



Road Management Legislation Review



DISCUSSION POINT	FEEDBACK PROMPT	FEEDBACK RESPONSE
Review scope and principles Pg. 4	Do you agree with the draft principles? If not – why?	<p>There is general agreement with the draft principles.</p> <p>Point 3 of the principles talks about “being easier to understand”. Using plain language would certainly help achieve its goal. As an illustration, point 2 could benefit from being rephrased in simpler, more straightforward language.</p>
Option of a consolidated act Pg. 7	Do you support moving to a single, consolidated road management act? If not, why, and what option would you prefer?	<p>We generally support the idea of having a single, consolidated road management act, albeit that refinement of existing Acts can serve the same purpose.</p> <p>A new model should be based on the Tasmanian differences that exist and not the adoption of the Victorian model being proposed in its entirety, and that any new legislation doesn't place undue burdens on councils and that detrimentally affect the financial ability of councils to maintain and invest in local road networks.</p> <p>Regarding the scope of the legislation, we note that road users aren't included in the proposed framework while they are included in the Victorian legislation. This could be seen as a weakness in the review process, and the Department may further consider the impact that road users have on the overall road management system. The potential conflict between the principle of road user satisfaction and the exclusion of road users from the scope of the legislation is in our view a valid concern and something that should be addressed in the review process to ensure that the principles and scope of the legislation are aligned.</p>
Proclaimed roads Pg. 9	Do you agree that the proclamation process should be simplified? What would be a better process?	<p>The council does not have a definitive view as to whether the proclamation process should be simplified. It has however been our experience in the case of Binalong Bay Road being transferred to the State leading up to a proclamation being made in October 2021, that the process was lengthy.</p> <p>What would be a better process?</p>

	<p>Consider:</p> <ul style="list-style-type: none"> • Who should be the responsible authority • How to make location and boundaries clear and legally certain • How the creation of a road is documented and searchable 	<p>Viewpoint 1: The authority to proclaim roads should not lie with the Cabinet and the Executive. The Victorian example where roads are declared by the relevant road authority is a preferred option to give local councils greater control of declared roads within their network.</p> <p>Viewpoint 2: The Minister for roads should still be in the equation as they are directly responsible to the public whereas a bureaucrat isn't.</p> <p>The process for creating new highways must strike a balance between the needs of landowners and occupiers with those of the broader community. By incentivizing better design and using spatial/electronic mapping systems, the potential benefits, and drawbacks of creating new highways/roads can also be weighed and considered. The process needs to be robust and include a right of review process for affected landowners.</p> <p>Transitioning existing/legacy roads to a new instrument or process has both positive and negative implications. A well-designed process could mitigate the burden somewhat and lead to increased efficiency, reduced costs, and improved safety. On the negative side, it could result in resistance from stakeholders, and potential legal challenges. Any new instrument needs to include review or appeal rights for affected landowners.</p> <p>Several strategies exist in the Australian context and which the State Government has at its disposal and can be employed to make this transition smoother and less burdensome:</p> <p>Parallel Migration: This involves running both the old and new systems simultaneously during the transition process. This allows for testing and comparison, reduces risks, and ensures continuity as users transition to the new system gradually.</p> <p>Automated Migration: Technology can be used to convert legacy data to modern platforms. This allows organizations to tackle modernization initiatives that align with their objectives without interrupting business operations.</p>
--	--	---

		<p>Incremental Approach: Instead of transitioning all roads at once, an incremental approach can be adopted. This means modernizing one road at a time or a set of roads, based on priority or other factors.</p> <p>API Integration: New digital technologies can be integrated on top of legacy systems via APIs to innovate new services and processes.</p> <p>Robust Transition Process: A robust transition process that includes review or appeal rights for affected landholders can be established. This ensures fairness and transparency in the transition process.</p>
<p>Subdivisions Pg.10</p>	<p>How could the way subdivisions are dealt with in the framework be improved? Consider how changes might:</p> <ul style="list-style-type: none"> • Reduce financial impost for councils. • Incentivise better design. • Maintain or improve the supply of land 	<p>Framework Improvements</p> <p>Reducing the financial impost for Councils: Consider altering s (10)(2) of the Local Government Highways to state and include the LGAT Standard Drawings as the minimum requirement specification for road and supporting infrastructure design and construction within subdivisions.</p> <p>Financial Incentives: Offer government financial incentives such as tax breaks or grants for developers who comply with these standards/guidelines. This can encourage more developers to adopt sustainable practices.</p> <p>Other General Comments</p> <p>New subdivisions can impose costs on local council and this needs to be assessed.</p> <p>New subdivision street networks should be developed regarding environmental constraints.</p> <p>Development of the new road network needs to consider many factors including terrain, watercourse crossings and impacts associated with cut and fill behaviours. This all needs to be assessed at the pre-planning stage.</p>

