'**

– Better Streets and Walk Sydney

## Empower local councils and improve governance

Respondents asked for the review to clarify the roles and responsibilities of state and local authorities, and provide more autonomy and delegated powers to councils in managing local roads and streets.

Many respondents highlighted the need to streamline approval processes and reduce bureaucratic red tape, particularly for low-risk and minor works. They suggested that the Act could better integrate with other relevant legislation, such as the Environmental Planning and Assessment Act, to improve coordination and efficiency.

## Prioritise safety and accessibility for all road users

Many responses focused on the need to explicitly recognise the requirements of people walking, cycling, using public transport and other vulnerable road users in the Act.

Incorporation of a road user hierarchy to ensure the safety of all road users was identified as a primary consideration. Many local government responses suggested that councils could be given more flexibility to implement traffic calming measures and lower speed limits on local streets.



## Modernising the Act and enabling innovation

Respondents agreed that the review needs to ensure the Act remains adaptable and responsive to emerging technologies, such as autonomous vehicles, electric vehicles, and micromobility options.

A modern Act should also provide a framework for regulatory experimentation to trial new approaches and technologies in a controlled manner.

“To ensure the Act remains adaptable and relevant over time, it should support innovation through enabling local trials of automated vehicles and related technologies, including connected infrastructure and dynamic traffic management systems, under temporary or conditional provisions that facilitate testing while managing safety and network integrity.”

– NRMA



## Prioritising road safety

We heard that road safety is a top priority for stakeholders but is not clearly reflected in the current Roads Act to align with other road safety outcomes and obligations within the Road Transport Administration Act. Respondents emphasised the need to explicitly recognise the safety of people walking, cycling, using public transport and other vulnerable road users within the legislation.

Suggestions for improvement included:

- embedding a road user hierarchy that prioritises the safety of the most vulnerable users, particularly people walking and cycling
- empowering local councils to implement traffic calming measures and reduce speed limits on local streets
- establishing robust performance monitoring and reporting requirements to track safety outcomes across the road network
- including safety as a core objective in the objects of the Act to guide decisions and regulatory responsibilities at all levels.

By elevating safety as a foundational purpose of the Act, the reforms could support meaningful reductions in road trauma and contribute to a safer, more inclusive transport system for all users.

‘Road trauma is a significant public health issue in NSW, with someone killed or hospitalised every 50 minutes because of a crash on NSW roads. Our understanding of road safety, and the mechanisms and interventions available to prevent this trauma has progressed a long way since the current *NSW Roads Act 1993* was written. The review provides a much-needed opportunity to modernise the Act, placing safety at its core.’

– Australasian College of Road Safety

## What we regulate

The management of roads and road-related activities in NSW serves to balance public access, asset protection, safety and shared use of road space. Roads are not just corridors for vehicle movement. They are multifunctional public assets that support mobility, community life, utilities, development and commerce. Effective regulation is essential to ensure these activities are coordinated, proportionate and aligned with broader planning, transport and environmental objectives.

The *Roads Act 1993* provides the principal legal framework for regulating physical works, structures, and uses within the road reserve. However, this regulatory function intersects with a range of other legislation, including the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993*, *Transport Administration Act 1988* and utility-specific legislation such as the *Telecommunications Act 1997* (Cth) and *Electricity Supply Act 1995* (NSW). Together, these instruments form a complex legal environment through which road space is governed.

To bring structure and clarity to this system, road management activities can be grouped into four domains of activity as outlined below.

### Domain 1 – Network development

This domain involves the planning, opening, realignment and closing of roads. It includes the legal processes for creating public roads, altering road alignments and closing redundant or superseded corridors. These activities are often initiated in response to land use development, network planning objectives or asset lifecycle considerations.

Key legislation includes:

- the *Roads Act 1993*, sections 7–47: Road opening and closing procedures
- the *Environmental Planning and Assessment Act 1979*: Assessment of development impacts on road connectivity
- the *Transport Administration Act 1988*: Network planning and corridor protection functions.

### Domain 2 – Assets and structures

This domain encompasses the management of permanent infrastructure located within the road reserve. This includes both roads authority assets such as pavement, signs and signals, and third party structures such as driveways, utility installations and basement encroachments.

Activities within this domain include:

- maintenance and upgrade of road surfaces, footpaths, and drainage
- installation of utility infrastructure such as poles, pits, conduits, hydrants and substations
- driveway connections and property interface structures
- streetscape features such as trees, street furniture and heritage elements.

Relevant legislative powers include:

- the *Roads Act 1993*, particularly section 138 for third party works
- utility legislation such as the *Telecommunications Act 1997*, and *Electricity Supply Act 1995*.
- the *Local Government Act 1993*, section 68: Minor structures and vegetation
- the *Environmental Planning and Assessment Act 1979*: Basement structures and frontage works.





## Domain 3 – Temporary and licensed activities

This domain includes activities that occupy the road reserve either temporarily or on an ongoing basis under licence, including works, events, commercial uses and public activations. These activities may be associated with approved developments, utility maintenance, community events or licensed commercial operations.

Common temporary activities include:

- roadworks and utility construction
- scaffolding, hoardings and staging areas
- street vending, kerbside dining and parklets
- community events, festivals and parades
- filming and temporary signage.

Permitting mechanisms include:

- the *Roads Act 1993*, section 138: Works and occupations
- the *Roads Act 1993*, section 144: Event permits
- the *Local Government Act 1993*, sections 68 and 125: Use of public footpaths and land for ongoing dining or vending
- road occupancy licences and works authorisation deeds from Transport: Works on classified roads.

## Domain 4 – Access

This domain governs the control of traffic flow and movement on the road network. It includes the installation and operation of signs, signals, line marking, and other traffic control devices, as well as temporary changes associated with events or road works.

Traffic management responsibilities intersect with, and often depend on, regulatory powers exercised in the other three domains. For example, a construction activity (temporary) or utility installation (asset) may necessitate traffic diversion or signal adjustment.

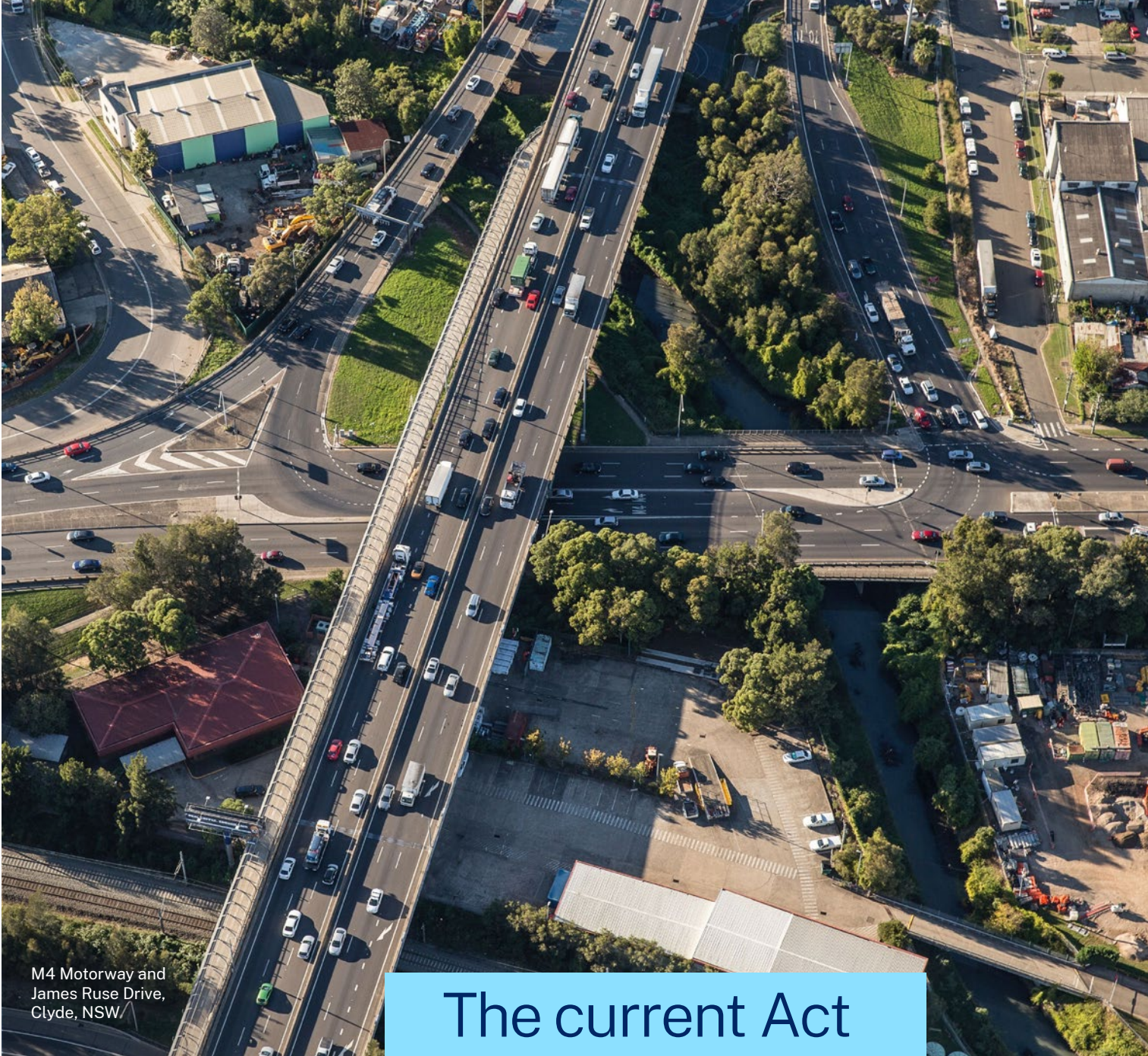
Regulatory instruments include:

- the *Road Transport Act 2013*: Traffic control devices and driver compliance
- the *Roads Act 1993*: section 115: Limited traffic regulation powers
- the *Transport Administration Act 1988*: Transport oversight of traffic management systems
- road occupancy licences, required for works affecting traffic flow.



High Street, Randwick, NSW





M4 Motorway and James Ruse Drive, Clyde, NSW

The current Act  
and its limitations

3



The current framework for road governance in NSW has its origins in a period of transformation, when expanding access to motor vehicles enabled new patterns of mobility, economic growth, and regional development.

The *Roads Act 1993* and its predecessors were instrumental in supporting the construction and administration of a vast and significant network of main roads, with a strong emphasis on connectivity, freight movement and road safety. This legacy has made a lasting contribution to the state's prosperity and quality of life. However, the regulatory framework that enabled this expansion was designed for a different era, one focused primarily on building main roads, rather than managing the diversity of roads and their civic, social and environmental functions.

As policy priorities have evolved to encompass sustainable transport, efficient land use and local economic activity, the existing approach is increasingly misaligned with contemporary road management needs. A range of issues have been identified that now constrain the efficiency, clarity and flexibility of road regulation in NSW.

## What's working

It is important to recognise and safeguard the vital functions and powers afforded to Roads Authorities under the current legislative framework.

### Structure and delineation of responsibilities

The current structured approach with Transport serving as the lead authority while Council plays a key role as the road manager for the local network.

'The Act provides a structured approach for managing roads and setting responsibilities for different authorities. State has more control over the ownership of roads, especially in road safety matters, providing the state with the funding and resources for road safety improvements.'

- Regional council

### Requirements to consult

The requirements for roads authorities to interact with the community.

'The requirement for Council to interact with the public works well, although a strengthening of the power through improved regulation support could improve this matter.'

- Metropolitan council

### Outcomes achieved for general traffic

The efficient movement for cars and trucks.

'While the Act itself is reasonably self-explanatory and robust, we do not see it as hindrance to road usage or closure with reasonable notice. the traffic committee system works well and resolves most any and every issue quickly and easily. .... Traffic Committees are the tool to link the Roads Act with other desired usages, and in the rural areas this works extremely well.'

- Regional council

### Enabling Councils

The way the Act enables Council to be able to undertake their day-to-day operations on Council owned roads – e.g. road works, cleaning, managing vegetation and opening, closing and widening roads.

'The act is generally fit for purpose noting that the legislative requirement is focused on the relationship with Transport as the main authority and Council being the road manager for the local network on a day-to-day basis.'

- Metropolitan council



## Powers to respond in an emergency

Frontline and Emergency Response Systems across the state rely upon the powers conferred under the *Roads Act 1993* to step in and safely carry out necessary road works to resolve critical road incidents and undertake essential emergency management activities. Transport’s coordinated agency response to ex-Tropical Cyclone Alfred lead by the Operations Management Branch (OM) demonstrates the operational value of the *Roads Act 1993* to adequately deal with natural disasters and best serve the people of NSW. Transport’s Operations Management (OM) Branch and their Transport Commanders use the Coordinator General’s functional delegation under the *Roads Act 1993* to step in and perform critical road works during natural disasters.

The OM Branch managed 490 incidents during NSW’s recent ex-Tropical Cyclone Alfred coordinating the transport network safely, setting up road closures, and managing crashes, breakdowns and hazards. The strength of the *Roads Act*’s delegated powers and functions were echoed in the feedback and submissions to the Issues Paper.

Submissions to the Issues Paper highlighted the need for further improvement in dealing with natural disasters under the Act. Transport is working on proposed amendments to the Act to improve roads authorities’ flexibility and efficiency following natural disasters, particularly in providing ‘temporary’ roads when existing roads have been made impassable. Transport is also considering roads authorities capabilities more broadly in times of emergencies, as part of the Review.



Figure 6. Emergency road management during ex-Tropical Cyclone Alfred

‘The Act could better outline how it balances and controls for potential negative health impacts on people from poorly planned and managed roads. Public Health considerations for Roads/Streets include equity of access to food, education, employment, healthcare, noise & vibration, air quality & emissions, overcrowding, severance, social inclusion, safe movement during extreme weather events (heat, fire, flood, storms, snow), sustainable travel modes & right to physical activity.’

– Nepean Blue Mountains Local Health District.



## Recognition of all users of roads

Although not originally intended to prioritise private motor vehicles, the *Roads Act 1993* has, in practice, entrenched a vehicle-centric approach to road management. The powers conferred on roads authorities are based on a hierarchy of vehicle-oriented roads and a focus on processes that regulate traffic and maintain vehicle access. As a result, the term ‘traffic’ has become synonymous with cars, and the needs of other road users may be overlooked.

## Diversity of road users

A key shortcoming of the current Act is that it does not clearly define or recognise the full diversity of road users and their needs. While the Act refers to a general right of passage or access for ‘members of the public’, this language is vague and has led to inconsistent recognition of different user groups.

Roads and streets, while they must be managed in a way that supports motor vehicle movement, are used for a range of purposes beyond travel. They provide access to property, support deliveries and waste collection, enable utility and service infrastructure, and function as public spaces for walking, cycling, recreation and social connection. In many places, they also serve as biodiversity corridors, contribute to urban cooling and support physical activity and health.

### Questions

- How should the Roads Act better recognise the needs of different road users, including people walking, cycling, freight operators and people with limited mobility?
- How strongly should the Act require consideration of the needs of all road users?
- What level of influence should road user cohorts have on decision making and change?
- Should there be a road user hierarchy which places vulnerable road user cohorts as top priority for decision-makers to consider?

## The different needs of road users

There is an opportunity to use a more inclusive definition of road users, recognising:

- pedestrians across all user cohorts, including people with disability, people with limited mobility, older adults, children and young people, people travelling with prams or luggage, and individuals from culturally and linguistically diverse backgrounds including Aboriginal and Torres Strait Islander peoples
- users of all transport modes, including people walking, cycling and using emerging micro-mobility options, electric vehicle operators, public transport passengers, freight operators, and people driving private cars
- access needs associated with adjacent land uses and infrastructure, including community facilities, utilities, businesses and homes that depend on roads as shared public space.

**‘The Act must commit to serving the full spectrum of road users—drivers, riders, cyclists, pedestrians, public transport passengers, heavy/freight operators, and users of emerging micro mobility devices – through an integrated, inclusive, and human-centred approach.’**

– NRMA

## User outcomes are unclear

The current Act lacks mechanisms to set and deliver outcomes and objectives for road users. The Act has no objectives related to user safety, accessibility, comfort or place amenity. Without these objectives, roads authorities are not guided by an agreed vision of public value or user outcomes. For example, safe access for people of all ages and bicycle riding abilities is generally not provided where speeds are unsafe to ride in mixed traffic. Instead, roads authorities rely on vehicle-centric metrics, established norms and common practice.

Regulatory processes also rely heavily on prescriptive inputs rather than measurable outcomes for road users. The Act doesn’t provide mechanisms for performance indicators, outcomes monitoring or adaptive governance. The focus on rules and process-based compliance makes it difficult to assess whether regulation is meeting the needs of road users and the community.



## Classification and the role of roads and streets

Roads Act classification creates uncertainty about the role of roads and confuses the responsibilities and powers of state and local roads authorities.

### Uncertain role of roads

Vehicle-oriented classification does not adequately address all road users and uses. The classification system is largely focused on the 10 per cent of the network with a higher-speed vehicle movement function and is largely unrepresentative of the majority of the network that requires a multimodal and context-sensitive management framework. In this regard, the Act fails to recognise the crucial social, economic and environmental roles of streets, which account for 80 per cent of the road network (BITRE 2023) and often the vast majority of public spaces in urban areas. This oversight limits the functions of road management to vehicle-oriented processes and fails to recognise the diverse functions of roads and streets.

