

Draft
LGNSW Submission on *Easy Access to Suitable*
Routes

August 2019

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1. Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to make a submission to the National Transport Commission Heavy Vehicle National Law (HVNL) Review. This submission focuses on the questions outlined in *Easy access to suitable routes – Issues Paper (Access Paper)*.

The HVNL was introduced in 2012 to help harmonise legislation between jurisdictions to ensure safer and more efficient journeys between states. We recognise that there are some issues diminishing the potential effectiveness of the legislation, as outlined in the issues paper. As stated in our submission to Issues Paper 1 (*Risk-based approach to regulating heavy vehicles*) LGNSW supports changes that help to reduce administrative burdens for all key stakeholders, and which result in the safest and most efficient journeys wherever possible. However, we caution against making changes that skew the legislation in any way that favours the needs of the heavy vehicle industry at the expense of the legislated authority of councils as the road managers of the local road network. The role of councils is to ensure the well-being of their local communities. Increased freight access always carries inherent safety risks, concerns about reduction in road asset lifespans (and the lack of funding to upgrade and maintain these assets), as well as concerns about the amenity of local communities.

While LGNSW recognises the importance of the heavy vehicle industry to the Australian economy, we maintain that councils are best placed to make access decisions to their road networks. Councils have a legitimate role and expertise in assessing suitable local road routes in terms of safety and impact on infrastructure. Yet they are under increasing pressure to provide access to the local road network by stakeholders, including the federal and state governments as well as industry. At the same time, we know that neither state or federal governments have a clear understanding of the key ‘first and last mile’ hotspots on the local road network in NSW. We strongly recommend that priority be given to properly mapping and assessing their suitability to support freight movement.

A rigorous assessment of ‘first and last mile’ hotspots would help inform all parties about the areas of the local networks that will support the freight task. It would also allow easier and more informed decision-making regarding access and help ensure road funding is properly targeted.

In the absence of such fundamental information, and due consideration being given to all the underlying issues affecting access decisions, LGNSW cautions against any changes to the HVNL that seek to undermine councils’ fundamental role in managing their local road networks and any inherent risks to their communities.

This is a draft submission awaiting review by the LGNSW Board. Any revisions made by the Board will be forwarded to the NTC in due course.

2. Background

- The Australian Government National Transport Commission (NTC) is seeking feedback on how to best redevelop the HVNL so that it better meets its original objectives. The focus of *Easy access to suitable routes* is to address concerns from some sectors that the current HVNL is not meeting its original objectives as well as intended in practice.

- The paper acknowledges that access is currently regulated¹ for three main reasons:
 - To reduce the risks to public safety posed by larger vehicles
 - To manage the effects of larger vehicles on public infrastructure
 - To minimise any negative effects on public amenity associated with heavy vehicles
- The general approach of the HVNL review recommends that the legislation is completely redesigned around a risk-based approach that is less prescriptive and more focused on the outcomes of the legislation and its impacts.
- While we support that this approach in principle, LGNSW recommends the NTC ensures that the proposed changes to the legislation fairly reflect the interests of *all* stakeholders and that first and foremost, its focus is on ensuring safety, compliance and the long-term sustainability of road networks.

3. LGNSW and ALGA Advocacy Priorities

This submission reflects two key LGNSW and Australian Local Government Association (ALGA) priorities in relation to infrastructure provision and freight productivity.

LGNSW Advocacy Priority 3 “Fund Local Infrastructure” calls on the federal and state governments to establish an infrastructure funding program so councils can plan, build and maintain local roads, freight routes, cycling and pedestrian infrastructure, green space and sporting facilities, to meet rapid population growth and movements in NSW.²

ALGA’s proposed Local Freight Productivity Investment Plan would see the federal government invest \$200 million per annum over 5 years that would include assessment of key local road assets including up to 24,000 strategic bridges on designated freight routes and funding of key freight pinch points. ALGA analysis shows this would unlock over \$1 billion in additional gross domestic product (GDP) and create up to 9,500 new jobs.³

4. LGNSW position on regulating access to local roads

The role of councils in regulating restricted access vehicles on local roads is vital. This is captured particularly well by the NHVR on its website:

Under the Heavy Vehicle National Law (HVNL), road managers have particular responsibilities regarding decision-making for heavy vehicle access to their road network. The HVNL recognises the importance of local governments being accountable for the roads they manage and sustain, as this empowerment enables local government to efficiently fund and invest in infrastructure and road transport to support and grow local economies.