		<p>Where possible roads should be constructed to follow the natural contours of the land to reduce stormwater velocities, also reducing pressure on council infrastructure. Any perimeter roads can be designed to act as a road runoff collection point and diverting it to stormwater treatment structures.</p> <p>Better design principles would include the development of the road layout to face onto any reserves and remnant vegetation, creating observation by new residents and less risk of bushfires getting away or dumping practices becoming common in associated bushland remnants.</p> <p>New subdivisions should create a sense of place and allow people places to meet safely and make community connections, be walk and cycle friendly. This is the way of the future for both health and wellbeing and reducing ultimate costs to council.</p>
<p>Defining the Road Manager Pg. 11</p>	<p>Would the Victorian model work in Tasmania?</p> <p>Do you have any concerns with how it operates?</p>	<p>It's difficult to say whether the Victorian model would work in Tasmania without a thorough analysis of the specific context and needs of Tasmania.</p> <p>Concerns</p> <ul style="list-style-type: none"> • Whether enough consideration is being given to the unique needs and challenges faced by Tasmania, as well as the local context and community input, when evaluating the suitability of any model or approach. Ultimately, the best approach is one that is tailored to Tasmania's specific needs and that balances the interests of all stakeholders involved. • The potential limitations of a matrix system in accounting for the unique characteristics of a local road system and topography. It is important to thoroughly explore and examine both the positive and negative attributes of any proposed system before implementing it, to ensure that the chosen approach effectively addresses any potential issues and is tailored to the specific needs of the local area.

<p>Ambiguity and appropriateness Pg.13</p>	<p>Can you think of an example of a time when:</p> <ul style="list-style-type: none"> • it was unclear or ambiguous which authority (local government or the State government) was responsible for a road management function? • it was clear who was responsible for a road management function, but it seemed inefficient or not sensible? <p>Examples of road management functions include, maintaining a footpath, culvert, drainage, road surface or retaining wall.</p>	<p>In the last 12 months due to ambiguity there has been a recurring issue between the Department and the Council over the provision of vehicle crash barriers on the Esk Main Road at St Marys that passes through the start of an urban area –where the road geometry continues to be a part cause in vehicles leaving the carriageway and crashing into private property. Under existing legislation, the Department believe this is a Council responsibility, Council believes it to be a State Growth responsibility. An alternative signage solution was implemented by the Department who continue to monitor this area.</p> <p>A single statute can help resolve ambiguity only if it provides a clear and concise set of rules and guidelines for a particular issue or topic. By having all relevant laws and regulations in one place, it can help to eliminate confusion and inconsistencies that might arise from multiple statutes or regulations. It can also help to provide a comprehensive framework for decision-making and enforcement, which can be important for ensuring fairness and consistency.</p> <p>Additionally, a single statute if constructed properly can help to streamline the legislative process and make it easier for lawmakers, policymakers, and stakeholders to understand and engage with the law. This can lead to more effective and efficient governance, and ultimately better outcomes for the community.</p>
--	--	--

	<p>Do you think a single statute would help resolve ambiguity?</p>	
<p>Bridges on Local Roads Pg.14</p>	<p>The Tasmanian Government is interested in hearing views on how a new framework should deal with bridges on local roads. Any changes to the current approach should be fair, efficient and ensure safe outcomes.</p>	<p>General comments.</p> <p>For our Council the current framework is workable, but not ideal.</p> <p>General principles as below apply to the development of any framework.</p> <ul style="list-style-type: none"> • Establishing clear guidelines: The legislation should provide clear guidelines for the allocation of responsibility for maintaining and managing bridges to reduce ambiguity and confusion. • Improving communication: There should be better communication between the State and local councils to ensure that responsibilities are clearly defined and understood. • Developing a bridge management plan: A comprehensive bridge management plan could be developed to ensure that the State and local councils work together to manage and maintain bridges efficiently. • Providing training and resources: Local councils could be provided with training and resources to improve their capacity to manage and maintain bridges effectively. • Encouraging innovation: New technologies and innovative approaches could be explored to improve the management and maintenance of bridges, such as the use of sensors to monitor bridge conditions and predict maintenance needs.