### Questions

- a. How should the classification system more clearly delineate the boundaries of responsibility for roads authorities?
- b. How should the classification or planning system embed the Design of Roads and Streets guidance through objectives for the form and function of roads and streets?
- c. Should there be a road user hierarchy which places vulnerable road user cohorts as top priority for decision-makers to consider?

## Uncertain roles and responsibilities

The responsibilities and powers of roads authorities are often confused in the classification system. Responsibilities for road assets, their maintenance and access controls are confused by multiple authorities and competing powers over network management. The overlay of administrative categorisation has added to the complexity and confusion of roles and responsibilities. This lack of clarity can delay decisions or maintenance, resulting in safety risks, more severe damage and higher repair costs.

### Unclear terminology

The current classification system uses functional terms such as freeway, transitway, main road and secondary road. However, these terms provide little insight into what powers they give roads authorities or what responsibilities come with them.

A separate administrative system uses jurisdictional language, such as state, regional and local roads. This system is primarily designed for funding assistance, not regulatory powers, and doesn't align well with the legal classification system in the Act.

The result is a mix of terminology that doesn't match how people commonly understand these terms or how the Act actually functions.





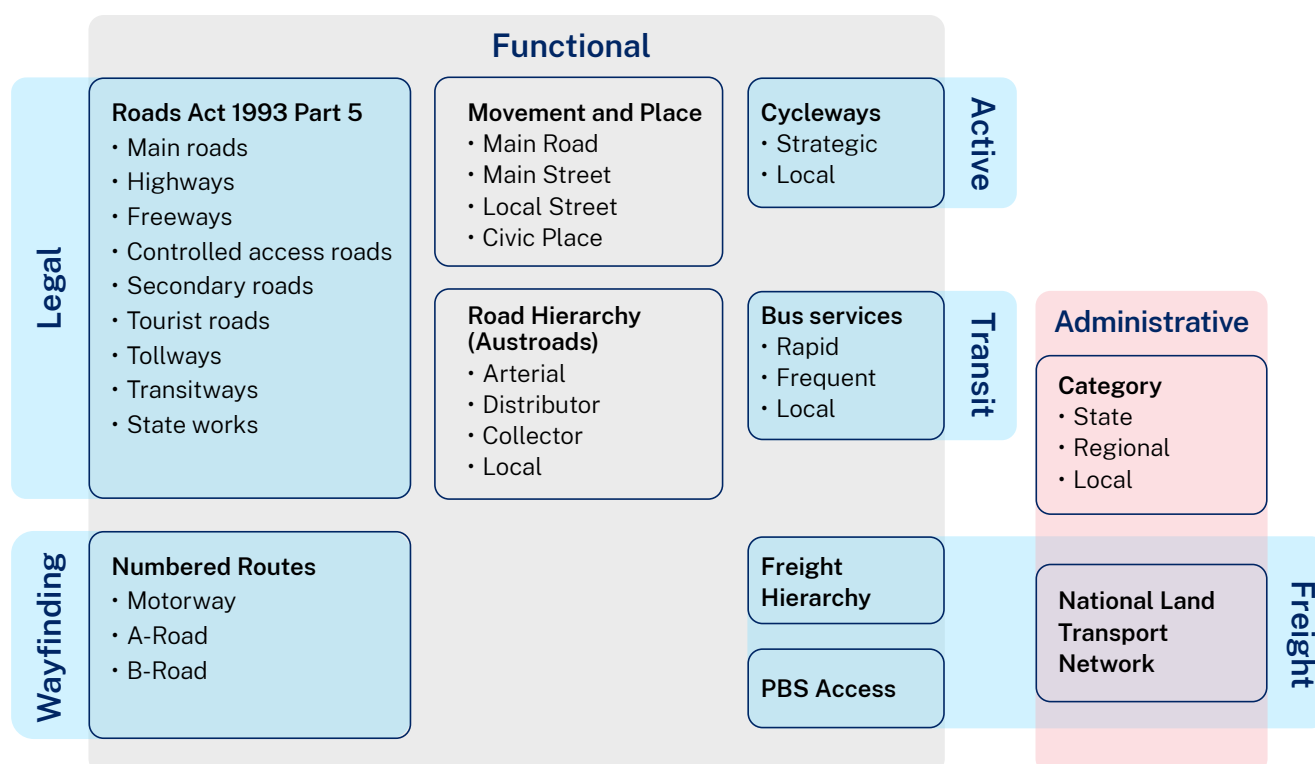


Figure 7. Overuse of vehicle-oriented functional terminology in road classification systems



## Road planning

The *Roads Act 1993* has no statutory framework for road network planning, which can lead to operational interests guiding decision making rather than strategic planning and whole-of-government outcomes.

### Lack of future-focused outcomes

Current road network planning is not recognised in the Act, which emphasises procedural compliance and approvals, rather than integrated, forward planning. This results in a system that is often reactionary to urban development, network demand and mobility issues, rather than proactively shaping and supporting the broader integrated transport system. A key shortcoming is the absence of statutory obligations for roads authorities to comply with comprehensive, strategic transport planning. As a result, planning and investment are fragmented and inconsistent, which may lead to inefficiencies and missed opportunities for integrated land use and transport development.

The *Roads Act 1993* could better reflect the [Guide to Transport Impact Assessment \(2024\)](#). This guidance focuses on integrating transport planning with broader policy goals including mode shift, accessibility, sustainability and safety. It emphasises a multimodal and place-based approach that considers the impacts of development across all transport modes and encourages travel demand management and sustainable transport choices.

## Disconnected planning and road approvals

The current framework creates a disconnect between land use planning approvals and roads authority approvals. Complying development often receives planning approval without early assessment of its impact on the road network. Road access approvals, such as for driveways and road works, are typically sought after planning consent has been granted.

This sequential approach creates risks for developers, who may invest in detailed design work based on initial approvals, only to face major revisions when roads authorities later conduct their assessment. The disconnected process can delay project delivery, require costly redesigns, and result in inconsistencies between planning conditions and road access requirements. These issues are particularly acute in established urban areas where cumulative impacts on the road network are complex.

### Questions

- Should statutory land use planning changes trigger a road planning review to ensure alignment between transport and development outcomes?
- How can the *Roads Act* better support coordination between land use assessment and road access, road infrastructure and road works?



Woolgoolga to Ballina Pacific Highway upgrade, Richmond River, Broadwater, NSW





## Decision making

### Misaligned powers and responsibility

The *Roads Act 1993* embeds a regulatory model in which Transport maintains central oversight through direct involvement in many operational and project-level decisions. This approach generates duplicated effort, excessive documentation requirements, inconsistent assessments and blurred accountability. Councils may be held responsible for outcomes they are not empowered to influence, while some may avoid responsibility due to unclear boundaries of authority. Local Traffic Committees/Local Transport Forums can further complicate governance, combining varying levels of technical and non-technical representation with ambiguous authority.

The legislation does not provide clear hierarchies to resolve overlapping responsibilities between roads authorities, utilities and other infrastructure agencies. There is no consistent delegation framework, structured assessment protocol, or dispute resolution mechanism. Split consent responsibilities, particularly for classified roads, lead to inconsistent interpretations and delays, contributing to regional variation and regulatory uncertainty.

### Lack of decision-making boundaries and evaluation criteria

Decision-making processes lack clear objectives and are often guided by past decisions rather established criteria. Many regulatory decisions prioritise vehicle movement and travel time savings, even in contexts where pedestrian safety, land use integration and public amenity should prevail. As a result, streets are often managed as vehicle movement corridors rather than multifunctional public spaces.

There is also no independent oversight where Transport acts as a roads authority, nor a review body for road-related regulatory decisions. Performance monitoring, funding decisions and compliance reporting are

conducted in the same governance arrangements that manage and develop the classified roads network. Unlike other essential infrastructure sectors such as water, energy and health, there is no system-level regulator or framework to evaluate whether road network assets are being used efficiently, equitably or strategically.

### Outdated community engagement

Public engagement requirements remain outdated and ineffective. Statutory obligations to advertise in local newspapers are no longer aligned with how communities access information. Broader transparency and appeal rights are also limited.

Together, these institutional, legislative and procedural deficiencies constrain the ability of roads authorities to make efficient, fair and outcomes-focused decisions.

**‘It is often unclear which authority is responsible for managing road safety, maintaining road infrastructure, and overseeing specific projects. These ambiguities can lead to inefficiencies in decision-making, duplication of efforts, or gaps in service delivery, especially in areas where different authorities overlap or fail to communicate effectively.’**

– Leeton Shire Council

### Questions

- a. Are local roads authorities currently appropriately empowered to fulfil their role and responsibilities in managing local roads? If not, what would better enable them?





## Regulated third party activities

The current regulatory framework under the *Roads Act 1993* presents significant challenges in the management of third party activities within the road corridor, including utility works, construction access and community-led events. The absence of a coherent and integrated permitting system contributes to repeated disruptions, road degradation and inefficient reinstatement practices that increase costs and undermine public confidence.

### Inconsistent processes and administrative burden

Administrative processes are fragmented with over 128 differing procedures and interpretations across roads authorities. This results in inconsistent terminology, unclear requirements and delays for applicants, particularly for businesses and utilities operating across multiple council areas.

### Lack of quality assurance and enforcement tools

The framework also lacks robust quality assurance mechanisms. There are no consistent requirements for financial securities for restoration works, standardised inspection protocols, scalable enforcement tools or contractor pre-qualification. This weakens the capacity of roads authorities to enforce quality outcomes and increases the risk of substandard work, including uneven footpath finishes, premature asset failures and unsafe road conditions. In many cases, the financial burden of rectifying poor workmanship is borne by councils and ratepayers rather than those responsible.

## Barriers to community use of roads

The regulatory framework is poorly equipped to support community-based activities that contribute to vibrancy and local economic activity. Recent NSW Government priorities, including the [Vibrancy Reforms](#), seek to activate public spaces through outdoor dining, street events and community initiatives. However, current regulatory settings slow delivery of these outcomes for councils and communities. The approval processes for temporary road activities are often complex, inconsistent and lack clear risk-based assessment criteria. As a result, opportunities for locally led place making and activation are missed or delayed.

### Cost recovery

The *Roads Act 1993* allows roads authorities to charge fees for 'services it provides' under section 223. However, this wording is too narrow to support cost recovery for the broader range of regulatory functions undertaken by Transport and other roads authorities. Many of these activities, such as access approvals, corridor impact assessments and development-related conditions, are not easily characterised as commercial service delivery. As a result, Transport often performs these functions without recovering costs, placing financial pressure on its ability to deliver essential regulatory roles.

Beyond the limitations of the power itself, there is no consistent or transparent framework for how fees should be set or applied across roads authorities. Councils are guided by the *Local Government Act 1993* and the Office of Local Government's Practice Note 25, which outline principles for cost recovery and community engagement. No equivalent framework exists for Transport or other non-council authorities. This results in inconsistent fee structures, inequitable treatment of similar activities, and limited capacity to manage regulatory effort or prioritise resources.

Modernising the *Roads Act* to explicitly support cost recovery for regulatory functions and to provide a clear, consistent pricing framework could improve fairness, strengthen efficiency and support the long-term financial sustainability of road governance across NSW.



## Compliance

The current compliance framework under the *Roads Act 1993* is outdated, limited in scope, and poorly aligned with modern regulatory expectations for fairness, efficiency and proportionality. The Act relies on regulatory penalties that are costly to administer, slow to enforce, and inadequate as a deterrent due to outdated penalty values and a narrow range of offences. This reliance on prosecution makes enforcement inaccessible for many breaches, leading to limited accountability for roads authorities, third parties and contractors undertaking works on the road network.

### Lack of enforcement mechanisms

There are few practical tools for enforcing compliance across the lifecycle of road activities, from planning and approvals through to construction and restoration. Unlike other infrastructure sectors such as water, energy and environmental management, the *Roads Act* does not provide administrative or civil penalty mechanisms, performance-based enforcement tools, or routine monitoring of compliance. As a result, breaches often go undetected or unaddressed.

The current framework also fails to address compliance by roads authorities themselves. For example, local councils may act outside the scope of their statutory powers or disregard ministerial directions without consequence. In a context where decision making is increasingly devolved, the absence of mechanisms to ensure public accountability for roads authorities represents a major gap in the regulatory system.

Fragmentation with related statutes further complicates enforcement. Key compliance functions, such as issuing stop work orders or remediation notices, are often exercised under planning, environmental or land legislation rather than the *Roads Act*. This leads to duplication, legal uncertainty and increased enforcement costs. It also undermines the ability of the *Roads Act* to function as the primary regulatory tool for managing the public road network.



## Crown roads

Crown roads are often referred to as paper roads or road reserves as they are often unformed and difficult to recognise as roads or streets on the ground. In other cases, they can be recognised as unsealed tracks in rural settings, formed laneways in urban settings, or even city streets that are being actively managed by a local council, despite their status as a Crown road.

This Options Paper has largely described the Act and its limitations in terms of the management of roads and streets by councils and Transport as roads authorities for the road network. Some of these limitations are also evident in relation to Crown roads and compounded by a lack of clarity regarding the status of Crown roads and lack of understanding of the function of Crown Lands as a road authority.



Figure 8. Crown roads (grey hatching) providing unsealed access for private land, connection to the local road network and an unformed Crown road (Nambucca Valley Local Government Area)

While the above anecdotal facts are known, precise data on Crown roads is limited and work is needed to gain a complete understanding of the condition, use and status of all Crown roads to inform future decision making.

## Status and function poorly understood

While the Roads Act defines all Crown roads as public roads, they are not constructed, maintained or planned for in the same way as other public roads. Crown Lands, the administering authority, is not funded or equipped to deliver traditional road services such as construction and maintenance in the same way as other roads authorities.

Governance of Crown roads can become fragmented and unclear, especially when there are different views among roads authorities about who is best suited to manage a particular Crown road. The situation is compounded by Crown Lands not being integrated into broader transport planning processes. The absence of robust data and clear accountability can further hamper efficient oversight and management of Crown roads. To add to this complexity, native title claims have been lodged over some Crown roads and in some cases Crown roads have also been reserved as Crown land meaning they could be subject to Aboriginal land claims.



## Ownership and responsibility

### Misaligned authority and responsibility

The current management of roads in NSW is marked by misalignment between ownership, legal authority, operational responsibility and practical control. Local councils own the majority of road reserves and are designated as the roads authority for most classified roads under section 7(1)(a) of the *Roads Act 1993*. This includes nearly all state roads, despite widespread assumptions that these are under direct State control. As roads authorities, councils are largely responsible for the condition, safety and operational performance of these roads.

However, Transport can and is obliged to make key decisions under the *Roads Act 1993* and *Road Transport Act 2013*, such as all controls on speed zones, traffic signals, signs and line markings. It can also exercise the functions of a roads authority on classified roads under section 64 of the *Roads Act 1993*, and may be appointed as the roads authority for any specified public road (excluding freeways, for which it already is the roads authority under section 7(1), and Crown roads) by regulation under section 7(3). The Minister may, by order published in the Gazette, transfer a public road (other than a Crown road) from one roads authority to another, but only if each consents to the transfer, under section 150.

The concept of the 'roads authority', once central to the Act, has lost much of its functional meaning. It remains a legal designation without the necessary powers or clarity to support integrated road management.

Another layer of complexity is added when a road is on land that is managed by an organisation that is not a road authority. This includes State Government agencies like National Parks, State Forests and Greater Sydney Parklands. It also includes land owned by Aboriginal Land Councils.

## Classification and categorisation

This governance fragmentation is further compounded by overlapping and non-statutory classification systems. A road might be legally classified as a main road (implying state significance), administratively categorised as a regional road (implying shared responsibility), and contractually maintained by a council, yet effectively controlled by the State. These arrangements blur accountability, delay decisions, and make responsibilities unclear.

Another layer of complexity is added when a road is on land that is managed by an organisation that is not a road authority. This includes State Government agencies like National Parks, State Forests and Greater Sydney Parklands. It also includes land owned by Aboriginal Land Councils.







## Traffic management

### Limited powers to manage traffic

The tools and powers to manage traffic in NSW are split across the *Roads Act 1993* and the *Road Transport Act 2013*. The *Roads Act 1993* confers powers to local roads authorities to regulate traffic using notices and barriers for specified purposes relating primarily to road work, maintenance and the protection of roads from damage and users from hazards. Simultaneously, the *Road Transport Act 2013* provides that authorisation is required from Transport for use of 'prescribed traffic control devices', which include many other means of regulating traffic, such as signs, lines and traffic control signals mentioned in the *Road Rules 2014*, regardless of purpose or context.

This misalignment of powers and responsibilities reduces the capacity of local roads authorities to manage their networks in a responsive and integrated manner. It has led to the creation of a process-oriented decision-making model deferential to centralised power. Administrative workarounds, such as Transport's longstanding delegations (and authorisation) to councils (and consequent Local Traffic Committee – now Local Transport Forum – system), have created resource-intensive processes that have, until recently, obliged Transport's involvement in all sorts of road management decisions all the way down to matters as basic as parking controls.

### Different approaches for roads and streets

The current regulatory system does not distinguish between 'roads' and 'streets'. Road environments achieve safety through separating traffic, maintaining predictable driving conditions, and avoiding conflict and interaction. In contrast, streets achieve safer outcomes by prioritising vulnerable road users, reducing speeds to survivable levels, and encouraging interaction between people driving, walking and cycling (Transport for NSW, 2024b).