As a road manager, local government is recognised in legislation as being responsible for consenting to access to restricted access vehicles on their roads, and the conditions under which they will operate. The HVNL requires local government to formally consent to operation on their roads before a permit can be issued. This is intended to empower local government to ensure safety for all road users, protect and efficiently manage access to important council infrastructure, such as roads and bridges, and to preserve and manage public amenity.

This is why LGNSW is of the view that the foundational principles and rationale of the existing HVNL in relation to regulating heavy vehicle access decisions should not change. Councils are by far the best placed of the road authorities to determine where a local route is suitable for access by an otherwise restricted access vehicle as defined within the current legislation.

¹ <https://legislation.nsw.gov.au/#/view/act/2013/42a/chap4/part4.7/div2>

² https://www.lgnsw.org.au/files/imce-uploads/386/LGNSW_Advocacy_Priorities_2019.pdf

³ <https://alga.asn.au/policy-centre/infrastructure/first-last-mile-strategy/>

Under the current legislation a council (road manager) determines the suitability of a route by assessing the mass and dimensions of a vehicle against the ability of the route to:

- Support the movement without causing damage to road infrastructure
- Minimise adverse effects on the community arising from noise, emissions or traffic congestion or,
- Safely support the movement with posing significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions

The NTC Access Paper does not provide any compelling data or evidence that demonstrates the original intention of this aspect of the HVNL has failed to deliver the outcomes it originally aimed to achieve in addressing restricted vehicle access to suitable routes. The data presented in the paper in fact shows that:

- 96 percent of permit applications are approved;
- only 4 percent of applications are declined⁴; and
- most are processed and approved within 7 days⁵ – only 7 percent of applications take longer.

It stands to reason that 4 percent of the road network cannot sustainably or safely support these movements for reasons of mass and dimensions or road safety. Based on these figures, it is unlikely that many applications if any, are rejected for anything other than a sound basis as provided for by the existing legislation. Unfortunately, some members of the freight industry will not accept 'No' for an answer despite decisions being made well within the boundaries of the legislation.

Ongoing collaboration, cooperation and communication, rather than legislative changes, can resolve many of the issues that industry may encounter and at times find frustrating. This was most recently seen in NSW, for example, with the successful introduction in July 2019 of two new crane notices for Class 1 Special Purpose Vehicles⁶. In a clear demonstration that easy access to suitable routes can be achieved under the existing legislation, these notices provided for the flexibility required by the crane industry through collaboration, cooperation and communication between councils, industry and regulators.

LGNSW acknowledges that there may be further opportunities to streamline access arrangements through gazettal and notices, but individual councils reserve the right to enter into these arrangements based on their assessment of the suitability of their road networks under the terms of the legislation. These terms exist to protect infrastructure from damage, mitigate against negative impacts on community amenity and maintain road safety for all road users.

As there continues to be a mismatch between roads and a wide range of vehicle types with varying mass limits and dimensions, there will always be an unavoidable and inherent requirement to conduct case-by-case route assessments. Councils play a critical role in maintaining the useful life of public assets and road safety and therefore are best positioned to understand the suitability of their road networks to sustainably and safely support restricted access vehicle movements.

This is why it is also essential to maintain a vehicle classification system that makes it easy for councils to align vehicles with road networks suitable to support their movement. However, we support the simplification of the classification system so that it reflects a similar 'performance envelope' approach as identified and recommended in the recent Oversize Overmass Inquiry⁷.

⁴ NTC *Easy access to suitable routes* Issues Paper, June 2019, (p.38)

⁵ NTC *Easy access to suitable routes* Issues Paper, June 2019, (p.11)

⁶ <https://www.nhvr.gov.au/news/2019/07/22/new-crane-notices-to-simplify-access-on-nsw-roads>

⁷ https://www.infrastructure.gov.au/vehicles/vehicle_regulation/ris/index.aspx

This could make it easier for councils to more quickly ascertain the suitability of their network and road traffic conditions to safely and sustainably support restricted access vehicle movements. However, if any changes to the existing vehicle classification system are to be successfully implemented, any such initiative should be developed in close consultation with councils.