		<ul style="list-style-type: none"> • Evaluating different models: Different models for allocating responsibility for bridge management and maintenance could be evaluated to determine which approach is most efficient and effective. <p>Bridge assets are expensive to replace and maintain. The current level of funding allocated to local government is not sufficient. Additional funding should be made to Councils to reflect the number of bridges over public roads.</p>
<p>Statutory Duties Pg.15</p>	<p>Should there be an explicit statutory duty for road managers to inspect, maintain and repair?</p> <p>If so, should there also be a framework for establishing the standard to which a road manager will maintain a road, taking into consideration its strategic importance?</p>	<p>No, the current Tasmanian framework should not be altered. The current obligation for road managers to take reasonable care in exercising their powers to remedy risks of harm to users within a reasonable timeframe remains valid.</p> <p>This is an area of concern to the Council. Council needs to have a greater degree of input regarding any potential onerous obligations as the relevant road management authority. Further questions raised are:</p> <ol style="list-style-type: none"> 1. How can the implied duty for road authority to inspect, maintain, and repair roads be enforced? 2. What is the impact of the limited liability provisions in the Victorian framework on property damage claims? 3. How can the LGH Act's duty for maintenance of local highways by the relevant municipality be improved? 4. What are the consequences of excluding certain roads from the definition of 'public road' in the Victorian framework? <p>There are a range of competing challenges faced by road managers in implementing a standard specified in a relevant road management plan that include</p> <ul style="list-style-type: none"> • Framework and Policy challenges, • Engineering design and standardisation challenges

- Awareness challenges
- Resource constraints
- Financial constraints
- Legal obligations
- Responding to community feedback.

Should a framework for establishing the standard to which a road manager will maintain a road, such a framework would need to include the following elements:

Strategic Importance Assessment: Evaluate the strategic importance of each road based on factors such as traffic volume, economic significance, connectivity to other major roads or regions, and role in emergency response

Maintenance Standards: Develop maintenance standards that are proportional to the strategic importance of each road. Roads with higher strategic importance may require higher maintenance standards to ensure their optimal performance

Fit-for-Purpose Design Standards: Develop fit-for-purpose design standards to lift the level of resilience on the strategically important sections of the road network. This can help to ensure that roads are built and maintained to withstand future severe weather events and disasters

Regular Inspections and Assessments: Conduct regular inspections and assessments to monitor the condition of each road and determine maintenance needs. This can help to ensure that maintenance activities are timely and effective.

Funding Allocation: Allocate funding for road maintenance based on the strategic importance of each road. Roads with higher strategic importance may require more funding for maintenance.

Performance Monitoring and Reporting: Monitor and report on the performance of each road to ensure that maintenance standards are being met⁴. This can help to identify areas where improvements can be made.

		<p>Continuous Improvement: Regularly review and update the framework to ensure it remains relevant and effective. This could involve seeking feedback from stakeholders, conducting research into pavement technologies, and updating disaster funding criteria.</p>
<p>Service authorities and utilities Pg.16</p>	<p>How could the model for service authorities working in road corridors be improved?</p> <p>Consider the need to balance the competing needs of road managers and service authorities, and for the efficient installation and maintenance of all infrastructure in the corridor.</p>	<p>The Victorian model seems to provide a better framework by which service authorities and road managers better collaborate to ensure the efficient installation and maintenance of all infrastructure in the corridor. Section 46 of the LGH Act could be updated using the Victorian framework for this aspect.</p>
<p>Footpaths, retaining walls and other similar infrastructure Pg.17</p>	<p>What is the best way to fairly apportion responsibility between road authorities for State roads running through urban areas?</p>	<p>One possible and fairer approach to apportioning responsibility is to use a formula that takes into account factors such as the length of road within each authority's jurisdiction, the level of traffic, the number of accidents, and the cost of maintenance and repairs. This formula could be used to assign a percentage of responsibility to each authority, with the understanding that the responsibility could shift over time based on changes in these factors.</p> <p>Another approach could be to establish a joint committee consisting of representatives from each authority to oversee the management of the state road. This committee could be responsible for</p>

	<p>Are there any examples where the current framework has had poor outcomes?</p>	<p>making decisions about maintenance, repairs, and upgrades, and would be accountable to both authorities.</p> <p>Ultimately, the key to apportioning responsibility fairly is to ensure that all stakeholders are involved in the decision-making process and that the approach taken is transparent and accountable.</p> <p>Our concern with the legislation reviews and its exclusions is that local government entities will continue to be burdened with the cost of maintaining infrastructure that is meant to support state roads, such as retaining walls and stormwater systems. Additionally, in cases where state roads result in accidents or errant vehicles in urban areas, the responsibility for providing barrier protection and roadside signage – such as the case on the Esk Main Road at St Marys – eastern departure lane) should not fall solely on the local government.</p> <p>We think it to be crucial to have a fair and equitable system in place that ensures all parties involved are responsible for their respective roles in maintaining infrastructure and ensuring safety on the roads.</p>
<p>Temporary road closures and permitting activities Pg.19</p>	<p>How could the temporary road closure process be optimised to balance flexibility for road authorities with other needs?</p> <p>Consider:</p> <ul style="list-style-type: none"> • The needs of property owners and tenants 	<p>It's understandable that the current situation regarding road closures can be problematic and discourages community events that bring much-needed financial injections into the local community. More flexibility may be required to address this issue. For example, in St Marys, an alternative route has been found that can bypass the Main Street, allowing continuity of traffic flow, access for emergency vehicles, and still enable community events like the St Marys Car Show and Christmas Parade to take place. This could be a potential solution to balance the needs of the wider community while ensuring safety and accessibility.</p> <p>The principles set out in the Victorian Road Management Act 2004 could be adopted in a Tasmanian framework.</p>