The *Roads Act* doesn't recognise this network dichotomy, often resulting in high-speed design principles being applied in slow-speed mixed traffic environments. This approach makes streets less safe, uninviting to walking and cycling, and unpleasant for the surrounding community.

A modern regulatory framework requires context-sensitive responses that recognise the dichotomy of roads and streets and support both the movement and place functions of the road network.



Open Streets program, Brighton-Le-Sands, NSW



Tamworth, NSW



## Best practice regulation

Effective regulation provides clarity, accountability and confidence that public outcomes will be achieved. Reform under the review is being guided by well-established frameworks for regulatory best practice, drawing on local and international sources, including:

- TPP19-01 Guide to Better Regulation (NSW Treasury 2019)
- Guidance for Regulators to Implement Outcomes and Risk-Based Regulation (NSW Government, 2016)
- Best Practice Principles for Regulatory Impact Assessment (OECD, 2020).

These documents provide clear and practical frameworks for building a modern regulatory system that is coherent, proportionate, risk-based and focused on delivering public outcomes.

## Outcomes-based regulation

The NSW Government's guidance places central focus on outcomes-based regulation. Regulators should clearly define the public objectives they are seeking to achieve and use those outcomes to guide decisions, allocate resources and engage with stakeholders.

Clearly defined regulatory outcomes:

- anchor decision making and resource allocation
- support risk-based and proportionate responses
- improve transparency and accountability
- enable better coordination across agencies.

This ensures regulation focuses on public value rather than process compliance.

## Risk-based regulation

The OECD and NSW Government guidance both emphasise scaling regulatory effort in proportion to risk. This involves identifying risks to public outcomes and applying more intensive controls where likelihood or consequence of harm is greater. A risk-based approach includes:

- differentiated treatment of activities based on complexity, scale and impact
- tiered regulatory mechanisms for high-risk interventions
- simplified pathways for lower-risk, routine matters.

This allows systems to operate efficiently while directing effort where it matters most.

## Regulatory maturity

The guidance suggests regulatory systems evolve from reactive, ad hoc responses towards strategic, outcome-focused approaches. More mature systems demonstrate:

- clear contribution stories linking regulatory activities to intended outcomes
- risk-based resource allocation and enforcement responses
- integration of planning, monitoring and continuous improvement
- evidence-based decision making and stakeholder engagement.



Transport have adapted this guidance into the regulatory maturity framework that classifies regulatory practice along a spectrum:

Level	Title	Description	Key characteristics
Level 1	<b>Reactive</b> (ad hoc)	Regulation is reactive, inconsistent and focused on incident response or political pressure	No clear framework, ad hoc decisions, weak data
Level 2	<b>Rules-based</b> (compliance-focused)	Regulation relies on detailed rules and prescriptive enforcement	Focus on inputs and activities, not outcomes
Level 3	<b>Risk-based</b> (proportional and targeted)	Regulation prioritises based on likelihood and severity of harm	Risk assessments, prioritised interventions, procedural consistency
Level 4	<b>Performance-based</b> (outcomes-oriented)	Regulation focuses on measurable outcomes rather than prescriptive inputs	Regulated entities given flexibility to meet standards, focus on results
Level 5	<b>Strategic</b> (system stewardship)	Regulation integrates planning, data, public value and long-term system goals	Strategic foresight, stakeholder co-design, cross-sector alignment

## Implementation and coordination

Effective regulation requires coherent implementation planning, stakeholder consultation and performance monitoring. The TPP19-01 framework emphasises that regulatory proposals must demonstrate how they will be implemented and reviewed.

Key elements include:

- clear roles and responsibilities for implementation
- meaningful consultation throughout the regulatory development process
- performance indicators based on regulatory objectives rather than just outputs
- regular review to ensure continued efficiency and effectiveness.



Doncaster Avenue cycleway, Kensington, NSW



A pathway to reform  
for roads regulation  
in NSW

4

## Establishing an outcomes framework

Effective regulation of roads is essential to achieving high-quality outcomes for customers, communities and the economy. Roads are more than transport infrastructure. They support mobility, access, safety, social connection and economic activity. To manage this complexity, road regulation must be clear in purpose, proportionate to risk, and focused on delivering outcomes that matter to people.

Stakeholders have raised concerns that the current regulatory system is overly prescriptive and not clearly aligned with the outcomes it is intended to achieve. Feedback from councils, industry, and community representatives has highlighted a strong need for a more outcomes-focused regulatory framework.

The following table describes the proposed regulatory outcomes:

**Table 2. Proposed regulatory outcomes**

Outcome	Description
<b>Universal access</b>	Ensure the right of passage and access for all people
<b>Safety</b>	Provide a safe road system for all road users
<b>Wellbeing</b>	Support the physical, mental and social wellbeing of communities through equitable, safe and pleasant streetscapes
<b>Efficiency</b>	Manage the network to support the space-efficient and reliable movement of people and goods
<b>Productivity</b>	Support economic activity, including freight movement, deliveries, servicing, vibrancy and place activity
<b>Sustainability</b>	Promote sustainable travel choices and the efficient use of energy, materials and land
<b>Resilience</b>	Enable the road network to withstand, adapt to and recover from disruption and a changing climate
<b>Environmental protection</b>	Protect the built and natural environment from degradation or harm
<b>Asset protection</b>	Prevent premature deterioration, structural damage and excessive wear
<b>Orderly development</b>	Coordinate road network development with land use, public transport and multimodal movement
<b>Financial responsibility</b>	Develop and manage the road network in a way that makes the best use of public funds

## Regulatory outcomes

The following proposed set of regulatory outcomes seek to clarify what the road regulation system should ultimately achieve.

The purpose statement and outcomes will frame the refinement and evaluation of the regulatory approach. These statements are expected to inform an update to the objects of the Act, ensuring the legislation reflects the strategic purpose and public value of the road network. Long term, these outcomes could be used to measure outcomes, quantify roads authority performance, and potentially set service level targets.

### Proposed purpose statement

‘To manage the road network in a way that ensures safe, efficient, and equitable access for all users; supports economic productivity and community wellbeing; promotes sustainable travel choices and efficient use of resources; protects the natural and built environments; and coordinates infrastructure and land use to enable sustainable, orderly development.’

Future regulation can incorporate these principles by:

- defining the need for clear and measurable regulatory outcomes
- embedding these outcomes in the objects of the Act and in statutory road network plans
- aligning decision-making powers and compliance mechanisms with these outcomes.

This approach ensures that regulation is focused on public value, not process, and supports greater transparency and accountability.

# Three regulatory models to deliver these outcomes

Three alternative regulatory models are presented for consideration and feedback. Each model offers a different approach to structuring legislative powers, institutional responsibilities and regulatory tools to support a more coherent, risk-based and outcome-focused road management framework.

Each of the proposed models represents a different stage along a regulatory maturity continuum, from codifying current practice to more advanced, outcomes-based and institutionally integrated governance. While each offers distinct benefits, they also vary in the level of reform complexity, implementation impact and resourcing required.

**Model 1: Codify current practice** – retains the current legislative structure with targeted improvements but avoids deeper structural reform.

**Model 2: Plan-led framework** – replaces the current classification system with statutory road network plans that allocate powers and responsibilities based on agreed objectives and spatial context.

**Model 3: Institutional change** – introduces a clear separation between regulatory and operational roles within Transport enabling strategic oversight of the entire road network.

These models are alternative configurations of the legislative framework, rather than sequential stages. They stand alone as frameworks for reform, however, could also be implemented in phases to deliver more substantial changes over time.

Models 2 and 3 are more ambitious in their scope with more significant changes to the ways of working for the Transport Planning industry. While these models represent comprehensive reform approaches, they could be implemented in phases, allowing time for the industry to properly adjust. This approach could emulate the successful approach used in land use planning reforms during the 2010s.

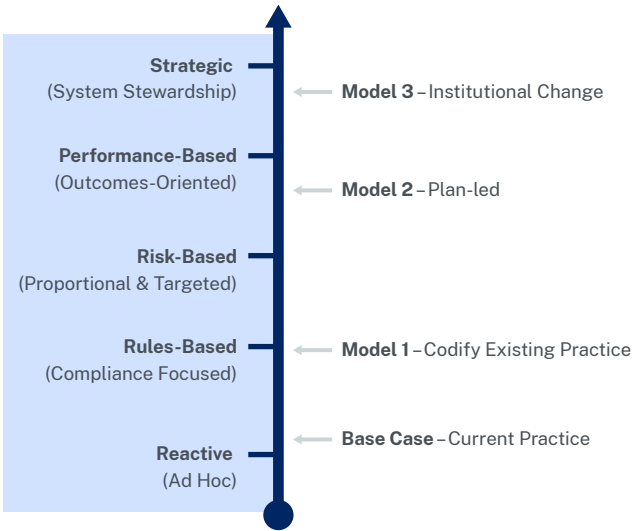


Figure 9. Regulatory maturity and three proposed models

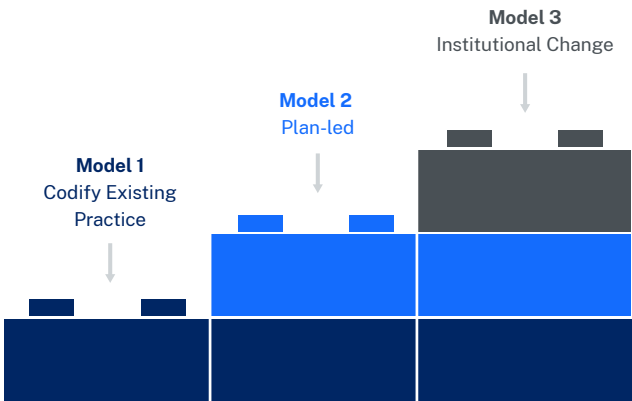


Figure 10. Each model is independent and can also build on other reforms

The following three sections provide a detailed explanation of each model, presenting the key areas of reform, implications for the Act and other regulatory changes, and the potential regulatory maturity level (that is, the regulatory performance) of each model. Following the models, supporting mechanisms are considered. These are tools and practices that could be implemented regardless of which regulatory model is adopted.





## Efficiency and equity of outcomes

The efficiency and equity of outcomes are integral to the broader outcomes approach, ensuring that the road network not only facilitates effective movement but also distributes benefits fairly among all users and stakeholders. For decades, we have measured road efficiency primarily by how quickly vehicles can move through the network. This approach developed when roads authorities were focused on building and expanding a strategic road network to reduce travel times and ease congestion.

While this vehicle-focused approach served NSW well during rapid growth in car ownership, it no longer aligns with modern transport policy priorities. Today, transport efficiency means more than just moving vehicles quickly, it means how effectively the system helps people and goods reach important destinations, and reduces the cost and distances travelled (Geurs, K.T. & van Wee, B. 2004, Levinson, D.M. & Krizek, K.J. 2008, Boisjoly, G. & El-Geneidy, A. 2017).

### A broader view of efficiency

Modern transport efficiency recognises the importance of accessibility. This includes how well land use planning integrates with transport, how close people live to essential services, and whether diverse, space-efficient travel options are available.

Well-designed urban areas with good public transport connections can reduce overall travel demand and support sustainable transport modes such as walking, cycling and public transport (Cervero, R. 2003, Mulley, C. 2014). These approaches make better use of existing infrastructure, reduce the need for expensive new roads, and deliver better financial and environmental outcomes.

### Ensuring fairness for all road users

Efficiency must work alongside equity. The road network serves many different users, including people walking, cycling, driving, using public transport, operating freight, adjacent landowners, utilities, local businesses and communities. Roads also support important place functions, such as public seating, shade trees, stormwater management and commercial activity, that contribute to wellbeing and local character.

A modern regulatory framework must ensure that the benefits and costs of road regulation are distributed fairly (Van Wee, B., Geurs, K.T., & Chorus, C. 2013, Litman, T. 2021, Newman, P. & Kenworthy, J. 2015). It should recognise the legitimate needs of all users and stakeholders, and ensure that decision-making processes are transparent, inclusive and proportionate to the varied functions of roads and streets.

By embedding this broader understanding of efficiency and equity into future regulation, the road network can better support economic productivity, environmental sustainability and community wellbeing across NSW.



University of  
Wollongong,  
NSW



Gocup Road,  
Gocup, NSW

Model 1:  
Codification of  
current practice

5



## Clarify existing rules-based regulation

This model adopts a rules-based regulatory approach that codifies current practice into a more coherent, transparent and accessible framework. It consolidates the existing patchwork of delegations, authorisations, administrative arrangements and bilateral agreements into a simplified legal and regulatory system. While not making significant or wholesale reallocation of powers between Transport and local councils, it seeks to provide clarity, consistency and efficiency through simplification, standardisation and improved documentation.

There is significant opportunity under this model to simplify and streamline the varied processes used across roads authorities. Common administrative functions could be standardised and supported through updated guidance, consistent terminology and shared digital tools. Improvements to public transparency and operational efficiency could also be achieved by modernising how key information is published and accessed. For example, road classifications could be mapped spatially through an online map rather than appearing in a PDF schedule or gazetted notices.

While this model maintains the existing structure of road regulation, it improves its usability and reliability, and provides a foundation for consistent implementation without requiring major shifts in institutional roles or legislative principles.

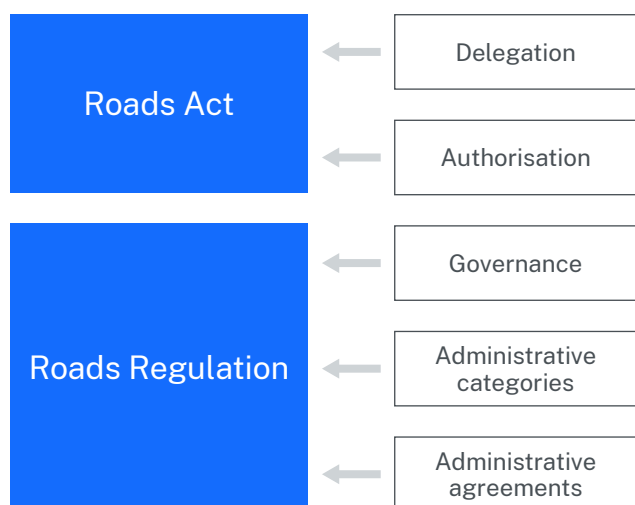


Figure 11. Model 1: Codify current practice into the Act and regulations

‘Local councils are uniquely positioned to manage local roads due to [their] understanding of local conditions and ability to act swiftly to enact change.’

– Blacktown City Council

## Key reform: Clarify ownership and responsibility

This model restores meaning and purpose to the term ‘roads authority’ by aligning ownership and responsibility with powers and resources. It simplifies the road classification system to improve clarity, accountability and regulatory coherence. All roads in NSW could be classified as either a state road or local road, with this classification serving as the legal basis for ownership and the exercise of roads authority functions. This could codify current arrangements, under which Transport assumes responsibility for the development, management and maintenance of state roads, and councils (and other local authorities) own and manage all other public roads. By administrative convention, the state roads authority only assumes responsibility for the carriageway, shoulder and drainage of state roads, while other road assets such as footpaths and parking lanes are managed and maintained by councils.

The proposed binary classification of state and local roads removes ambiguity about who owns, manages and is accountable for each road, replacing the current mix of functional and administrative categories with a single, legally meaningful distinction based on principal boundaries of responsibility.

Other classifications such as freeway, main road or transitway would have less significance for ownership or core regulatory powers. However, these terms may still be used where necessary, such as access restrictions on declared freeways or transitways.

The administrative categorisation of state, regional and local roads would no longer be needed. Management responsibility could instead be determined directly by classification. A distinction is made between regulatory classification and funding eligibility, while retaining existing funding and maintenance responsibilities.



This approach could eliminate the need for concurrent approvals and the double handling of regulatory processes from state and local roads authorities. The state roads authority could have sole discretion over the regulation of traffic, road access, events and activities on state roads. Importantly, this approach redefines the role of councils in relation to state roads. Councils would no longer be the owner and roads authority for classified state roads. Instead, they would be third parties for the purpose of carrying out works, regulating traffic or placing structures and assets within a state road corridor. Any activity by council would require consent or contractual arrangements with the state roads authority. Routine responsibilities such as verge maintenance (footpaths and parking lanes in urban areas) would be codified in regulation to reflect existing practice while

providing a consistent legal foundation for ongoing maintenance arrangements. Other classifications and regulations would protect local interests and place activity, particularly where state roads perform main street functions in metropolitan and regional contexts. Together, these changes provide a simpler and more transparent framework for determining road ownership, assigning statutory responsibilities and coordinating investment across the state and local road networks. By clarifying legal responsibility and separating classification from funding, the model supports more efficient decision making, stronger accountability and improved coordination between local and State government.