It should be remembered that permit application processing is only one of myriad functions councils fulfil daily. If council resourcing in regional and rural areas is lacking in this regard, this is at least in part because successive federal governments have failed to restore Financial Assistance Grants to 1% of Commonwealth taxation revenue, despite ongoing lobbying efforts by state and federal council industry peak bodies. Currently, councils only receive 0.55% Commonwealth tax revenue, a shortfall of tens of millions of dollars in real funding terms from 1980s levels. Councils receive very little recompense for permit applications and no direct financial benefit from providing access to industry but are left with the maintenance and road reconstruction bills that come with increased freight movements on their networks.

It should also be noted that the factors influencing council access decisions will vary by location. Regional and rural councils may have heightened concerns about the ability of their road network infrastructure to support a restricted access vehicle movement along with road safety considerations and amenity. Metropolitan councils on the other hand might enjoy a higher quality of underlying road infrastructure to support freight movement), but the road traffic conditions (congestion, pedestrians, bicycles, etc) and amenity concerns might be a larger factor in the decision-making process. For example, a route may be more direct for an operator, but a council will observe a higher level of vulnerable road user activity in the area that makes it unsafe for a restricted access vehicle to be added to the traffic mix. Under the legislation, councils are required to consider these factors when making route access decisions and would be remiss in providing access to restricted access vehicles ahead of road safety considerations.

5. Responses to the Issues Paper Questions

Q1: Why do access decision timeframes vary so significantly? To what extent does the HVNL cause or allow decision delays?

Each route application must be assessed against the ability of the proposed route to support the movement. Access decisions by councils are not simple or taken lightly. Routes and vehicle mass and dimensions can vary, as well as the condition and suitability of the infrastructure, including pavement and bridges vary along corridors. In some instances, the asset owners can vary along a proposed route even within a single local government area (LGA), which extends the assessment process. For example, a council may manage the road network but the bridge infrastructure on a proposed route may belong to a rail infrastructure manager (RIM) like Sydney Trains or the Australian Rail Track Corporation. This further complicates the permit approvals as it requires the RIM to assess the permit application. This is a part of the permit application process that a council has no control over.

Decision times can also vary because permit applications vary greatly in terms of the quality of information that is provided to support the application. The Access Paper does not address this issue, yet it is an underlying reason why access decision timeframes can vary so significantly. Some operators provide high-quality information about the vehicle type (its technical details) and the purpose of the trip which allows council road managers to quickly process permit applications. However, when permit applications fail to provide all the necessary technical information this can significantly increase the decision-making timeframe.

In either instance, the HVNL as it pertains to access is not to blame for the variation in access decision making timeframes. The original principles and rationale that underpinned the access

arrangement requirements in the legislation remain fundamentally sound. Nothing has changed in terms of the mismatch between restricted access vehicles and the general condition of the road network. If anything, growth in freight volume continues to exceed government funding required for infrastructure upgrades. LGNSW cannot see how changes in the HVNL legislation can address system shortcomings in the wide road network which is the fundamental blocker in creating easy access to suitable routes or improve decision making timeframes.

To address this issue, LGNSW recommends continued efforts to improve the NHVR Portal, which has greatly improved the access permit processing times in recent years. The ongoing return of permit delegations (subject to council road manager approval) is also assisting in reducing permit application processing times. System and process improvements such as these are where continued gains can be made in improving access decision making timeframes – not through legislative changes.

Q2: Most road managers can grant consent within seven days. Given this is the case, should we reduce the 28-day timeframe currently in the HVNL? Should we introduce a mechanism to deal with a nil response?

LGNSW does not support a reduction in the 28-day timeframe. The first statement in the question undermines the Access Paper's contention that there are major problems with councils processing applications in a timely manner. If most applications (93 percent) are processed within seven days and only 7 percent of applications take longer, the figures indicate that the existing legislation is working effectively and as intended. As outlined in response to Q1, there are many factors that can complicate the amount of time for an access decision to be made, but it is vital to the preservation of public road assets and road safety that the current timeframes are preserved.

The NHVR Annual Report 2017-2018 demonstrates that the speed with which access decisions are made has increased dramatically in recent years. We have seen excellent progress in providing easier access to suitable routes by the NHVR in consultation and cooperation with council road managers and the freight industry. NHVR data reports⁸ the average end-to-end processing time for road access permits was reduced by 44 percent in 2017-18 and the number of pre-approved routes increased by 21 percent in 2017-18.

Q3: Is vehicle classification useful? Does the new HVNL need a vehicle classification system and, if so, should it be different from the current system?

