

From: [REDACTED]@launceston.tas.gov.au >
Sent: Friday, 27 October 2023 11:12 AM
To: Road Management Legislation Review
Subject: RE: Discussion paper - Road Management Legislation Review

Hi [REDACTED],

The City of Launceston have previously provided input to the RMLR in our previous correspondence to you in March this year, and wish this to be included in the considerations. We've now reviewed the discussion paper that has produced and have additional feedback to provide.

1. The City of Launceston agree with the principles proposed for the review. However, we believe additional principles should be included that ensure that we improve the system for the road manager (not just focussing on the road user), we fix the gaps and work-a-rounds that are in place, and include consistency across all roads regardless of road manager. The principles stated in the Victorian model should be considered in our approach as well.
2. We are not convinced that the traffic control and 'use of asset' elements should be excluded from the review, as they can be integral to the management of the road.
3. The City of Launceston strongly supports the proposal for a single consolidated act. We believe there are more risks leaving the road management legislation between state and local roads separate, and would make it much more difficult to achieve the desired outcomes. Further, we believe that some of the ancillary functions covered under various other acts (such as the Traffic Act and Vehicle and Traffic Act) should be removed from these acts and consolidated under this single piece of legislation.
4. The proposed use of regulations subordinate to the legislation seems to be an option worth considering further. It will allow legislation to better keep pace with changes in the operating environment and best practice. It could be an option to tidy up the current Traffic Act and Transport Commission Direction arrangement.
5. Enforcement under the current legislation is difficult, and in many cases requires court action, rather than empowering road managers to issue infringements or take action directly. The regulations could improve this issue as well.
6. We are happy with the current governance arrangements for local government, and agree that no review into this is required.
7. We agree with the 'Other Categories of Road' section. The act should apply to all publicly accessible roads, but needs to categorise and deal with management and maintenance responsibilities. It needs to look at and consider roads maintained by other authorities (such as NRE, Forestry, Hydro) and roads with no clear owner (user-maintained roads).
8. We agree that the processes for creating, acquiring and disposing of roads needs review and simplification, as does the legal status of roads.
9. Similarly, we agree that the Common Law Highways matter needs to be tidied up. Legislation should be clear on rights and responsibilities, and mechanisms should be created to allow easy transition of these roads to statute based highways and mapped accordingly.
10. There needs to be a definite method for determining maintenance responsibility of a road. Council's maintain 'section 208' maps that show roads that they declare responsibility for, however, a road not shown on this map can still be found to be maintainable by Council.
11. Whilst less common, the legislation should consider methods for local government (alongside the review of for State) to declare new road alignments as well.
12. We suggest that consideration be given to the creation of a determinative body (like TASCAT for planning matters) to resolve disputes, disagreements etc., without the need to go through the magistrate court, and to resolve matters between road agencies that are inevitably missed by legislation.
13. The sections of legislation that deal with subdivision roads needs modernising to reflect modern society and practice. For instance, use of the gazette for publishing road related matters is out-dated and doesn't appear to serve any purpose. The reliance on by-laws in this space should also be removed.
14. There should be a mechanism for local government to declare future road alignments and masterplans for urban growth areas, that require future developments align to. This is to ensure that future roads are aligned considering transport planning principles, and not considered in an isolated manner by developers. Disputes in this space could be dealt with by the determinative body mentioned above.
15. The legislation should consider issues such as defects periods and bonding of works for road infrastructure works undertaken by private parties.

16. The legislation should clearly outline rights and responsibilities in relation to user-maintained roads. Consideration should be given to a shared funding model, and could look to the boundary fences act or body-corporate type set up for methodology.
17. The legislation should seek to reduce burden for road authorities to need planning permits for certain types of works.
18. A road that is 'unproclaimed' by the State needs to be transferred to an assigned owner. Transfers should be by agreement.
19. In regards to the Victorian model for road manager:
 - a. This could work, however, the detail would need to be reviewed.
 - b. It is a very similar setup to the existing arrangement.
 - c. We do not have an issue with shared responsibility on State roads through towns, but the detail needs changing. Footpaths, street trees etc. naturally sit with the local government, but the road pavement should not be disaggregated.
 - d. The model needs to clearly outline authorities, powers and responsibilities.
 - e. We should allow alternative arrangements. Placing these in legislation improves clarity but removes flexibility.
 - f. Spatial mapping of responsibilities should be considered, this is already done by some local governments.
 - g. The model needs to consider some assets 'non-spatially'. For instance, a retaining wall that is integral to a state road, yet sits outside the through lane, should still be maintained by the state road authority.
20. Process for permanent closure of road needs modernising, and could be considered by a determinative body other than the magistrates court.
21. We agree that in an ideal world, bridges on local government roads would be managed by the local government. However, local government do not have the resources to do this. Additional funding could be allocated to Councils through the road preservation grant scheme, which already provides a small amount of funding for bridges. However, the availability of suitably qualified staff in local government also needs consideration.
22. Legislation should be clear on bridge maintenance responsibilities. For instance, management of the bridge surface by a separate owner to that of the bridge is difficult. It risks damage to the bridge and necessitates negotiation between the two parties. Maintenance of the bridge should include the whole bridge, surface included.
23. A framework should be created to determine which bridges should be maintainable by the State.
24. If a duty for road managers to maintain is created, it should be to maintain roads in line with their organisations committed level of service. Councils need to be able to set their own level of service, in line with their communities expectations and rating income, this can't be a legislated standard across the State.
25. We agree with the coordinating road manager approach to dealing with utility works in the road reserve. We do not see the benefit in an Infrastructure Reference Panel. Legislation needs to allow for coordination, utility providers need to consider the needs of the road manager, road assets and community. Reinstatement requirements should be legislated, with enforcement options available to the road manager when not adhered to.
26. The powers given to local government under Section 46 of LGHA need broadening.
27. The legislation in relation to driveways needs revising and modernising, with clarity given to rights and responsibilities.
28. Temporary road closure powers need to be simplified and modernised.
29. Matters relating to traffic control could be included in the regulations.
30. Road managers should have mechanisms to recover costs for permitting certain activities, and allow for head works charging for developments.

If you have any queries regarding this, please let me know.

Regards,



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Manager Infrastructure & Engineering | Infrastructure and Assets Network

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