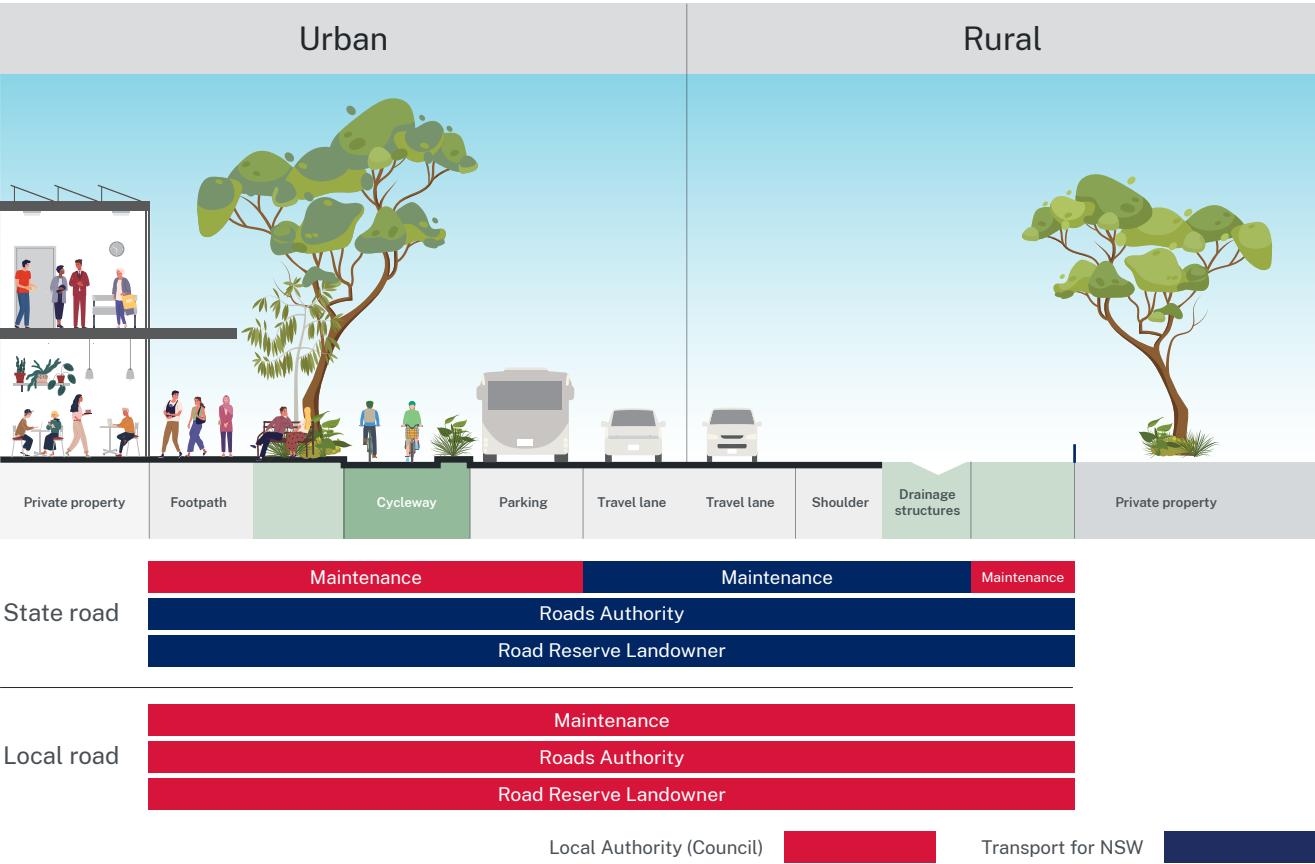


Figure 12. Road section illustrating division of roads authority responsibilities

## Implications of this reform

The features outlined below could give effect to this model across the following areas of road management.



### Road users

**Expanded objectives:** The objects of the Act could be updated to explicitly recognise the full range of road users and uses, including people walking or cycling, utilities, community events and place-based activity.

**No formal user hierarchy:** The Act could require consideration of all users in decision making but may not define priority modes or road user hierarchies.

**Supporting guidance:** Non-statutory guidance could assist roads authorities to consider all users, including in the context of competing functions and modal conflicts.



### Classification and the role of roads and streets

**Clearer terminology:** State and local classifications could designate ownership, management and primary maintenance responsibilities.

**Minimal change:** Other classification categories may remain unchanged. Functional classifications such as freeway, main road and secondary road could be retained as needed to set movement and place objectives and controls.

**Road segment responsibilities:** Responsibilities for carriageway and verge could be formalised into the Act and regulations.

**Separate administrative categorisation:** Administrative categorisation for funding assistance purposes, such as regional road funding, could be relocated from the *Roads Act 1993* to a schedule under the *Transport Administration Act 1988*, providing a clearer separation between regulatory powers and funding arrangements.

**Geographic information system (GIS) mapping:** Classification data could be publicly accessible using a GIS-enabled mapping system to improve clarity for roads authorities, utilities, developers and the broader community.

**Boundaries of responsibility:** Road classification could determine ownership and allocation of powers for the entire corridor, including the carriageway and verge. To reflect current practice on state roads, maintenance responsibilities for parking lanes and the verge could be assigned to the local roads authority through regulation.

‘There has been a paradigm shift in transport management and planning... from a more traditional vehicle-based approach to one that recognises a broader use of roads and streets, not only for movement but placemaking outcomes’

– Wollongong City Council



### Decision making

**Clarity of responsibilities and expanded local discretion:** Existing delegations and authorisations would be codified into the Act and regulations. Local roads authorities could be empowered to regulate traffic and use prescribed traffic control devices on local roads at their discretion.

**Retained powers and oversight:** Transport retains primary authority over traffic signals and traffic regulation on state roads as per current legislation and delegations, preserving State interests within a clarified framework.

**Defined escalation pathways:** A limited range of decisions, typically those involving state roads or higher-risk activities, could require referral to a forum similar to the long-standing Local Traffic Committee/Local Transport Forum, but revised with a narrowed, better-defined scope aligned to set criteria rather than minor asset decisions.

**Integrated roadwork notifications:** Notification requirements and a shared digital portal could allow roads authorities and third parties to register planned works supporting better coordination.



### Road planning

**Integrated mapping:** A GIS-based map of classified roads could be maintained by Transport, becoming the definitive spatial record of road classifications.

**Publicly accessible data:** Mapping could be hosted on the NSW Planning Portal and aligned with land use zones, corridor protection areas and other statutory plans.

**No change to statutory planning mechanisms:** This model does not introduce new road network plans or spatial planning tools. Instead, it improves access to existing information and supports better alignment with land use planning systems.



## Regulated third party activities

- Practice guidelines:** Clarify the interpretation of legislative provisions, jurisdictional boundaries and common procedural issues.
- Standardised processes:** Provide model forms, assessment pathways and approval conditions for regulated activities such as utility works, outdoor dining and scaffolding.
- Centralised digital portal:** Enable online lodgement, scheduling and tracking of third party activities in the road reserve, supporting transparency and coordination across authorities.
- Risk-based assessments:** Establish tiered assessment frameworks to streamline approval of low-risk, routine activities while ensuring adequate scrutiny of complex or high-impact works.
- Voluntary codes of practice:** Promote quality, safety and restoration standards across industry operators through optional codes supported by roads authorities.



## Access approvals

- Consent authority clarity:** The model could codify and publicly identify which entity is the roads authority and consent authority for each road, eliminating ambiguity and the need for concurrent or overlapping approvals. Applicants would have more certainty about who makes access decisions, with clear assessment pathways for state and local roads.
- Requirements clarity:** Improved permitting processes could include standardised application templates, technical guidelines and model conditions of consent. These tools could support consistent and transparent decision making across jurisdictions, reduce administrative burden and lower approval risk for applicants by clarifying expectations upfront.



## Road funding

- No change to existing road funding responsibilities:** This model preserves current funding allocations unless separately reformed. Regulatory changes do not alter who pays for what.
- Clear separation of funding and regulation:** Administrative categorisation for funding purposes could be decoupled from regulatory classification, potentially being placed under the Transport Administration Act.
- Asset maintenance obligations:** The model retains existing responsibilities for road maintenance and asset management. Local councils and state agencies could continue to maintain the assets for which they are currently responsible. Regulatory reforms would not alter ownership, legal duties or operational obligations relating to asset condition, safety or lifecycle management.



## Oversight

- Rules-based foundation:** This model establishes a legal baseline through statutory instruments and regulations, rather than agreements or informal practice.
- Central guidance function:** Transport could continue to provide guidance and tools to support local roads authorities.
- Approval and concurrence:** Transport could continue to exercise approval and concurrence powers for matters of strategic network importance.
- Step-in powers:** Strengthen powers for the Minister to direct roads authorities if they fail to act appropriately. These powers would be retained to ensure state oversight of safety, consistency and network-critical decisions.



## Implementation

- Incremental transition:** This model enables a phased implementation, allowing roads authorities to adopt new tools and guidance as they are developed, while continuing to operate under familiar structures.
- Moderate implementation cost:** While system upgrades and training will involve some cost, the model's continuity with existing roles and structures is expected to limit the financial and organisational impact.



## Regulatory outcomes – strengths and weaknesses

Model 1 reflects a limited progression along the regulatory maturity spectrum. By codifying existing practice, it could improve legal clarity, procedural consistency and administrative transparency. It may support better usability of the regulatory system, particularly through clearing up existing overlaps or ambiguities, standardised terminology, and digital tools. These changes would aim to reduce ambiguity and streamline how roads authorities exercise their functions.

The model provides limited support for outcomes-based regulation. While it could enable clearer recognition of all road users through updates to the objects of the Act, it does not embed mechanisms to align decisions with strategic objectives such as accessibility, sustainability or resilience. The regulatory focus would likely remain on process and compliance rather than measurable public value. As a result, decisions may continue to be driven by established precedent and technical standards rather than outcome performance.

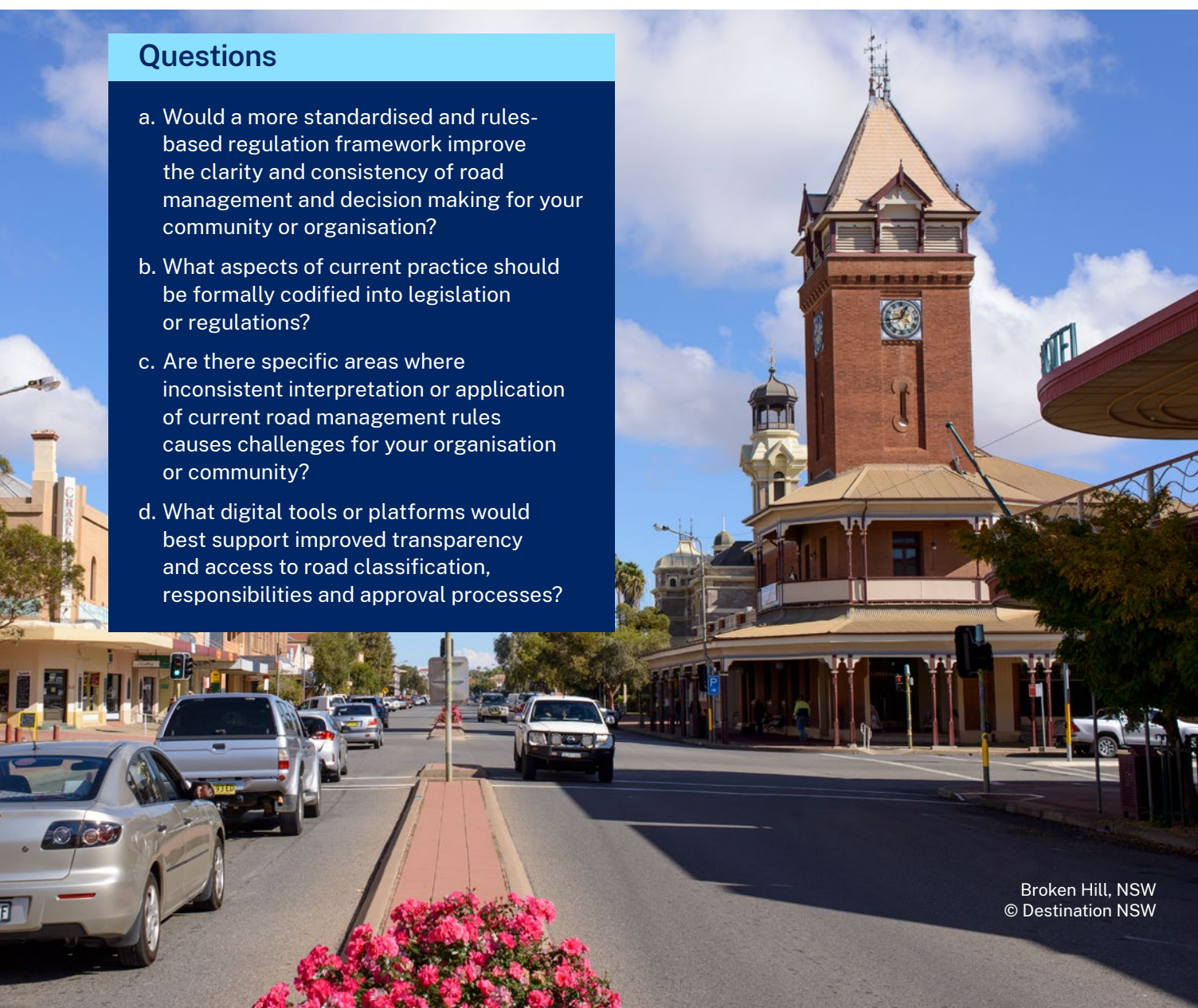
In terms of proportionality, Model 1 makes only modest changes. It does not introduce new powers or frameworks to scale regulatory effort based on risk or complexity, nor does it significantly increase local discretion in low-risk matters. While administrative clarity may reduce delays, the underlying approval structures and centralised oversight could remain largely unchanged.

Model 1 also offers limited advancement in regulatory stewardship. It does not create new oversight bodies or performance monitoring mechanisms, nor does it establish formal processes for dispute resolution or continuous regulatory improvement. While it could improve procedural accountability, it would not substantially increase transparency or independence in the regulation of roads authorities.

Overall, Model 1 provides a foundation for more consistent and efficient administration but remains close to the current system in both structure and ambition. It is unlikely to shift the system towards more outcome-driven, risk-aware or strategically coordinated regulation without further development.

### Questions

- Would a more standardised and rules-based regulation framework improve the clarity and consistency of road management and decision making for your community or organisation?
- What aspects of current practice should be formally codified into legislation or regulations?
- Are there specific areas where inconsistent interpretation or application of current road management rules causes challenges for your organisation or community?
- What digital tools or platforms would best support improved transparency and access to road classification, responsibilities and approval processes?



Broken Hill, NSW  
© Destination NSW



Bankstown, NSW



Model 2:  
Plan-led framework

6



## Upfront agreement through statutory road plans

This model adopts a risk-based and outcomes-focused regulatory approach, structured around statutory road network plans. These plans could operate as the central regulatory tool for managing roads in NSW, integrating road governance with land use planning and providing a legal basis for place-based decision making.

The current regulatory system is heavily reliant on reactive approvals and ad hoc processes. It lacks mechanisms to manage cumulative impacts, coordinate cross-jurisdictional responsibilities or provide forward-looking guidance for the design and use of roads. As urban development intensifies, these limitations result in inefficiencies, inconsistent decisions and missed opportunities to deliver integrated transport and land use outcomes.

Statutory road network plans are designed to fill this gap. By defining the intended function, access conditions and road user outcomes for each part of the network, these plans provide clear rules and shared understanding for managing road use over time. They align with established planning instruments like local environmental plans and could be mapped and published on the NSW Planning Portal to support public engagement and inter-agency coordination.

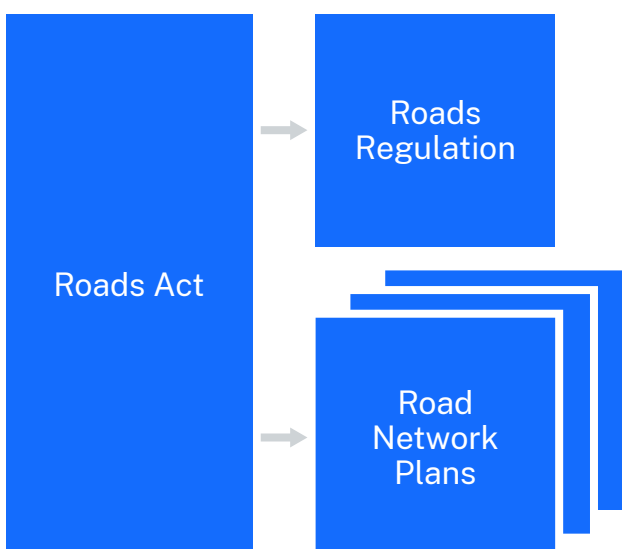


Figure 13. Model 2: Plan-led framework

### Key reform: statutory road network plans

This model introduces statutory road network plans as a new regulatory mechanism. These plans could be prepared by or with the relevant roads authority and could define how individual roads and corridors are to be used, managed and developed.

Based on a standard instrument, each plan could have controls that:

- set out the intended network role and function, such as movement and place type, and modal priorities, for each road segment
- identify regulatory controls such as speed zones, property access restrictions and vehicle access restrictions
- map user priorities and place-based objectives, supporting better integration with active transport, public space and local economic activity.

Unlike the current system, which often responds to development on an application-by-application basis, this model enables proactive and integrated infrastructure planning. Under the current framework, transport impact assessments are typically conducted at the development application stage, often in isolation from broader network needs or cumulative effects. This leads to fragmented decision making, duplicated effort and an overreliance on reactive traffic modelling.

Statutory road network plans shift this approach by embedding transport and access requirements upfront, at the strategic planning level. For example, if a precinct-wide rezoning or local environment plan amendment is proposed, the relevant road network plan could be reviewed concurrently. This ensures that cumulative impacts on the road network, such as increased traffic volumes, pedestrian demand or freight needs, are assessed holistically and planned for in advance.