A vehicle classification system is essential to be able to assess the suitability of a restricted access vehicle for a particular road network. We support any changes to the classification system that could make it easier for councils to match vehicles with suitable routes, similar to the performance envelope approach recommended in the recent review of Oversize Overmass vehicles. Currently, there a number of vehicles that are categorised in different classes which have similar performance characteristics and the NHVR has had to undertake education campaigns to highlight to road managers the performance similarities of vehicles such as B-Doubles and certain types of PBS vehicles. A vehicle classification that focuses on categorising vehicles by performance characteristics may make decisions easier for council road managers.

Q4: What are the challenges road managers face under the HVNL access decision-making framework? Which road managers do it well, and why? Why are some road managers struggling with access?

Every network is unique; so, it is difficult to compare access requests. Road managers with a tertiary developed network in a non-mountainous semi-rural environment, will be able to grant

⁸ <https://www.nhvr.gov.au/files/201811-0926-nhvr-annual-report-2017-18.pdf> (p.12)

access far more easily than a road manager in an undeveloped primary network with mountainous terrain and with a wide range of infrastructure variables including multiple wooden bridges over 100 years old. Not all permit applications submitted are of an equal standard and whole of network assessments in the absence of comprehensive data about vehicle mass, axles, load distribution, dimensions and swept path are costly and time consuming for council road managers.

Some council road managers have suggested access approvals could be streamlined by the creation of non-access gazettals over nominated sections of the road network. This would prevent, before lodgement, an application that has no prospect of being approved because of the local network conditions. It would free up council resources for access decisions where the prospect of access is feasible. This is not dissimilar to the approach that has been successfully implemented in Tasmania and should be considered for integration into the NHVR Portal.

Q5: Should the law allow for external review of access decisions?

LGNSW does not see a legitimate case to introduce an external review process, given that only 4 percent of applications are declined. We support transparency in the access decision making process, but do not believe there is justification to add another layer of bureaucracy to the process. If external review of access decisions were introduced, it is unclear who would undertake this review, and what process would be involved. Local government maintains that any review of an access decision, if it were to be undertaken with due diligence, would require the reviewer to demonstrate relevant accreditation/expertise and undertake an on-site inspection of the route.

We know from our experience in planning and building processes, that private certifiers are often not located locally to the areas that require assessment. The risk to road user safety and infrastructure would be dramatically increased if an external review of an access decision was to be made from an office hundreds of kilometres away. There are also important questions of risk and liability that would need to be understood and accepted upfront. For example, if a council decision was overridden by a review, LGNSW questions who would carry the liability for risk to road user safety or pay compensation to the road manager should infrastructure be damaged if a decision by council was reversed.

Q6: Have we covered the issues with access under the current HVNL accurately and comprehensively? If not, what else should we consider?

The decision-making data supplied in the Access Paper does not support the paper's contention that there are any fundamental issues with the current legislative approach to heavy vehicle access. In fact, the data demonstrates the opposite – that the current approach overall is working well. As highlighted in this submission, the areas where improvements to access decisions can be made are not legislative in nature. They have to do with enabling and maintaining better engagement and cooperation between the key stakeholders, better fleet location data, and improvements to systems and processes, along with better information, resourcing and support to councils.

Road pricing, road user charging and the funding of roads is fundamental to delivering easy access to suitable routes, but the paper does not address these issues. The issue of road funding and targeted allocation of those funds to 'first and last mile hotspots' is the surest way to creating easy access to suitable routes. Any attempt to circumvent councils or override their legitimate role as roads authorities under the current legislation will introduce unacceptable levels of risk to road user safety and infrastructure sustainability, and threaten the welfare of local communities, local connectivity and social cohesion.

Q7: How can the new HVNL work, most likely with other reforms, to best support optimised use of our transport assets and vehicles?

LGNSW believes there is very limited scope within the HVNL to address the underlying issues affecting access without introducing substantial risk to road user safety, network sustainability and disrupting public amenity. As implied by the question, it is other related reform that offers the best possible solution to providing easy access to suitable routes for the industry. These include Heavy Vehicle Road Reform projects underway such as level of service charging⁹, independent price regulation¹⁰, and other government initiatives designed to better map the road network and to continue the development of pre-approved routes.

Q8: How can the new HVNL expand as-of-right access and generalise access authorisations? Can we remove time limits for notices for example?

LGNSW supports as-of-right access on local roads only where road managers have agreed to this after a suitable route assessment has been carried out. This should also be subject to review by the road manager should a subsequent assessment identify issues with damage to infrastructure or should road safety concerns arise. Road managers are already engaged in this process with the NHVR and industry and we see no reason for legislative changes as a result.

