

# Department of Infrastructure, Energy and Resources

ROADS AND TRAFFIC DIVISION



Enquiries Donald Howatson

Ph (03) 6233 6447 Fax (03) 6233 3581

Email donald.howatson@dier.tas.gov.au Web www.dier.tas.gov.au

Your Ref Our Ref 026458-02

Mr Nick Heath  
General Manager  
Hobart City Council  
GPO Box 503  
HOBART TAS 7001

Dear Mr Heath

## **WATERWORKS ROAD, DYNNYRNE – PROPOSED SPEED CUSHIONS**

I refer to previous correspondence and on-going discussions with various Council officers concerning the proposed installation of speed cushions in Waterworks Road.

As you are aware all new or modified traffic control devices installed in Tasmania must be approved by the Transport Commission in accordance with the *Traffic Act 1925*. Road hump / speed cushion schemes also need to be advertised and approved in accordance with the *Local Government (Highways) Act 1982*. These approval powers are currently delegated to me as Director Traffic and Infrastructure.

Officers from the Traffic and Infrastructure Branch regularly meet with Councils to provide specialised advice on traffic management matters and to facilitate these statutory approvals. Notwithstanding the advice we provide, DIER recognises that Councils employ their own officers to provide technical advice and that Aldermen, as democratically elected representatives, are well-placed to make decisions in the interests of ratepayers. Consequently, DIER believes that Councils should have the right to manage their road networks as they see fit. As such the Department does not wish to stifle innovation and has adopted a policy of approving schemes unless they are considered unsafe. Thus, an approval by the Commission does not indicate that we support a scheme, consider it to represent good value-for-money, or believe it will be well-received by the public.

Hobart City Council started developing a speed cushion scheme for Waterworks Road in late 2007. From that time my officers and I have consistently advised Council officers that we do not think that the scheme is well-conceived or appropriate for the circumstances. Our advice is based on the following factors:

- Crash history – the section of road to be treated does not have an elevated crash history compared with other residential streets throughout Tasmania. Indeed, in the last five years there have only been two reported crashes on this section of Waterworks Road – both of these resulted in property damage only – one involved a collision with a parked car and the other involved a driver who was under the influence of alcohol.
- Vehicle speeds – the operating speed data collected by Council on Waterworks Road is typical of most residential streets in Tasmania.
- Road function – Waterworks Road carries through traffic travelling to Ridgeway and the Waterworks Reserve. There is no reasonable alternative route available to this traffic. It is unusual to install road humps / speed cushions along a road that carries a significant proportion of legitimate through traffic.

- Community response – it is unusual for a traffic management proposal to generate so much opposition, even if only from a limited number of individuals.

It is noted Council advertised its proposal to install ten speed cushions in accordance with the *Local Government (Highways) Act* in July 2008 and a number of representations against the scheme were received. Council's Aldermen reviewed the representations and nevertheless resolved to proceed with the scheme. As noted above, I respect the right of road owners to make decisions about the management of their road network and on the basis that due process had been followed I formally approved the scheme under the *Local Government (Highways) Act* in a letter that I sent to Council on 28 November 2008. It is noted that the detailed design of the scheme, including signs, markings and street lighting has not yet been submitted for approval under the *Traffic Act 1925*.

Council wrote to DIER on 18 March 2009 advising that a complaint had been entered against the proposed speed cushions under the *Anti-Discrimination Act 1998* on the basis that travelling over the speed cushions would cause discomfort to a pre-existing back injury.

Council then applied to the Anti-Discrimination Tribunal to join DIER in the proceedings, emphasising their interpretation that DIER has responsibility for deciding whether or not speed cushions should be installed.

In a decision dated 11 January 2011, the Tribunal Member hearing the anti-discrimination case found that DIER should be joined. The Tribunal Member's decision indicates that in this case she considers that DIER has a level of involvement in the decision-making process that extends beyond ensuring that the scheme is not unsafe.

In view of this decision and Council's own views on the responsibility for such decisions and in line with the Department's consistent advice that the scheme is not appropriate for the circumstances, I hereby revoke the approval that I issued to you on 28 November 2008.

Yours sincerely



Simon Buxton  
Director  
**TRAFFIC AND INFRASTRUCTURE BRANCH**

23 February 2011