By aligning land use and road planning, this reform enables:

- faster development assessment and approvals
- transparent requirements for developers, and clarity of development outcomes for road users and communities
- earlier identification of infrastructure needs and funding responsibilities.

This model replaces static classifications with forward-looking, multidimensional statutory plans. It aligns powers with agreed outcomes, enables proportional, risk-based regulation, and supports devolved decision making within a coordinated framework. It ensures the road network can evolve in parallel with changing land use, while reducing delays, uncertainty and duplicated assessments in the development process. These features together offer a more strategic, place-sensitive and efficient approach to managing the road network.

## Implications of this reform

The features outlined below could give effect to this model across the following areas of road management.



### Road users

- Expanded objectives:** The Act could be amended to formally recognise the rights and needs of all road users. This includes those using roads for movement, access, utilities, public space or commercial and community activity.
- Priority and equity embedded in plans:** Road network plans could set explicit objectives for each road type using the Movement and Place Framework. These could define modal priorities, desired user outcomes and spatial expectations.
- Structured engagement:** Principles of equity, place sensitivity and inter-agency coordination could be embedded into the statutory planning and review processes.
- Community collaboration:** Planning provides an opportunity for upfront consultation and agreement on outcomes, and a forum to balance community and local interests.



## Classification and the role of roads and streets

- Clear ownership framework:** Classification could continue to define ownership and core management responsibility (state roads, local roads).
- Powers allocated through planning controls:** Decision-making powers, conditions for road use, and third party access could be defined through road network plans rather than through static classification categories.
- Flexible, outcome-based framework:** Road network plans could include Design of Roads and Streets style road environments, modal function, access roles and corridor-specific controls. This enables a more detailed and functional basis for regulation.
- Administrative funding categories relocated:** As in Model 1, categorisation for funding support, such as regional roads, could be moved to a schedule under the *Transport Administration Act 1988*.



## Decision making

- Plan-based decision making:** Most operational decisions could be determined with reference to road network plans. This would replace reactive case-by-case assessments with planned, network-wide objectives.
- Devolved decision making:** Councils and state agencies could operate within defined plan-based powers. This would reduce the need for case-by-case concurrence while maintaining strategic safeguards.
- Approval of plans by Transport Secretary:** All road network plans would require approval from the Secretary of Transport. This provides state-level assurance while enabling greater local autonomy.
- Integrated forward planning:** Roads authorities could be required to align their road planning decisions with land use plans, infrastructure strategies and asset management frameworks.





## Road planning

**Statutory road network plans:** Each roads authority could prepare and maintain a statutory road network plan for its area. These plans would outline road functions, operating conditions and development controls.

**Standard instrument:** A standard instrument could define the scope, structure and content of all statutory road network plans. This would ensure consistency of road functions, objectives and regulatory controls across jurisdictions.

**Planning controls define powers and limits:** These plans could include legally binding controls on speed, access, modal function, freight movement and third party use. They would form the legal basis for future decisions.

**Publicly accessible GIS mapping:** Road network plans could be published as spatial datasets on the NSW Planning Portal. They would align with land use plans and enable cross-sector visibility.

**Plan amendments enable flexibility:** Changes to road categories, powers or controls would be managed through a transparent plan amendment process. This process could be similar to spot rezonings in the planning system.



## Regulated third party activities

**Integrated approval pathway:** Development assessment and road approvals could be coordinated through a shared process aligned with road network plan controls. Vehicle access (driveways) could be assessed by a building certifier if permitted in a statutory road network plan.

**Standardised rules and procedures:** Regulations could define common terms, permit conditions and approval pathways for routine third party activities. These could include scaffolding, utility works and street dining.

**Flexible design standards:** A tiered standards framework could allow deviation from default specifications where plan objectives support context-sensitive or innovative solutions.

‘The ability to see transport and land use planning together will make it much easier to ensure that decision-making is complementary and advances strategic objectives in the public interest.’

– Professor Ameilia Thorpe, UNSW





## Access approvals

**Integrated spatial control:** Model 2 could require that statutory road network plans include mapped access constraints and permissible access types. These maps could indicate areas where vehicle access is restricted or subject to conditions, such as near signalised intersections, freight corridors or high pedestrian activity zones, reducing the need for case-by-case decision making and clarifying expectations at the planning stage.

**Strategic development triggers statutory coordination:** Significant planning proposals, such as rezonings or precinct-scale subdivisions, could trigger an update or review of the relevant statutory road network plan. This ensures that access considerations are embedded early in the planning process and that the road network's function and safety are not compromised by land use decisions made in isolation.

**Complying development aligned to pre-cleared access areas:** Access for low-impact or complying development could be permitted by default only where road plans identify no access constraints. This reduces regulatory burden while ensuring that roads authority risks are pre-emptively addressed through spatial planning rather than reactive approvals.

**Reduced approval risk through front-end integration:** By embedding road access conditions into statutory planning instruments, Model 2 significantly reduces the risk of late-stage conflicts between development consent and road approvals. Roads authorities have an upstream role in shaping access policies, ensuring consistency and reducing administrative friction at the project level.



## Road funding

**No change to road funding responsibilities:** This model does not alter existing funding allocations unless separately reformed.

**Funding categories clearly separated:** Administrative funding classifications could be housed under the Transport Administration Act. This avoids confusion with regulatory planning functions.

**Supports longer-term cost planning:** Statutory road plans could assist with aligning funding needs to planned use, condition targets and public value outcomes.



## Oversight

**State assurance through plan approval:** The Secretary of Transport could approve all road network plans. This provides a strategic assurance mechanism without retaining case-by-case concurrence requirements.

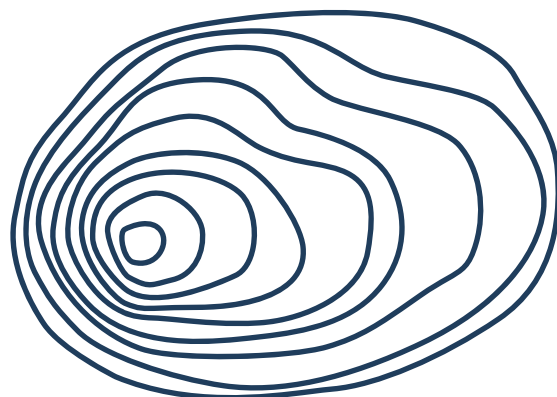
**Greater local autonomy:** Within the framework of approved plans, councils and other authorities would exercise greater day-to-day discretion. This would be consistent with agreed responsibilities and risk levels.

**Step-in powers:** Powers would enable the Minister to intervene in the event of inaction or failure as a safeguard.



## Boundaries of responsibility

**Spatial mapping:** Model 2 enables the subdivision of road reserves into distinct functional segments, allowing different components of a single corridor to be assigned to separate roads authorities. For example, a local frontage road, footpath or parking lane could be designated as a local road under council responsibility, while the central carriageway of a state highway is retained as a state road. This approach clarifies ownership, powers and maintenance obligations, reducing ambiguity and supports more coordinated planning, design and management across complex or multifunctional corridors.





Mudgee, NSW  
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## Traffic management

**Embedded traffic objectives:** Road network plans could define speed zones, modal priorities and access conditions based on the intended function and surrounding land use of each road segment.

**Risk-based controls:** Powers to install or alter certain types of traffic control devices could be linked to plan objectives and level of network risk. This could reduce unnecessary concurrence requirements.

**Integrated planning and operations:** Operational measures such as signal timing, lane allocations and parking management would be governed by the outcomes identified in the statutory plan. This allows greater place sensitivity while protecting network performance.



## Implementation

**New planning framework required:** A legislative and institutional framework would be needed to establish road network plans as binding instruments. This includes clear responsibilities for drafting, consultation and review.

**Moderate to high implementation complexity:** This model would require investment in capacity building, digital tools and coordination mechanisms. However, it offers greater long-term efficiency and coherence.

**Potential for staged rollout:** A progressive transition could begin with pilot plans in high-priority corridors or regions. This allows refinement before wider application.

## Regulatory outcomes – strengths and weaknesses

Model 2 represents a moderate progression in regulatory maturity by introducing spatially defined statutory planning instruments that could anchor road governance in agreed public outcomes. Through road network plans, it provides a structure that enables decisions to be made in line with defined movement and place functions, modal priorities and local land use context.

This model could support outcomes-based regulation by embedding transport and place objectives directly into planning instruments. Over time, this may allow roads authorities to make decisions that better reflect goals such as safety, equity, efficiency and climate resilience. Road network plans could also improve the transparency of decision making and provide a clearer link between road management and land use planning outcomes.

In terms of proportionality, Model 2 offers the potential for more risk-based and context-sensitive regulation. Statutory plans could reduce the need for reactive or duplicative approvals by clearly identifying where certain uses or controls apply. The model may enable greater local discretion for routine matters while reserving State oversight for issues of greater significance. This could improve both responsiveness and coordination across different parts of the network.

Model 2 introduces elements of stewardship by requiring roads authorities to prepare and maintain statutory plans approved by the Secretary of Transport. This could strengthen strategic assurance and encourage longer-term planning and monitoring. However, it does not establish an independent regulatory body or system-wide performance reporting, so its capacity for oversight and continuous improvement would remain tied to existing institutional structures.

## Embedding safety in road network plans

Statutory road network plans present an opportunity to place safety at the forefront of road management decision making. These plans could define the intended function and design of each road, enabling a more integrated and outcomes-focused approach to regulation.

Key ways in which road plans could improve road safety include:

- by establishing safety as a key objective for roads, prioritising the safety of pedestrians, cyclists and other vulnerable road users over other outcomes
- by empowering local councils to set appropriate speed limits and implement traffic calming measures, based on the road's intended function and context
- by considering safety outcomes at a network level, reducing movement and place conflicts by diverting through traffic away from high activity places
- by highlighting gaps and conflicts between pedestrian, cycling and vehicle networks, particularly where vulnerable road users must travel in mix traffic environments.

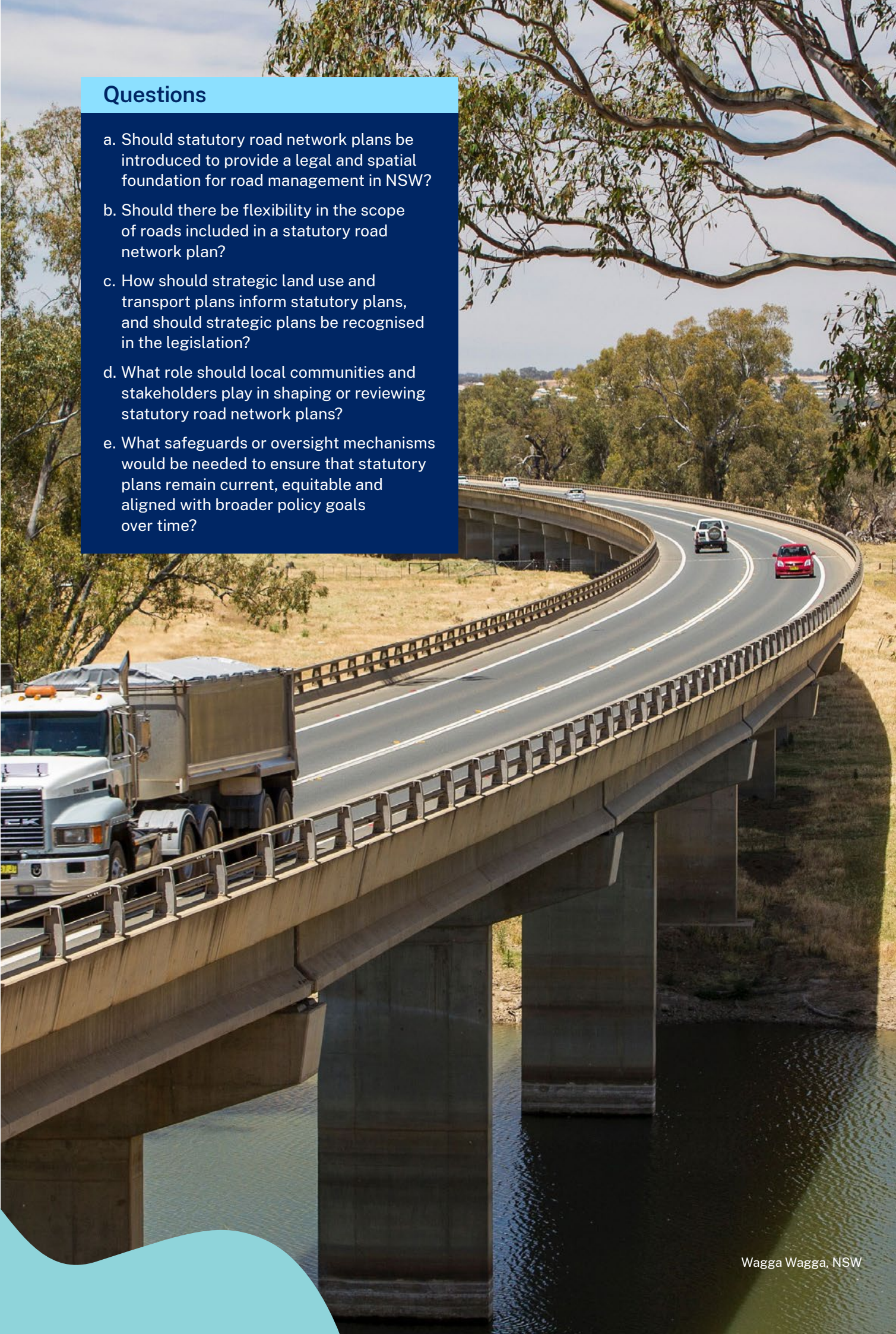
By making safety a central consideration in the development and ongoing management of the road network plans, this model can help drive tangible reductions in road trauma and create a safer, more inclusive transportation system for all users.





## Questions

- a. Should statutory road network plans be introduced to provide a legal and spatial foundation for road management in NSW?
- b. Should there be flexibility in the scope of roads included in a statutory road network plan?
- c. How should strategic land use and transport plans inform statutory plans, and should strategic plans be recognised in the legislation?
- d. What role should local communities and stakeholders play in shaping or reviewing statutory road network plans?
- e. What safeguards or oversight mechanisms would be needed to ensure that statutory plans remain current, equitable and aligned with broader policy goals over time?





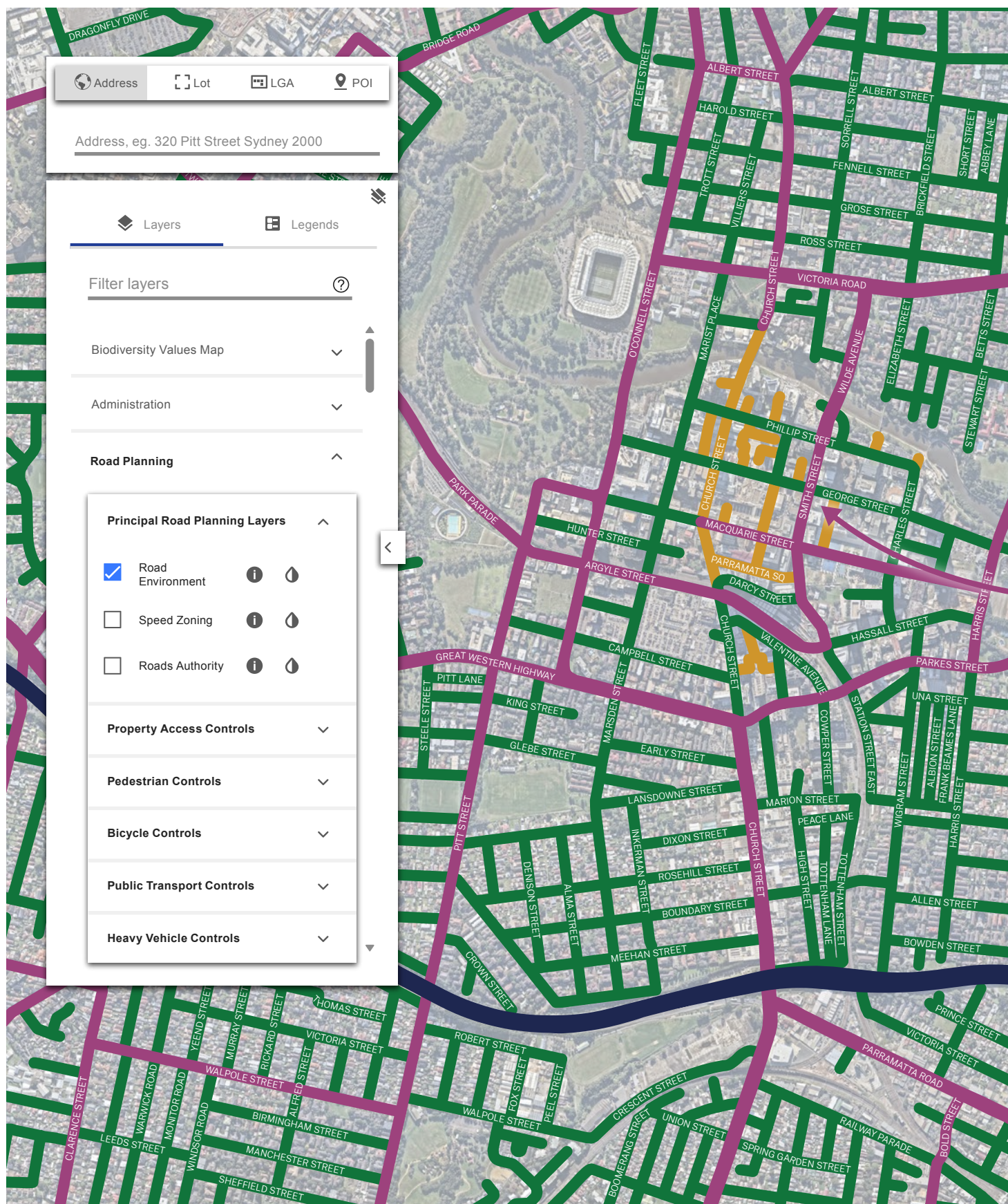


Figure 14. Example of a road network plan map with network layers and road environments





#### Functional environment: Transit street

##### Objectives

- To prioritise frequent and reliable public transport services within walkable urban environments.
- To support dense residential or mixed-use precincts where walking, cycling and public transport are the primary modes of travel and access.
- To discourage long-distance private vehicle through movement traffic.
- To support transit-oriented development, including the development of schools, shops, housing, places of worship and other high place-activity uses.
- To integrate transport operations with safe, accessible and enjoyable public spaces, prioritising pedestrian access to and from transit stops and shelters.