We do not, under any circumstances, support the removal of time limits for notices. This would remove the road manager's right to re-assess the suitability of a route for heavy vehicle access at a future time. Without this provision, this will inevitably lead to road safety compromises and asset decline. Research cited in Section 7 of this submission shows that local roads are much more susceptible to damage from heavy vehicles. Even if more PBS vehicles are deployed by industry, this is not a 'silver bullet' that will extend the life of the local road network. Any vehicles over 4 tonnes (including PBS types) start to inflict serious damage on the road network which increases exponentially with a rise in vehicle mass, and this negatively impacts on forecast road life.

In our view, it is prudent to retain time limits on notices so that the network conditions can be assessed for their ongoing suitability. Time limits on notices exist because over time, there will be cumulative impacts from heavy vehicle movements, changes in road network quality along with other considerations including the overall traffic mix. Removing time limits on notices would open the industry and the community to unacceptable risks.

Q9: Do we have the right tools to implement access decisions? How can we modernise the tools for access authorisations?

The generally accepted 'gold standard' of heavy vehicle decision making access tools is the Tasmanian Government's Heavy Vehicle Access Management System¹¹. It is also generally accepted that this is the direction that all stakeholders in mainland Australia should be heading. As previously outlined in this response, however, the heavy vehicle movement data and network analysis required to deliver a similar tool in other jurisdictions is currently far from complete. It will take substantial investment on behalf of the NSW Government, including industry willingness to provide telematics data to enable the roll out of a similar tool elsewhere.

Q10: How can the new HVNL accelerate access decisions? Is a proactive approach possible?

There is an inherent and flawed assumption in this question that all access applications are of the same standard. Councils report that many access decisions are delayed because access

⁹ <https://www.infrastructure.gov.au/roads/heavy/charging-trials/index.aspx>

¹⁰ <https://www.infrastructure.gov.au/roads/heavy/independent-price-regulation.aspx>

¹¹ <https://hvat.stategrowth.tas.gov.au/spv>

applications have failed to undertake self-assessment of the suitability of a route before the application is made. In many instances, applications that are refused should never have been submitted at the standard received by the council. The premise that the law could somehow accelerate access decisions might only work if it legislates that all access applications must meet a set of minimum standards before any proposed amendments to processing timeframes might apply.

With heavy vehicle permit delegations currently in the process of being returned to the NHVR (with council road managers retaining their current approval/refusal status), this is an area where the NHVR can develop a permit application process that ensures a minimum required standard is achieved by all operators. This will greatly assist council road managers in continuing to improve the speed of the access decision making process.

Q11: How should the new HVNL implement access decision-making? Should it specify process and roles? What role is there for the operator? What improvements to access decision-making can be made?

From a council's perspective, there are improvements the operator can make to assist the access decision making process to be more efficient. This includes preparing consistently higher-quality access applications and ensuring that they have been submitted in good time if required within a certain timeframe. Perhaps, if and where an access decision is the result of an urgent application where the operator must respond to a job in short time, a system for escalating urgent permits for an additional fee could be considered. However, this would require careful set-up to manage the expectation and/or perception that an extra fee paid would guarantee approval.

Q12: How do we reach consistent and predictable risk-based access decision-making? How can we make sure decision making is transparent and fair?

This starts with the industry providing councils consistent and predictably high standard access applications in the first instance. When applications are of a high standard, it saves time. Councils take their responsibilities seriously and need as much information as possible about the mass, load, dimensions, axles, weight distribution, swept path and other details to ensure that a vehicle is matched to a suitable route. Declined permit applications are only provided in the minority of cases but even this process can be slowed down by applications that are not well-supported.

The Access Paper has not provided any evidence to demonstrate that access decisions lack transparency or are not 'fair'. LGNSW has not seen any data or evidence that suggests council road managers apply any considerations outside those provided for under the current legislation when making access decisions.

It has, however, been freely acknowledged in public forums such as the recent NTC Access Workshop (July 2019) that there are operators that do not comply with the HVNL and run 'hot' on the network, or load by volume and not weight, at great risk to road infrastructure and road safety. To this extent, there must be greater enforcement and tracking of heavy vehicles on the road network to provide access to those complying with the legislation, but also to deter those operators who are operating outside the law.

