



New South Wales

**IPWEA**

INSTITUTE OF PUBLIC WORKS  
ENGINEERING AUSTRALASIA

# IPWEA (NSW) ROADS & TRANSPORT DIRECTORATE

IPWEA (NSW Division)  
L12, 447 Kent St  
Sydney NSW 2000  
Tel 02 8267 3001

16 August 2019

National Transport Commission  
Level 3, 600 Bourke Street  
Melbourne VIC 3000

## **Submission on Easy access to suitable routes issues paper**

The IPWEA NSW Roads & Transport Directorate appreciates the invitation to provide this submission to the National Transport Commission. The submission deals with each of the Terms of Reference based on a wide range of inputs. We would welcome the opportunity to address the Inquiry to provide further detail on the issues raised within this submission.

Please do not hesitate to contact Mick Savage on tel: 8267 3000 or email [mick.savage@ipweansw.org](mailto:mick.savage@ipweansw.org) in relation to this submission.

Yours faithfully,

Mr Garry Hemsworth  
**Director IPWEA NSW Board**

Mr Mick Savage  
**Roads & Transport Directorate Manager**

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## **Easy Access to Suitable Routes Issues Paper**

**Submission by**

**INSTITUTE OF PUBLIC WORKS ENGINEERING  
AUSTRALASIA  
(NSW Division) Roads & Transport Directorate**

**16 August 2019**

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## Executive Summary

Easy access does not refer to opening up the entire network for heavy vehicle access without proper consideration being given to the competing considerations of asset management, road safety, public safety, economic impacts and environmental impacts. Many of these considerations are requirements under both Federal and State legislation.

Information from NSW Councils suggests that delays in processing applications, particularly for regional councils, are a result of inadequate resources including the availability of suitably qualified and experienced staff as well as no revenue stream to fund the approvals process.

Councils have also expressed the opinion that applicants commonly hold the view that all vehicles should have a right to access all roads on the local road network. This expectation is not helpful in achieving approval outcomes that are timely, and meet community needs in relation to community safety and asset management.

The main challenges faced by road managers include:

- Lack of resources
- No knowledgeable and experienced staff
- Poor road network strength and condition data
- Poor quality of applications
- No consultation between applicant and road authority prior to submitting applications

The challenges listed above result in the inability of some road managers to make appropriate access decisions in a timely manner. Suggestions for improving the performance of the NHVL are:

1. Mandatory use of telematic (IAP) reporting for all heavy vehicles approved in the future. This will provide:
  - i. network usage data to support the future allocation of resources to road pavements, and
  - ii. a high degree of certainty to road authorities in relation to compliance with conditions set as a requirement for access
2. Development of a new funding model covering the full road network which hypothecates road user charges for road maintenance and renewal
3. Mapping of regional freight routes so that applicants, local communities and businesses and road managers understand what part each road segment is expected to play in the freight management process.
4. Increased use of pre approvals, gazettals and notices in place of permits will greatly improve efficiency

The increasing use of the portal as a tool for supporting road managers in dealing with access applications is seen as one way forward. Access to history of applications on elements of the network combined with a source of 'standard' conditions will provide road managers with a source of information combined with the knowledge that they don't need to start every application from scratch.

Our members have also suggested that the ability to map sections of the network where approvals will not be given for various classes of vehicle would improve the process for both the applicant and the road authority. Such sections of the network might be determined by bridge load capacity pavement condition or strength and inadequate pavement width or intersection capacity.

## Introduction

The Institute of Public Works Engineering Australasia NSW Division (IPWEA NSW) is the leading professional association representing Engineers and Public Works Officers engaged in public works and engineering, with the majority of members working in, or providing services to, Local Government (and the NSW Government).

IPWEA (NSW) is a charity with the purpose of advancing the public works excellence in Australia, particularly in NSW by:

- conducting and publishing research into improvements to the processes used in public works and services to enhance NSW Communities
- working with government at all levels to ensure that the interests of the community are represented in regard to the public decision-making process relating to public works and services, and
- providing a forum for all people engaged in the public works to discuss best practice and enhancing the future of NSW Communities

IPWEA (NSW) has made it a mission to enhance the quality of life of NSW communities through excellence in public works and services. This is achieved through our professional association that effectively informs, connects, represents and leads public works professionals for NSW.

The Roads and Transport Directorate was established by IPWEA (NSW) in conjunction with Local Government NSW in 2004 to provide support to its members working in local government across the state. It is supported financially by membership contributions from local councils across NSW.

Its main purpose is to assist Local Government in NSW in the area of road infrastructure and transport related activities by:

- Assisting members in discharging their road management roles in the most effective manner consistent with current legal obligations and the most recent technical practices particularly in the critical area of consistent and cost effective asset management;
- Assisting the IPWEA (NSW), Local Government NSW, individual Councils and members in lobbying for a higher priority to be placed on road infrastructure provision and maintenance and for a more equitable share of resources and funding; and
- Providing for IPWEA members and Local Government a powerful technical and research resource on transport issues at regional, state and national level. The activities are, as circumstances dictate, either proactive or reactive to achieve the optimum benefit for the region or state.