##### Permitted without consent

Subject to notification and inspection requirements the follow activities and structures are permissible:

- installation and maintenance of utility works and structures
- maintenance of driveways and property access structures
- maintenance of trees and vegetation
- hoarding and fencing
- kerbside activity as permitted by the local authority.

##### Permitted with consent

Subject to consent of the roads authority the following activities and structures are permissible:

- temporary regulation of traffic for works or events
- road structures, paths, traffic regulation signs and lines
- construction of driveways or property access structures
- vehicle parking or storage of materials
- cranes and operations
- planting or removing trees and vegetation
- shelters and street furniture.

##### Prohibited

- any activity or structure that contradicts the objectives of this road environment type

#### Functional Environment: Principal Arterial

##### Objective

- To connect people and goods across regions and metropolitan areas
- To prioritise the efficient and reliable movement of long-distance vehicle traffic
- To protect the safety of vulnerable road users through appropriate separation, crossings, buffers and barriers
- To provide safe property access where other road access is not feasible
- To support economic activity by linking industrial areas, freight terminals, ports, and regional destinations
- To reduce severance through walking and cycling crossings and grade separated street crossings
- To avoid areas of high place amenity and place activity
- To provide clear transitions between road environment changes, such as arterial roads and arterial main streets.

##### Permitted without consent

Subject to notification and inspection requirements the follow activities and structures are permissible

- maintenance of trees and vegetation.

##### Permitted with consent

- road structures, paths, traffic regulation signs and lines
- construction or maintenance of driveways or property access structures
- installation and maintenance of utility works and structures
- temporary regulation of traffic for works or events
- hoarding and fencing
- planting trees and vegetation
- shelters and street furniture.

##### Prohibited

- any activity or structure that diminishes the objectives of this road environment type.





George St,  
Sydney, NSW

Model 3:  
Institutional change

7



## Strategic oversight of regulatory performance

This model adopts a performance-based and strategically regulated approach. It establishes a clear separation between the State's regulatory responsibilities and the operational roles of roads authorities, including both Transport and councils. A new state road regulator could provide sector-wide oversight, while roads authorities retain responsibility for managing their respective road networks.

This model responds to the increasing complexity of the road network and the devolution of powers to local councils. It introduces a new institutional role for the regulator: to monitor performance, approve statutory road network plans, and hold roads authorities accountable for delivering outcomes, rather than merely adhering to prescriptive rules.

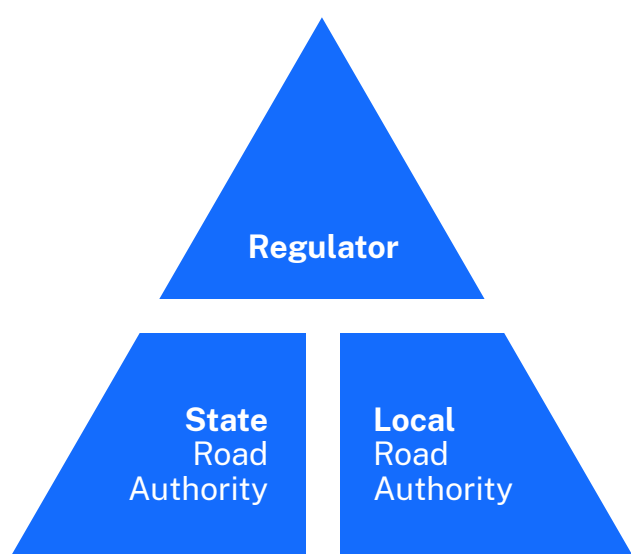


Figure 15. Model 3: Institutional change

NSW's \$250 billion road asset base<sup>1</sup> – \$75,000 per household<sup>2</sup> and by far the largest public infrastructure class – is governed without the sector-level oversight or outcome accountability expected in other infrastructure sectors.

Unlike the energy, water and health sectors, roads are not subject to independent regulation or systematic performance monitoring. Road asset management is led by operational interests, and efficiency is typically defined at the level of individual projects using vehicle mobility metrics such as travel time savings. This narrow focus overlooks whether the road network supports broader public outcomes such as accessibility to jobs and services, integration with land use and place, equitable mobility and safety, and is contributing to climate and sustainability goals (Metz 2008, Duranton, G. & Turner, M.A. (2011). Without a framework for sector-level oversight, there is limited capacity to understand if road assets are being used effectively, fairly or strategically.

### Key reform: A roads authority regulator

This model proposes the creation of an independent regulatory function to provide system-wide oversight of road management across NSW. This model responds directly to the growing complexity of the road network and the increasing devolution of responsibilities to councils. As more decision making is transferred to local authorities, a modern regulatory framework is needed to ensure consistency, alignment with strategic outcomes, and accountability across all roads authorities.

Without this level of oversight, the system risks continuing its reliance on duplicated approvals and state-level intervention in individual project decisions, even where a strategic plan is already in place. A mature regulatory model provides an alternative, by establishing a framework where roads authorities are trusted to act within their powers, while remaining accountable for the delivery of agreed public outcomes.

This model creates a clear institutional separation between operational road management and regulatory oversight. Transport and councils could continue to plan, operate and maintain the road network, including its integration with walking, cycling and public transport. The state regulator could be positioned within Transport but operate as a distinct division with its own governance arrangements. Its role could be to monitor performance, support capability and ensure that both state and local roads authorities are working within a consistent and outcome-focused framework.

A key advantage of this model is its ability to shift the system from rule-based compliance to performance-based accountability. In existing built-up environments such as main streets or town centres, strict adherence to design standards can limit the ability of roads authorities to respond to local needs. Under this model, flexibility could be permitted where authorities can demonstrate alignment with core outcomes such as safety, accessibility and equity. This supports innovation in street design and enables more context-sensitive solutions that still meet public expectations and policy goals.

<sup>1</sup> Estimated from NSW Auditor-General, Road asset management in local government (Nov 2024); NSW Auditor-General, NSW Transport portfolio (June 2023)

<sup>2</sup> ABS 2021 Census, occupied private dwellings

This model also introduces the opportunity to embed asset management practices within a broader performance framework. Roads authorities could be encouraged to demonstrate how their asset strategies support long-term goals, including through reduced emissions, improved access and more efficient use of space. This approach recognises that financial sustainability is not just about budget control, but about making strategic use of existing assets, encouraging mode shift, and enabling land use patterns that reduce demand for costly new infrastructure.

Overall, this model enables a more transparent, coordinated and forward-looking road management system. It strengthens governance, supports capability building across the sector, and promotes investment decisions that deliver long-term value to communities. While this model requires structural reform and capacity building, it offers the clearest path to a regulatory system that can manage roads as essential public assets that serve people, places and all modes of transport.

## Implications of this reform

The features outlined below could give effect to this model across the following areas of road management.



### Road users

**Outcomes monitoring:** The regulator could monitor and report on road user outcomes such as pedestrian safety, bus reliability and accessibility throughout integral stages of the planning, regulation and decision-making cycles.

**Regulated evidence of consideration:** Roads authorities could be required to demonstrate how their decisions meet public expectations and have demonstrated a commitment to meeting targeted outcomes across prioritised user groups. This will be evidenced in reports including items on consultation, co-designed outcomes and evidence-based decision making.

**Accountability for quality of service:** Authorities could be held accountable for local outcomes such as road safety outcomes, the quality of bus stop infrastructure, the connectedness of active travel networks and the performance of priority travel modes such as bus on-time performance.



## Classification and the role of roads and streets

**Clear ownership framework:** Classification could define ownership and core management responsibility (state roads, local roads). Classified freeways and main roads (state roads within the administrative category) could become state roads, owned and operated by the state roads authority. Classified secondary roads (typically regional roads within the administrative category) could become local roads, owned and operated by the local roads authority.

**Local responsibility for the verge:** Councils would continue to maintain and manage the verge and footpaths on state roads as defined in specific regulation and statutory road plans.

**Powers allocated through planning controls:** Decision-making powers, conditions for road use and third party access could be defined through road network plans.

**Administrative funding categories relocated:** As in Model 1, categorisation for funding support, such as regional roads, could be moved to a schedule under the *Transport Administration Act 1988*.

**Independent review of changes:** The regulator could assess proposed changes to statutory road network plans and make recommendations to the Minister, ensuring that decisions are evidence-based and consistent with Transport and land use strategic plans.



## Decision making

**Oversight of high-risk decisions:** The regulator would retain oversight of key decisions that carry high risks or system-wide implications, such as traffic signals, major network modifications or speed zone changes above 50 km/h.

**Expert panels:** Specialist panels could be convened by the regulator to review significant or contested decisions, including network plan amendments or high-impact urban design issues.

**Arbitration:** The regulator could act as an independent arbiter to hear contested cases, receive and examine evidence, and make final determinations.

‘Changes to support faster local decision making and streamlining the statute should facilitate coordination between delegated authorities to ensure the timely delivery of road infrastructure and associated or alternative public transport.’

– South Western Sydney Local Health District





## Road planning

**Regulatory oversight of plans:** The state regulator would oversee the preparation of statutory road network plans, ensuring consistency with guidance and alignment with broader policy objectives.

**Recommendations to the Secretary:** The regulator would assess and make formal recommendations to the Secretary of Transport regarding the approval or amendment of road plans, including changes to statutory mapping or functional designations.

**Expanded scope of oversight:** Oversight could extend to non-statutory plans, such as asset plans or road safety plans, particularly where they support delivery of transport and land use objectives.



## Regulated third party activities

**Mandatory codes of practice:** The regulator could establish or endorse codes of practice for common third party activities such as utility works, community events and construction-related occupations.

**Formalised protocols and timeframes:** Clear decision protocols, assessment procedures and timeframes would improve coordination between agencies and promote regulatory certainty for applicants.

**Quality assurance and compliance:** Roads authorities would monitor third party activity compliance and implement quality control measures and restoration standards.

**Regulation of fees and charges:** The regulator would have oversight of price setting for permits to ensure they are fair, transparent and cost-reflective.



## Access approvals

**Integrated through statutory road plans:** Access approvals under Model 3 could follow the integrated spatial framework established in Model 2, with access expectations embedded in statutory road plans and aligned with land use controls.



## Traffic management

**Align asset responsibilities and traffic powers:** State and local roads authorities could be responsible for the regulation of traffic within their own networks. Network integration could be addressed through network plans, and state-level interests could be protected on local roads through planning controls and compliance mechanisms.

**Standards oversight:** The regulator would review and maintain technical standards and operational guidelines for traffic control infrastructure, including signal design and installation.

**Data-driven performance monitoring:** Roads authorities could be required to submit traffic management data to support performance tracking.

**Standard traffic control devices:** Roads authorities would manage local signage, line marking and traffic calming measures within a framework of standard traffic control devices.



## Compliance

**Monitoring and reporting powers:** The state regulator could be empowered to collect and publish data on roads authority performance, including compliance with statutory responsibilities, plan implementation and regulated activity oversight.

**Audit and intervention:** The regulator could conduct periodic audits of roads authorities and intervene where systemic non-compliance, risk or failure to deliver public outcomes is identified.

**Public accountability:** The regulator could publish performance benchmarks, compliance reports and sector-wide analysis to improve transparency and support evidence-based road management.



## Appeals and dispute resolution

**Independent arbitration:** The regulator could act as an independent arbiter for contested decisions, including access approvals, network plan amendments and third party activity disputes. These mechanisms would provide an alternative to litigation in the Land and Environment Court, offering a faster, lower-cost and more transparent means of resolving disputes and clarifying decisions.

## Regulatory outcomes – strengths and weaknesses

Model 3 aspires to a higher level of regulatory maturity by introducing a structural separation between operational functions and regulatory oversight. It proposes the creation of a system steward with the potential to provide independent assurance, monitor performance and support continuous improvement across all roads authorities. This approach mirrors mature governance models used in other infrastructure sectors, and could enable more transparent, consistent and accountable regulation of the road network in NSW.

The model provides a foundation for outcomes-based regulation by creating a framework through which roads authorities could be assessed against clear public outcomes such as safety, equity, accessibility, sustainability and financial responsibility. Over time, this could enable a shift away from procedural compliance towards performance-based decision making. It may also provide greater flexibility for innovation and place-based design, particularly in urban contexts where standardised approaches are less effective.

Model 3 also allows for a more proportional and risk-based approach to regulation. With independent oversight in place, it could be possible to scale regulatory effort in line with the complexity or consequence of decisions. Routine or lower-risk

activities could be managed locally within agreed parameters, while more significant or high-risk matters could trigger closer scrutiny. This model could support clearer pathways for delegated decision making while maintaining appropriate safeguards for critical parts of the network.

As a system stewardship model, Model 3 has the potential to establish a clearer framework for oversight, dispute resolution and continuous improvement. The proposed regulator could monitor compliance with strategic plans, provide guidance on performance expectations and arbitrate contested decisions. It could also support regulatory experimentation and review, helping the system adapt to emerging issues such as climate resilience, new technologies and changing mobility patterns.

Overall, Model 3 provides a pathway to more mature, transparent and outcomes-focused regulation. While it could require significant structural reform and investment in institutional capacity, it offers the potential to move beyond rule-based compliance toward a more strategic and integrated system that delivers long-term public value.

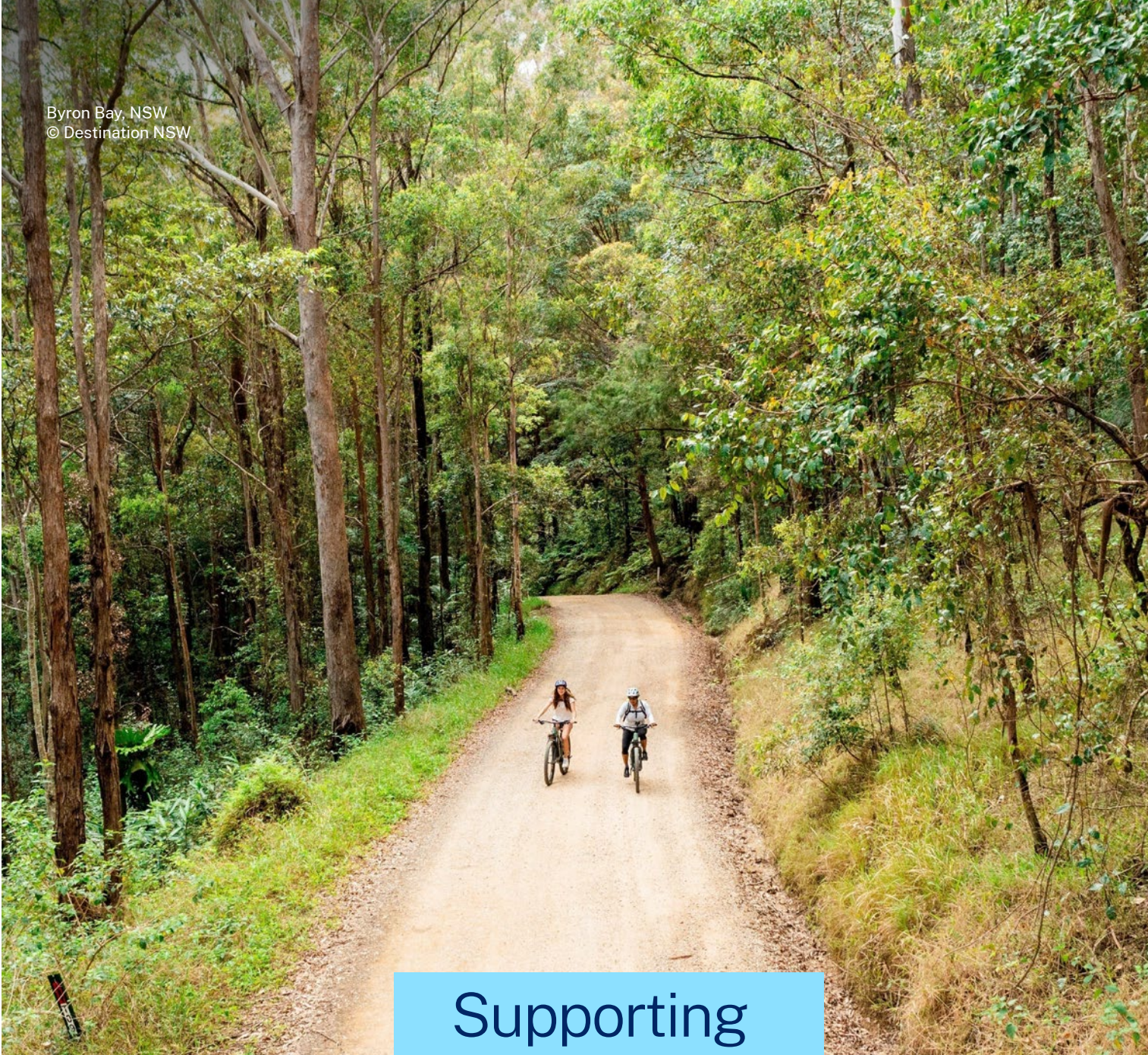


## Questions

- Would the establishment of a roads authority regulator support greater transparency and accountability in road management?
- What kind of decisions or functions should be subject to oversight or arbitration? Examples could include the consistency of traffic signal design, speed zone setting above 50km/h, protections for important bus corridors, amendments to statutory road network plans, and audit and review functions.
- How should the performance of roads authorities be measured, and what indicators would best reflect outcomes such as accessibility, safety and sustainability?
- What capabilities or resources would roads authorities and the regulator need to successfully implement this model and support performance-based regulation?
- What degree of independence from roads Authorities is needed for a regulator to be successful? Why would this independence be needed?