	<ul style="list-style-type: none"> • Access for emergency services • Operation of the public transport network • Differing community needs • Methods for communicating closures 	
<p>Public transport infrastructure such as bus stops Pg.23</p>	<p>What examples of models are there in other states for delivery and maintenance of bus stops that may work in Tasmania? What are councils' key concerns in relation to taking responsibility for the upgrade and maintenance of bus stops on local roads and ownership of the asset?</p>	<p>There are two example models for the delivery and maintenance of bus stops in other states that may work in Tasmania:</p> <ul style="list-style-type: none"> • Queensland: The Queensland Government has a Public Transport Infrastructure Manual that provides a clear and consistent set of principles and guidelines for bus stops across the TransLink network. This includes standards for design, accessibility, and maintenance. • Victoria: The Victorian Government is investing in the Bus Network Reform project to improve the bus network and the accessibility of bus stops at priority locations across the state. Bus stops are upgraded as part of rolling maintenance programs to ensure services meet legislation, design, and safety standards: <p>Councils' key concerns in relation to taking responsibility for the upgrade and maintenance of bus stops on local roads and ownership of the asset, include:</p> <ul style="list-style-type: none"> • Council does not provide public transport services, this is the domain of the State government. • Financial Constraints: Councils often face budget constraints that limit their ability to maintain and upgrade bus stops.

		<ul style="list-style-type: none"> • Compliance with Disability Standards: Councils are required to make passenger transport infrastructure comply with accessibility standards under the Disability Standards for Accessible Public Transport 2002 (DSAPT) and Disability (Access to Premises Buildings) Standard 2010 (Premises Standards). • Community Feedback: Gathering community feedback is an important part of reviewing a road management plan. However, it can be challenging to incorporate this feedback into the implementation of the plan. • Asset Preservation: Councils need to preserve existing assets in an appropriate and safe working condition while also acquiring additional infrastructure assets to serve new growth.
<p>Recovery of costs from particular users Pg.24</p>	<p>Would a licensing model be an appropriate mechanism for cost recovery from road users with special requirements?</p> <p>Is there an alternative model that might work better?</p>	<p>A licensing model could be a viable option as an appropriate mechanism for cost recovery from road users with special requirements as it could provide a regular and reliable source of funding for road infrastructure.</p> <p>The fees would need to be structured in a way that reflects the user's usage of the roads, ensuring that those who use the roads more frequently or place greater wear and tear on the infrastructure contribute more to its upkeep.</p> <p>However, it's important to carefully consider the potential impacts of such a model on different groups and ensure that it is fair and equitable. Any new funding model should also be transparent and accountable to ensure that the funds are being used effectively and efficiently.</p> <p>Depending on the special circumstances alternative models that may be considered are:</p>

- Users pay Model – charging road users based on their actual usage of the road(s), with implementation through either tolls or mileage-based user fees.

Implementing a user pays system could be an effective way to upgrade local roads that have deteriorated due to heavy vehicles and large caravans. This would ensure that those who are responsible for the wear and tear on the roads are contributing to their maintenance and repair. Additionally, it's important to reassess the effectiveness of the Heavy Vehicle Tax in providing adequate funding for road maintenance. The fact that councils are worse off today than they were 25 years ago in this regard is concerning, especially as the number of heavy vehicles on the road has increased, leading to ever-increasing road maintenance and remediation costs to ratepayers. It's important to find sustainable and fair funding solutions to ensure that all users of the roads are contributing to their upkeep and maintenance.

- Fuel Levy and vehicle Registration fees – limited ability by councils to enforce but through legislation may possibly work.
- Public-Private Partnership type models where private companies invest in the construction and maintenance of roads in exchange for the right to collect tolls or fees from other road users.
- Part 5 Agreement for large developments where the road is maintained by a developer or other entity where the network is negatively impacted during construction, e.g. windfarm/dam construction or for the duration of mining or logging activity.

The overarching principle in our view is that the model to be adopted for the funding of road infrastructure must be equitable and one that doesn't lead to cross-subsidization of state and federal level road managers by ratepayers. Finding more equitable solutions to fund road infrastructure can help ensure that everyone pays their fair share and that the burden is not disproportionately placed on certain groups.