Q13: How do we best share the risk management responsibilities between parties with a role in heavy vehicle access?

If councils are sidelined, or their role in making access decisions reduced it shifts greater risk management responsibilities on the operator and law makers. Councils do not take access decisions lightly. Not only is the appropriateness of the route of great concern, particularly when there is unsuitable infrastructure such as 100-year-old timber bridges on a route, safety considerations of the wider public are also at stake. For example, if a vehicle is granted access to a route on appeal (through a proposed appeals process) and the 100-year-old timber bridge

is critically damaged, the person or persons responsible for overriding the council road manager decision will be exposed to substantial risk in relation to compensation for infrastructure damage or legal action in relation to the fatality.

Handing over risk management responsibilities to industry is not appropriate in our view. Councils are best positioned to make the fair access decisions as they have ultimate responsibility for the management and maintenance of their local roads. There are already too many examples where private sector profit motives and ineffective regulation have overridden risks to public safety. What we are currently witnessing in the building industry in NSW, where private certifiers tick off building work for their clients, is a prime example. Councils are impartial and understand their road networks best. Given this, LGNSW does not support risk management responsibilities being shifted to heavy vehicle-related industries.

Q14: How do we manage the accountability of parties with a role in heavy vehicle access?

As highlighted throughout this submission, 96 percent of access decisions are approved in total and most of these are processed within seven days. The data presented in this paper demonstrates that in most instances, councils are fulfilling their obligations under the existing legislation. However, as previously highlighted in this submission there are ways in which processing times can be improved. These include ensuring substantially better network data than is currently available, along with an improvement in the quality of many industry permit applications.

However, if there is to be greater transparency around access decisions, there also needs to be greater transparency around the quality of industry permit applications. There are no minimum standards that permit applications must meet in terms of the preliminary route assessments undertaken or the quality of the information/data provided to councils about the vehicle or its loads. Accountability needs to be applied equally to all stakeholders if the access decision making process is to be fair and balanced from end-to-end.

6. Concluding remarks

If easier access to suitable routes is to be achieved, federal and state governments will need to support councils in completing comprehensive road network analysis. In the one Australian jurisdiction where this has been achieved, Tasmania, it has made the process of route assessment and planning dramatically faster and easier for both the roads authorities and operators. We note that the recent federal government budget included \$6 million to assist with this process; however, this is well short of the level of funding required to undertake a comprehensive network analysis across the eastern states.

Federal and state governments also need to work with industry to dramatically improve the quality of heavy vehicle movement data to ensure that 'first and last mile' hotspots are properly identified so that targeted funding and resources can be allocated as necessary. Current funding programs rely on councils submitting competitive grant applications for localised 'fixes' that, while delivering freight access improvements, do not necessarily deliver the complete end-to-end freight network solutions sought by industry. It is only fair that if industry demands greater transparency from councils about the access decision making process that industry supports this process with telematics data and quality applications.

Under the federal Roads to Recovery program for 2019-20 to 2023-24, funding allocated to councils is \$700 million *below* what councils across Australia received in the first five years of the program. The fundamental shortfall in road investment must be addressed to deliver what

the road access industry is calling for, especially given forecast increases in freight movements in NSW of 28 percent by 2036¹².

While the industry calls for easy access to local roads, it overlooks the fact that heavy vehicles are responsible for the greatest damage to road infrastructure. The annual shortfall between the damage inflicted on the road network and the price industry pays to use it is at least \$3 billion by at least one measure¹³. It is not difficult to understand how this figure is achievable when one factors in that B-Doubles cause 20,000 times more damage to the road network per kilometre travelled than the average passenger vehicle.¹⁴

Local road networks are much more susceptible to damage from heavy vehicle use by a factor up to 5.¹⁵ This is exacerbated by the shortfall in road maintenance funding, let alone the funding necessary to deliver improved freight access. It is estimated that in NSW alone, the road maintenance backlog is around \$2.2 billion, of which 75% (or \$1.7 billion) is accounted for by regional road networks¹⁶. LGNSW is watching with interest the new federal government direct road user charging trials recently announced by the Minister for Infrastructure, Transport and Regional Development, the Hon. Michael McCormack MP.¹⁷

On behalf of NSW councils, LGNSW does *not* support any changes to the HVNL that would seek to undermine the legitimate role and authority of councils to grant access to their local road networks. Access decisions often require detailed assessments of the suitability of various infrastructure elements coupled with considerations about how restricted access vehicles interact with this infrastructure as well as the many classes of road users that also share these networks. This includes vulnerable road users such as pedestrians and cyclists, which are an important consideration in built up urban environments where the infrastructure might otherwise support the vehicle movement.