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Supporting  
mechanisms

8



Achieving the goals of a modernised Roads Act requires more than legislative change. Practical tools, clear guidance and delivery mechanisms are needed to turn intent into consistent, effective action across all roads authorities.

This section outlines supporting mechanisms that could apply under any of the three models. These include policy guidance, digital tools, non-legislative instruments and processes for regulatory testing, monitoring and improvement. Their purpose is to strengthen regulatory performance, build local capability and support a more transparent, proportionate and outcomes-focused system.

## Regulatory tools and processes

Effective regulation of third party activities in the road reserve depends not only on clear legislative powers, but also on the systems, tools and protocols that support day-to-day implementation. Activities involving utility works, temporary occupations and private infrastructure in the road corridor often involve multiple stakeholders, overlapping legislation and variable local practices. To ensure consistent, transparent and high-quality regulatory outcomes, the following mechanisms could be implemented to support the regulation of third parties across the domains of assets, structures and temporary activities.

New systems, tools and protocols may include those listed below.

**Enforceable statutory permits:** Roads authorities could have powers to issue and enforce statutory approvals for third party assets and activities within the road reserve.

**Standardised templates and model processes:** Provide consistent guidance for common third party activities such as driveway applications, hoardings, utility works and outdoor dining. Reduce the administrative burden on councils and improve compliance from applicants.

**Regulations establishing standardised terminology, forms and procedures:** Enable clear communication across jurisdictions and support legal enforceability. Ensure consistent interpretation of terms such as ‘structure’, ‘occupation’, or ‘temporary works’.

**Centralised digital portal for scheduling and notifications:** Provide a shared platform for submission, tracking and coordination of third party works across multiple roads authorities. Enhance transparency, minimise clashes and improve access for small operators.

**Risk-based assessment frameworks for common activities:** Enable proportionality in decision making, allowing routine low-risk activities to be streamlined while ensuring higher-risk works receive appropriate scrutiny.

**Mandatory codes of practice promoting quality standards:** Ensure that all works in the road corridor, regardless of the operator, meet consistent expectations around construction quality, safety, restoration and customer impact.

**Flexible standards framework with assessment hierarchy:** Allow local variation in standards where justified by context, such as heritage, flood risk and street function considerations, while retaining a consistent baseline and clear escalation path.

**Integrated assessment pathways combining land use planning and roads approvals:** Support coordinated assessment of development applications that involve both property access and road occupation or modification, reducing duplication and delays.

**Formalised decision protocols and timeframes for multi-agency approvals:** Clarify responsibilities, sequencing and turnaround expectations where multiple regulators, such as council, Transport and utility providers, are involved. Improve accountability and reduce approval times.

**Comprehensive quality assurance and compliance framework:** Provide for routine audit, incident response and enforcement across all third party works. Include powers for stop-work notices, rectification orders and financial penalties where standards are breached.

**Regulation of fees and charges for all roads authorities:** Establish principles and transparency requirements for the setting of application fees, impact charges and restoration bonds. Prevent cost shifting and supports equitable access to public space.

The successful implementation of these tools and systems will require more than individual effort by councils or agencies. It is likely to require a central coordinating entity with a clear mandate, appropriate legislative authority and sufficient resources to develop, maintain and oversee these mechanisms across all roads authorities, including both State and local government. Centralised guidance, shared infrastructure and regulatory stewardship will be essential to ensure consistency, equity and efficiency in the regulation of third party activities across the entire road network.

# Compliance and penalties

An effective compliance system is critical to the credibility, functionality and long-term success of any regulatory reform. Regardless of the model adopted, the ability to ensure that rules are followed, conditions are met and responsibilities are enforced is fundamental to delivering public outcomes such as safety, equity, accessibility and asset integrity. As regulatory powers are devolved and decisions become more outcomes-focused and proportionate to risk, the supporting compliance framework must evolve in parallel.

Without clear, consistent and enforceable compliance mechanisms, the benefits of reform cannot be realised, and public trust in the regulatory system will be compromised. To support a modern, multi-level and context-sensitive road regulation framework, the compliance system must be strengthened through the introduction of more flexible enforcement tools, clearer statutory powers, and improved systems for monitoring, reporting and accountability.

A modernised compliance system should include the elements below.

**Graduated enforcement tools:** Introduce a tiered set of compliance responses, allowing roads authorities or regulators to respond proportionately to different levels of non-compliance. This approach enables early intervention, reduces the need for litigation, and provides roads authorities with more practical options for managing breaches of approval conditions or unauthorised activities. This could include:

- advisory or improvement notices
- rectification orders
- administrative penalties
- civil enforcement orders
- escalated criminal sanctions for deliberate or repeated breaches.

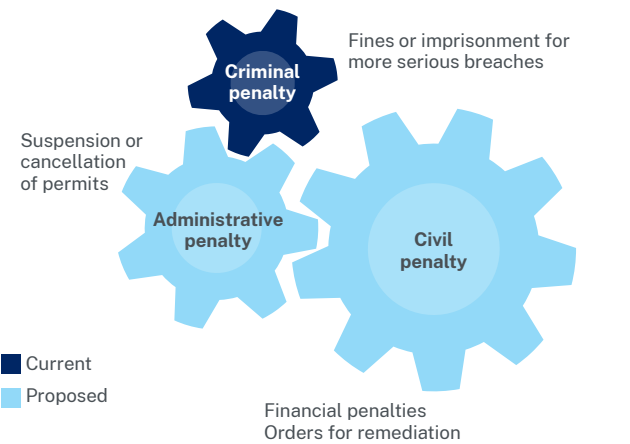


Figure 16. Graduated enforcement tools

**Civil penalty provisions:** Incorporate civil penalties into the Act as an alternative to criminal prosecution. Civil penalties can be applied to breaches such as unauthorised access to the road corridor, failure to comply with permit conditions, damage to infrastructure, or obstruction of road functions. This would bring road regulation in line with other infrastructure and planning legislation, such as the *Environmental Planning and Assessment Act 1979* and the *Utilities (Management of Infrastructure) Act 2020* in other jurisdictions.

**Pre-qualification and licensing:** Introduce a regulatory framework for pre-qualifying contractors or service providers who regularly carry out work in the road corridor. Pre-qualification supports prevention-based compliance and reduces the likelihood of substandard work or repeat breaches. This could allow roads authorities to:

- mandate minimum technical standards
- require safety and quality management plans
- remove or suspend approval for repeated non-compliance
- share performance data between authorities.

**Permit conditions and financial securities:** Strengthen the ability of roads authorities to impose enforceable permit conditions and require financial securities or bonds. This is particularly important for utility and third party works, where rectification may be costly and delayed. Clear powers to call on securities and enforce reinstatement standards could shift the financial burden from councils and ratepayers to the parties responsible for damage or poor-quality work.

**Audit and monitoring functions:** Embed audit powers within the Act to allow a regulator or state roads authority to monitor compliance with conditions, conduct site inspections and require documentation. This should include powers to:

- enter premises or sites with reasonable cause
- request records or evidence of compliance
- report systemic issues to the regulator or oversight body.

**Performance-based regulation:** As regulatory powers become more devolved under the plan-led or institutional models, the system should include mechanisms to assess performance across councils and roads authorities. This could allow the regulator to identify systemic risks, target education or enforcement resources, and provide assurance that regulatory powers are being used responsibly. This may include:

- compliance dashboards
- sector benchmarks
- self-assessment and external audit regimes
- public reporting of outcomes.



**Reserve powers:** The Minister would retain reserve powers to overrule roads authorities or the regulator for significant breaches of the Act, fraud or mismanagement. This could include powers to appoint an administrator to replace non-compliant roads authorities.

**Digital compliance systems:** Develop digital systems to support permit tracking, condition management and reporting of breaches. A shared compliance platform could:

- support cross-agency collaboration
- enable transparent tracking of approvals and follow-up actions
- reduce administrative burden for both applicants and roads authorities.

Digital tools are essential to enabling scalable compliance management under a more distributed and risk-based regulatory framework.

**Education and capability-building:** Compliance should be supported by clear guidance, education programs and advisory functions. Councils, contractors and utility providers need access to up-to-date standards, case studies and implementation tools. A modern compliance system must also include regular training and support for authorised officers, enforcement staff and assessors.

‘Encroachments into the road reserve in the form of illegal filling of drainage swales, erection of carports, addition or removal of retaining walls etc., carry a maximum penalty of \$1100. This is often less than the cost of applying for permission with council’s user charges, so is effectively useless. The office provisions in the Act should be revised significantly to reflect the seriousness and costs associated with these activities, and to act as an effective deterrent to such behaviour.’

– Institute of Public Works Engineering Australasia





## Cost recovery

The *Roads Act 1993* currently provides limited powers for cost recovery, allowing roads authorities to charge fees only for 'services it provides' under section 223. This language is too narrow to support recovery of costs for many regulatory functions, particularly those carried out by Transport for NSW, such as access approvals, impact assessments and permit condition management.

To address this, an amended Roads Act could enable broader cost recovery powers for 'regulatory functions', not just services. This could provide a clear legal basis for Transport and local roads authorities to recover the cost of assessing applications, managing road corridor access and enforcing permit conditions. The power could apply to a defined list of functions and be designed to operate consistently across state and local authorities.

Alongside legislative change, a supporting framework may help to guide how fees are calculated, applied and administered. This could adopt cost recovery principles similar to those in Practice Note 25, including cost reflectivity, equity, transparency and regular review. The framework could also include processes for exemptions, indexation and dispute resolution. A shared digital platform could support consistent application, secure payments and integrated reporting across all roads authorities.

## Funding arrangements

Any future regulatory framework will recognise current funding arrangements and consider the need for adjustments in the medium to longer term. The allocation of responsibilities for funding and maintenance obligations, including the distinction between state, regional and local roads, remains a critical enabler of road management and investment. Reform of regulatory framework should not in itself trigger changes to funding responsibilities or entitlements but provide greater clarity and transparency regards current funding and financial responsibilities.

To support clarity and transparency, consideration could be given to relocating regional road funding assistance (road categorisation) from the Schedule of Classified Roads and Unclassified Regional Roads to a specific funding assistance schedule within the *Transport Administration Act 1988*. This could help distinguish regulatory powers from financial responsibilities and provide a clearer legislative basis for managing funding agreements and programs.

Finally, any transition to a new regulatory framework will have implementation costs. These may include new systems, training, planning and the development of guidance and assessment tools. An awareness of these costs, and appropriate planning for them, will be critical to ensuring a realistic, phased and well-supported implementation pathway.

## Questions

### Regulatory tools and processes

- What tools or guidance would support better coordination, permitting or cost recovery for third party activities in the road reserve?
- Should standardised permitting tools be provided or embedded in regulation? Examples could include the standardisation of permits, digital forms and application tracking, and guidance for community events.

### Compliance and penalties

- What tools or powers would improve enforcement of the Roads Act and related approvals?
- Should the Roads Act include enforcement tools such as administrative and civil penalties?
- Should the Roads Act provide for tiered enforcement measures based on the severity or risk of non-compliance?
- How can compliance be improved for third party activities such as unauthorised access works, utility installations or roadside advertising?



West St, North Sydney, NSW







Lithgow, NSW



## Other considerations

# 9



## Crown roads

The review of the *Roads Act 1993* provides a valuable opportunity to consider the most efficient arrangements for administering and managing Crown roads across government agencies. Clearer road construction and maintenance responsibilities could help ensure Crown roads better meet current and future access needs consistent with relevant standards. Clearer responsibilities could also help streamline assessment of development proposals that include the use of Crown roads, clarify relevant processes for development consents involving Crown roads, and remove red tape following natural disasters when Crown roads need repair (as outlined in chapter 3).

Crown Lands have provided feedback that its intention is to prioritise the transfer of Crown roads to other roads authorities to enable the more efficient planning and delivery of funded road services.

While the *Roads Act 1993* requires Transport's consent before the transfer of a Crown road to it there is no such requirement when transferring a Crown road to any other roads authority (section 152I). Crown Lands acknowledges that its power to transfer Crown roads is not always popular and has taken a policy approach to consult with councils before transfer to consider feedback. This consultation is additional to the statutory process and is not a formal requirement under the *Roads Act*.

There may be scope to take a more strategic approach to categorising Crown roads, informed by better data, to facilitate easier decision making around who the best manager for the road may be in any instance. The options might range from:

- removing all Crown roads from the public road network and making it clear that Crown Lands is not a roads authority
- redefining Crown roads as:
  - 'trails' on Crown land and managed as part of the Crown estate in a similar way to trails in national parks
  - private roads providing property access functions protected as easements
  - public roads managed by a roads authority (council or Transport) with the land forming the road reserve remaining part of the Crown Lands estate
- Crown Lands retaining responsibility as a roads authority for all Crown roads and a process to facilitate the transfer of certain Crown roads to more suitable roads authorities.

Identifying the entity that is most suitable for managing certain Crown roads may resolve administrative delays that currently can occur where management responsibility is uncertain.

Crown Lands has also identified the potential for this review to expand the compliance and enforcement tools available to roads authorities to manage Crown roads, particularly those that are unformed and difficult to identify on the ground, making them more vulnerable to unlawful use and potential damage. Other areas where improvements could be explored include the transfer of Crown roads, as outlined above, the closure and sale of Crown roads, works on Crown roads, and the regulation of access to and the occupation of Crown roads.

The overarching reform ambition is to create a modern, effective and efficient management framework for Crown roads that acknowledges their unique role in the NSW transport and land access network, maximises public value, and promotes clarity, accountability and sustainability. Further, the framework must consider any rights and interests that may exist under the *Native Title Act 1993* (Cth) and *Aboriginal Land Rights Act 1983*.



## Other state government agency road manager

There are a number of Government agencies who manage public and private roads in addition to councils and Transport. Agencies include the National Parks and Wildlife Service, Forestry Corporation of NSW, Sydney Olympic Park Authority, Greater Sydney Parklands Trust, Royal Botanic Gardens and Domain Trust. These agencies rely on a combination of their own legislation as well as the Road Transport Act 2013 and Roads Act 1993.

### Questions

- Should Crown roads be managed within the Roads Act?
- Should the role and function of Crown roads be more clearly defined within the Roads Act?
- Could the transfer of certain Crown roads to other roads authorities be more streamlined?
- What criteria should determine whether a Crown road is retained, transferred, or closed, and who should make that determination?

## Additional legislative improvements

Other potential additional amendments to the *Roads Act 1993* have been identified that do not form part of the earlier discussions in this Options Paper. These additional amendments are a combination of issues identified by Transport during the review and more recently through submissions to the Issues Paper published earlier in 2025.

These issues can be addressed, including progressing amendments to the Act, under each of the three reform models that are also described earlier in this Options Paper.





The table below provides an overview of these issues as well as Transport's proposed solutions.