The freight industry is pressuring government to remove restrictions on heavy vehicle access to local roads, but in any haste to redesign and re-write the HVNL, it should be remembered that the rationale underpinning the existing access arrangements for restricted vehicles are fundamentally sound. They have been designed to:

- reduce the risks to public safety posed by larger vehicles;
- manage the effects of larger vehicles on public infrastructure; and
- minimise any negative effects on public amenity associated with heavy vehicles.

The paper presents little substantial evidence that the current legislation is failing to satisfactorily achieve these outcomes. Therefore, any changes to the legislation that would increase the ease by which restricted access vehicles can access routes that would otherwise require individual permit applications runs the risk of:

- increasing the risk to public safety posed by larger vehicles;
- worsening the effects of larger vehicles on public infrastructure; and
- increasing negative effects on public amenity associated with heavy vehicles.

According to the NHVR, pre-approved routes have increased from 5,000km to 60,000km¹⁸ since it was established in 2013. The number of pre-approved routes continues to increase and this has come through consultation with industry, councils and state road authorities.

¹² <https://www.transport.nsw.gov.au/projects/strategy/nsw-freight-and-ports-plan>

¹³ <https://theconversation.com/trucks-are-destroying-our-roads-and-not-picking-up-the-repair-cost-79670>

¹⁴ <https://theconversation.com/trucks-are-destroying-our-roads-and-not-picking-up-the-repair-cost-79670>

¹⁵ <https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Roads/Calculating-the-Cost-of-Road-Wear/USER-GUIDE-ROAD-WEAR-ON-SEALD-ROADS.pdf>

¹⁶ <https://www.mynrma.com.au/-/media/documents/advocacy/funding-local-roads.pdf>

¹⁷ <https://minister.infrastructure.gov.au/mccormack/media-release/government-and-industry-partnering-heavy-vehicle-road-trial>

¹⁸ Data presented at NHVR Productivity Plan Workshop held at LGNSW on 12 August 2019

LGNSW believes the best way to achieve easier access to suitable routes is through continuing the current good work being undertaken by the NHVR, industry and all levels of government to work together to understand the issues affecting access at a local level. The process facilitates finding ways to achieve the outcomes sought by industry in a way that is acceptable to all stakeholders. This approach has been shown to be very effective in improving productivity and efficiency while also maintaining safety and managing the effects of larger vehicles on public infrastructure.

It is also clear that there is scope to improve the degree of understanding about the road network. In particular, its suitability to support freight movement from origin to destination, the general level of freight movement data on local roads from origin to destination, and the wholly inadequate understanding of where the 'first and last mile' hotspots are. As a result, current funding and grants programs are being approved and delivered in a piecemeal way that is not conducive to creating complete freight routes. As previously stated, this is not something that any legislative change to laws governing heavy vehicle access can change – unless tracking technology were to be made mandatory on all restricted access vehicles. Vehicle tracking data provided to government by the industry could help to dramatically improve existing systems and processes for granting access approvals.

Legislative amendments fail to address the biggest single issue affecting restricted vehicle access to local roads – funding. As local roads are simply not funded in a way that supports increased heavy vehicle access, it is imperative that councils continue to manage network access on their road networks. A significant, and economically justifiable, increase in government investment in the local road network that creates complete freight routes along key corridors is the only true solution to the access challenges at issue. Only this will make for easy access to suitable routes that permits the industry to utilise more productive combinations, resulting in fewer trips, lower emissions and lower consumer prices that industry is demanding. LGNSW supports government borrowing to fund the road infrastructure necessary help create easier access to suitable routes as this will create economic and social benefits now and into the future. As noted by the CEO of Infrastructure Australia, Romilly Madew:

The current infrastructure program must do more than plug the immediate funding gap...Despite their scale, recent investments in transport infrastructure...is largely playing 'catch-up' rather than providing additional capacity that will support substantial future growth."¹⁹

For further information in relation to this submission, please contact Sanjiv Sathiah, Senior Policy Officer Roads and Transport, on 02 9242 4073 or sanjiv.sathiah@lgnsw.org.au

¹⁹ <https://www.abc.net.au/news/2019-08-13/infrastructure-body-says-roads-and-transport-must-catch-up/11407114>