**Table 3. Legislative improvements**

Issue	Why amendments are needed	Proposed solution
<b>Improved responses to natural disasters</b> <b>Section 175</b>	<p>A landslip in the Blue Mountains in 2024 highlighted the need to improve roads authorities' efficiency and flexibility when responding to a natural disaster, particularly when a road has been made impassable, and in emergency situations.</p>	<p>Transport is proposing to broaden the current 'temporary' timeframe allowed for providing a road to replace an impassable road, and allow more flexibility in the location of a temporary road, and is considering providing roads authorities with additional capabilities in cases of an 'emergency' as defined under the State Emergency and Rescue Management Act 1989.</p>
<b>Removal of traffic hazards</b> <b>Section 88</b>	<p>Transport has been considering amendments to section 88 for some time to clarify its intent and application.</p> <p>A number of submissions to the Issues Paper were received, expressing a range of often competing proposals for amendments to this section.</p>	<p>In alignment with the NSW Government and Transport's core priority of ensuring road safety, while also considering the range of views expressed regarding this section, it is proposed to clarify, but not materially amend section 88.</p> <p>Transport is considering stipulating more rigorous criteria than is currently provided under this section, before tree or vegetation removal or lopping is permitted.</p>
<b>Publication of notices in local newspapers</b> <b>Relevant sections: 19, 22, 29, 31, 35, 38B, 79, 116, 128, 152D, 154, 156, 184</b>	<p>Numerous submissions to the Issues Paper highlighted the need to update the requirements under the Act regarding notices to be published in local newspapers.</p>	<p>Transport proposes to modernise the requirement for notices to be published in local newspapers, while still providing for this means of communication in situations where local newspapers remain the most effective form of communication with the local community.</p>
<b>Service of documents</b> <b>Section 254</b>	<p>Section 254 does not provide for the service of documents by email.</p>	<p>To modernise the service of documents, Transport proposes to update this section to enable service by email.</p>
<b>Proper use and enforcement of rest centres</b> <b>Section 264</b>	<p>The issues of regulating behaviour on Transport-owned 'rest centres', such as rest stops, rest areas, are long-standing.</p> <p>In March 2025, these issues were again highlighted by instances of light vehicles parking in heavy vehicle spots, heavy vehicles staying longer than necessary for fatigue management, vendors setting up vehicles and signage in rest centres, and camping.</p> <p>Transport has similar powers to regulate conduct on land it owns under the Ports and Maritime Administration Act 1995.</p>	<p>To provide for future consistency in Transport's responsibilities to regulate conduct on land managed under the Roads Act, Transport is considering developing regulations regarding the use of road corridors and road-related areas.</p> <p>When regulations are drafted following completion of the review of the Act, Transport will consider appropriate provisions within the regulations to manage conduct in rest centres and other relevant areas along road corridors.</p> <p>Specific proposals for provisions in the Regulation will be considered after a thorough review of related regulations under planning and local government legislation.</p>
<b>Road surfaces</b> <b>Section 89</b>	<p>Submissions to the Issues Paper pointed out that references to 'tar' on road surfaces are outdated.</p>	<p>Transport proposes to remove references to 'tar' and replace with 'road sealing compounds' to provide for modern road surfacing materials.</p>
<b>Financial threshold for road work outdated</b> <b>Section 76</b>	<p>A submission to the Issues Paper pointed out that the threshold figure of \$2 million for roadworks specified in this section is outdated and requires updating or removal.</p>	<p>Transport proposes to remove the reference to \$2 million in section 76 and stipulate an amount in the Regulation (as is already provided for in this section).</p>
<b>Definitions</b> <b>Various sections</b>	<p>Submissions to the Issues Paper pointed out that some terms used in the Act are not defined or not clearly defined.</p>	<p>Transport proposes to develop or update definitions for relevant terms as required.</p>



Implementation

10



## Implementing reforms

A preferred regulatory model will be selected for detailed implementation planning. Regardless of which model is chosen, implementation is likely to occur in stages over several years. The scale of reform proposed, particularly under the more ambitious models, will require sustained investment in capability, systems and culture. Reform of the NSW planning system offers a useful precedent, having progressed over more than a decade through successive legislative, policy and organisational changes.

Each model will require a different scale of investment. The plan-led and institutional change models will involve significant change management across Transport, councils and other delivery partners. These models will require new governance structures, enhanced inter-agency coordination, investment in digital tools and systems, and ongoing support for workforce development. In contrast, the codification model is more limited in scope and could be implemented more rapidly, though with more modest long-term impact.

While these reforms will require upfront investment, they also offer opportunities to reduce long-term costs across the system. A more coherent and outcomes-based regulatory framework can support more efficient use of existing infrastructure, reduce duplication and delays in decision making, and improve coordination across government. Reducing regulatory complexity and shifting from process-heavy compliance to performance-based assessment may also reduce administrative overhead for councils and the State.

Implementation planning will also need to address resourcing constraints across local government. Resourcing in councils varies significantly across the state, particularly in smaller or rural councils that may not have access to dedicated transport planning staff. A plan-led approach could require enhanced capability in transport planning and network coordination, particularly at the local level. This could be supported through shared regional resources, technical assistance programs and the development of digital tools that streamline assessment and approvals.

Further work will be undertaken during detailed implementation planning to ensure councils are adequately supported, that reform costs are proportionate to local capacity, and that councils and other local roads authorities are equipped to participate in the regulatory system.

## A staged and scalable approach

Implementation will also be shaped by budgetary constraints and competing priorities. A staged and scalable approach will allow progress to be made within available funding, while still aligning with broader strategic goals. It is unlikely that any model will be delivered through a single large-scale reform. Instead, a phased program of change is likely to emerge, starting with foundational actions such as legislative amendments, capacity building, pilot programs and updated guidance. This should be supported by ongoing evaluation and feedback mechanisms, allowing adjustments to be made as reform momentum builds and system needs evolve.

A clear and realistic implementation roadmap will be essential to achieving the reform ambition, while ensuring that councils and communities are well supported throughout the transition.



## Regulatory experimentation

The review of the *Roads Act 1993* has discussed potential reform approaches. However, it cannot feasibly address every single issue, let alone every idea that will arise in the future amid continuous technological and societal change. A robust regulatory experimentation framework could provide a structured way to test, refine and adapt regulatory responses, supporting more flexible and responsive implementation of the reformed Act.

Regulatory experimentation could serve as an important tool to implement Roads Act reform in stages, reduce uncertainty and build evidence for new regulatory practices before they are adopted more broadly.

By allowing new approaches to be trialled in controlled settings, regulatory experimentation could:

- support place-based implementation of new frameworks, such as road network plans or revised traffic management approaches, in selected councils or corridors before statewide adoption
- enable tailored testing of new approval processes, compliance mechanisms or permit pathways in specific use cases or jurisdictions
- identify unintended consequences of reform proposals early, enabling adjustments to be made before changes are fully legislated or rolled out
- build capability among roads authorities by encouraging shared learning and evidence-based refinement of new regulatory tools
- support collaboration between Transport, local councils and industry stakeholders in co-designing regulatory solutions that work in practice.

In this way, regulatory experimentation could serve as a bridge between high-level legislative change and practical delivery. It allows the new regulatory framework to evolve iteratively, ensuring that the system can adapt to local context, manage risk and remain responsive to emerging priorities.

## Regulatory experimentation approaches

A regulatory experimentation framework could apply across roads legislation, including the Road Transport Act 2013, and cover different methods of regulatory experimentation. For example:

- **Existing flexibility:** Some regulatory frameworks already allow for experimentation without legal changes. For example, connected vehicle trials may proceed without new regulations but would benefit from a policy framework for monitoring, evaluation and potential transition to permanent adoption.

- **Pilots:** Pilot test new approaches in limited settings to assess feasibility and impact. For example, revised traffic control standards could be trialled in a small regional network before broader rollout.
- **Devolution:** Temporary delegation of powers can enable local authorities to undertake activities they're not usually permitted to, supporting innovation at the local level. This could be particularly relevant to the *Roads Act 1993*.
- **Derogation:** Regulatory requirements can be temporarily 'switched off' for specific groups or periods, as allowed under the Road Transport Act 2013. For example, a regulatory sandbox could allow supervised testing of autonomous vehicles under relaxed rules to gather real-world data.

## Standard evaluation framework

The policy framework could provide guidelines for a roads authority to conduct and evaluate regulatory experiments. These could include best practice for the design of experiments, data management, collaboration and coordination, risk management and evaluation.

Evaluation of regulatory experiments could assess the need for and potential design of any permanent regulatory changes. The framework could include comprehensive guidance on how to evaluate the experiment and how to communicate findings such as:

- the effects of the tested regulatory changes
- lessons about the practical implementation of the changes
- potential adaptations required to upscale the objects of experimentation from a limited test to a permanent feature
- lessons about the implementation of regulatory experimentation.

As a tool for implementing the reforms under the Roads Act, regulatory experimentation could help embed this function into the regulatory system, providing a structured and transparent process for initiating, assessing and evaluating trials under the new Act. This could strengthen the ability of the Roads Act to remain fit for purpose over time and better equip the system to manage change, complexity and innovation in the years ahead.





## Case study

### Case study: Autonomous vehicle trials

Transport's Future Mobility team has supported industry and research partners to trial autonomous vehicle technology on NSW public roads with the goal of safely validating, evaluating and demonstrating autonomous vehicle system capabilities within real-world use cases and environments.

Outcomes have been mixed. A regulatory experimentation policy framework could address some of the areas of improvements that stakeholders raised, particularly in relation to process governance and assurance while ensuring safe outcomes. For example:

1. The ministerial approval under the Road Transport Act 2013 could be delegated to Transport, streamlining the process
2. Safety criteria, approaches and documentation could be based on risk, with simpler standard development, assessment and implementation processes for lower-risk trials
3. With trials being an innovative space where technology can be ahead of defined standards, managing risks safely and efficiently does not necessarily mean simply following standards with a pass or fail outcome. Regulatory experimentation could support this cultural shift in providing better risk-based guidance to teams.

### Questions

- a. What support, tools or transitional arrangements do you foresee as necessary to help your organisation implement or work within the proposed reforms? Examples could include training, resources, guidance and technical support.
- b. What do you see as the most significant barriers to successful implementation of the reforms in your context?
- c. What timeframes would be realistic for implementing the key elements of reform in your organisation or area?
- d. How could collaboration between state agencies, councils and other stakeholders be strengthened to support a smooth transition?
- e. Are there existing systems or processes that could be leveraged or adapted to support reform implementation, rather than replaced entirely?

Penrith, NSW

How to  
provide feedback

11



The Options Paper presents three potential models for reforming the *Roads Act 1993*. These models reflect different ways of structuring responsibilities, regulatory tools and decision-making frameworks for the future management of roads and streets across NSW. Each model is intended to stimulate discussion, invite new ideas and test support for key design choices.

We know that successful reform cannot be designed in isolation. It depends on the knowledge, experience and insight of councils, industry, government agencies, community groups and individuals. Your feedback will help shape the preferred regulatory framework and guide the next phase of legislative and policy development.

We invite you to engage with the Options Paper by responding to the questions below or providing broader comments. Submissions can reflect your organisation's experience, your community's needs, or your views on how best to modernise the regulation of roads and streets.

## Questions

We have formulated questions by topic below as helpful feedback prompts to assist respondents in making a feedback submission.

### Reform Purpose and Outcomes

- What would you add or change to the proposed regulatory purpose and outcomes?

### Preferred model

- How could we progress a combination of the best parts of each of the models?
- Which of the three models presented do you believe provides the strongest foundation for the management of roads in NSW?
- If a single model were to be progressed, which would it be?
  - Model 1: Codification of current practice
  - Model 2: Plan-led framework
  - Model 3: Institutional change

### Model 1: Codification of current practice

- Would a more standardised and rules-based regulation framework improve the clarity and consistency of road management and decision making for your community or organisation?
- What aspects of current practice should be formally codified into legislation or regulations?
- Are there specific areas where inconsistent interpretation or application of current road management rules causes challenges for your organisation or community?
- What digital tools or platforms would best support improved transparency and access to road classification, responsibilities and approval processes?

### Model 2: Plan-led framework

- Should statutory road network plans be introduced to provide a legal and spatial foundation for road management in NSW?
- Should there be flexibility in the scope of roads included in a statutory road network plan?
- How should strategic land use and transport plans inform statutory plans, and should strategic plans be recognised in the legislation?
- What role should local communities and stakeholders play in shaping or reviewing statutory road network plans?
- What safeguards or oversight mechanisms would be needed to ensure that statutory plans remain current, equitable and aligned with broader policy goals over time?

### Model 3: Institutional change

- Would the establishment of a roads authority regulator support greater transparency and accountability in road management?
- What kind of decisions or functions should be subject to oversight or arbitration? Examples could include the consistency of traffic signal design, speed zone setting above 50km/h, protections for important bus corridors, amendments to statutory road network plans, and audit and review functions.
- How should the performance of roads authorities be measured, and what indicators would best reflect outcomes such as accessibility, safety and sustainability?
- What capabilities or resources would roads authorities and the regulator need to successfully implement this model and support performance-based regulation?
- What degree of independence from roads Authorities is needed for a regulator to be successful? Why would this independence be needed?

### Road users

- How should the Roads Act better recognise the needs of different road users, including people walking, cycling, freight operators and people with limited mobility?
- How strongly should the Act require consideration of the needs of all road users?
- Based on figure 17 below, what level of influence should road user cohorts have on decision making and change?
- Should there be a road user hierarchy which places vulnerable road user cohorts as top priority for decision-makers to consider?



Figure 17. Scale of influence

### Classification and the role of roads and streets

- How should the classification system more clearly delineate the boundaries of responsibility for roads authorities?
- How should the classification or planning system embed the Design of Roads and Streets guidance through objectives for the form and function of roads and streets?

### Roles and responsibilities of roads authorities

- Are local roads authorities currently appropriately empowered to fulfil their role and responsibilities in managing local roads? If not, what would better enable them?

### Planning integration

- Should statutory land use planning changes trigger a road planning review to ensure alignment between transport and development outcomes?
- How can the Roads Act better support coordination between land use assessment and road access, road infrastructure and road works?

### Regulatory tools and processes

- What tools or guidance would support better coordination, permitting or cost recovery for third party activities in the road reserve?
- Should standardised permitting tools be provided or embedded in regulation? Examples could include the standardisation of permits, digital forms and application tracking, and guidance for community events.

### Compliance and penalties

- What tools or powers would improve enforcement of the Roads Act and related approvals?
- Should the Roads Act include enforcement tools such as administrative and civil penalties?
- Should the Roads Act provide for tiered enforcement measures based on the severity or risk of non-compliance?
- How can compliance be improved for third party activities such as unauthorised access works, utility installations or roadside advertising?



## Crown roads

- Should Crown roads be managed within the Roads Act?
- Should the role and function of Crown roads be more clearly defined within the Roads Act?
- Could the transfer of certain Crown roads to other roads authorities be more streamlined?
- What criteria should determine whether a Crown road is retained, transferred, or closed, and who should make that determination?

## Implementing reforms

- What support, tools or transitional arrangements do you foresee as necessary to help your organisation implement or work within the proposed reforms? Examples could include training, resources, guidance and technical support.
- What do you see as the most significant barriers to successful implementation of the reforms in your context?
- What timeframes would be realistic for implementing the key elements of reform in your organisation or area?
- How could collaboration between state agencies, councils and other stakeholders be strengthened to support a smooth transition?
- Are there existing systems or processes that could be leveraged or adapted to support reform implementation, rather than replaced entirely?

## How to provide feedback

Visit the Have Your Say portal [www.haveyoursay.nsw.gov.au/roads-act-1993](http://www.haveyoursay.nsw.gov.au/roads-act-1993) to share your views, a submission guide is available via the portal to assist you in making a response.

Written submissions will be published via the project webpage, you may indicate when you make your submission if you wish for it to be anonymous.

Figure 18. Roads Act review timeline



We thank you for your contribution to shaping a modern, inclusive and outcomes-focused road regulation system for NSW.

The consultation period will close on 31 October. Feedback received will inform the selection and refinement of the preferred model and support the development of legislative and implementation proposals. This will be the final opportunity to provide input into the review and shape the recommendations to the Ministers.

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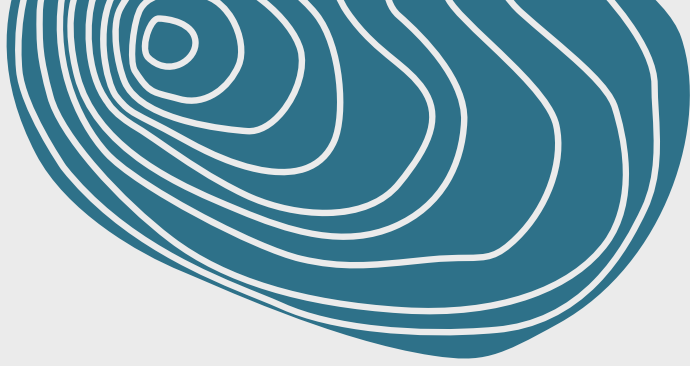
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# Appendix A

## Table of figures

Figure 1. Legislation governing road management ..... 11

Figure 2. The functional difference between roads and streets ..... 12

Figure 3. Roads preference right of passage while streets preference access to property .... 13

Figure 4. Our Roads Act review pathway..... 17

Figure 5. Roads Act review timeline..... 19

Figure 6. Emergency road management during ex-Tropical Cyclone Alfred..... 28

Figure 7. Overuse of vehicle-oriented functional terminology in road classification systems ..... 31

Figure 8. Crown roads (grey hatching) providing unsealed access for private land, connection to the local road network and an unformed Crown road (Nambucca Valley Local Government Area) ..... 35

Figure 9. Regulatory maturity and three proposed models ..... 42

Figure 10. Each model is independent and can also build on other reforms ..... 42

Figure 11. Model 1: Codify current practice into the Act and regulations ..... 45

Figure 12. Road section illustrating division of roads authority responsibilities..... 46

Figure 13. Model 2: Plan-led framework ..... 51

Figure 14. Example of a road network plan map with network layers and road environments..... 58

Figure 15. Model 3: Institutional change ..... 61

Figure 16. Graduated enforcement tools..... 68

Figure 17. Scale of influence ..... 82

Figure 18. Roads Act review timeline..... 83





# Transport for NSW

## Review of the *Roads Act 1993* Options Paper

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