This submission has been prepared by the NSW Roads & Transport Directorate on behalf of the IPWEA NSW Board.

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## Background<sup>1</sup>

In 2012, the Australian Government passed the Heavy Vehicle National Law (HVNL) which came into effect in 2014. The new law replaced 13 model laws and six state and territory transport-related laws. The objective of the reform was to establish a national, uniform, seamless, and coordinated system of heavy vehicle regulation in a way that:

- Promoted public safety
- Managed the impact of heavy vehicles on the environment, road infrastructure and public amenity
- Promoted industry productivity and efficiency
- Encouraged and promoted productive, efficient, innovative and safe business practices

Despite many changes to the law that have occurred throughout the years, there is a concern among stakeholders that the law has not been effective. In this regard, the Transport and Infrastructure Council has tasked the National Transport Council to review the HVNL from first principles with the goal of crafting an entirely new law that will:

- Improve safety for all road users
- Support increased economic productivity and innovation
- Simplify the HVNL, its administration, and enforcement of the law
- Support the use of new technologies and methods of operation
- Provide flexible, outcome-focused compliance options

This issues paper, *Easy access to suitable routes*, is one of the eight issues papers being presented to stakeholders for consultation.

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<sup>1</sup> National Transport Commission 2019, *Easy access to suitable routes*, Issues paper, NTC, Melbourne

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## Submission Context

This submission, including answers to the specific questions raised in the *Issues Paper*, is based on a basic set of principles which are summarised by the NHVR as follows:

### ***NHVR Local Government Information Pack 2016<sup>2</sup>***

#### ***What is a route assessment?***

*A route assessment provides information of the impacts, or likely impacts of relevant restricted access vehicle use on road infrastructure in the areas or on the routes requested in the application for access. This can include structural assessments on bridges, pavements, culverts and tunnels, as well as geometrical assessments such as swept paths at intersections, stacking distances and overtaking provision.*

*A road manager may conduct the route assessment using its own staff or by engaging a contractor.*

*A road manager may also allow an applicant to engage a contractor to conduct the route assessment consistent with any policies and legislation of that road manager.*

It should be noted that this definition does not refer to opening up the entire network for heavy vehicle access without proper consideration being given to the competing considerations of asset management, road safety, public safety, economic impacts and environmental impacts. Many of these considerations are requirements under both Federal and State legislation.

The submission also includes some suggestions about further developments which might enhance the process for both applicants and road managers.

Finally, it is noted from the Heat Maps published on the NHVR website that the State and Territory road authorities have overdue consents indicating that the problem to be addressed is not just one being experienced by Local Government road authorities.

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<sup>2</sup> <https://www.nhvr.gov.au/files/nhvr-local-gov-info-pack-2016.pdf>

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## Responses to Questions raised in the Issues Paper

This section provides some brief answers to the questions raised from a Local Government road authority perspective. The responses are supported by issues raised by specific NSW Councils over the past year or so. Some of this information was collected as a result of taking part in several NHVR Local Government Forums held across NSW over the past two years.

**Question 1:** Why do access decision timeframes vary so significantly? To what extent does the HVNL cause or allow access decision delays?

Our initial response is that the existing HVNL is not the cause of any variation in decision timeframes. It provides a sound basis for determining access across NSW and is not in any need for extensive changes.

Given that the published heat maps referred to above provides the performance of individual councils across Australia it would appear that consultation with those councils (and state and territory road authorities) with approval times above the existing 28-day timeframe would provide a rich source of data on which to base remedial courses of action. It is suggested that reducing the 28-day time frame in the current legislation will do nothing to address the underlying reasons for the existing performance outcomes.

Information from NSW Councils suggests that delays in processing applications, particularly for regional councils, is a result of inadequate resources including the availability of suitably qualified and experienced staff as well as no revenue stream to fund the approvals process.

Councils have also expressed the opinion that applicants commonly hold the view that all vehicles should have a right to access all roads on the local road network. This expectation is not helpful in achieving approval outcomes that are timely, and meet community needs in relation to community safety and asset management.

**Question 2:** 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?

For the reasons detailed in the response to Question 1 we are not in favour of any change to the existing 28-day requirement. Rather there should be extensive consultation with those road authorities that have longer processing times to determine what resources they require to provide a higher level of service.

One possible outcome from reducing the time limit might be an increase in disapprovals (with supporting reasons) rather than spending a little more time to investigate an application more fully.

As implied above, the mechanism to deal with a nil response should be consultation with the road authority to determine the circumstances and to develop an appropriate way forward.

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**Question 3:** Is vehicle classification useful? Does the new HVNL need a vehicle classification system and, if so, should it be different from the current system?

The existing vehicle classification system is extremely useful and should be retained and enhanced as necessary.

No advantage is seen in incorporating the details of the vehicle classification system into the new HVNL as that may limit future development of the system. A generic reference to the use of a vehicle classification system might be appropriate.

**Question 4:** 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?

The main challenges faced by road managers include:

- Lack of resources
- No knowledgeable and experienced staff
- Poor road network strength and condition data
- Poor quality of applications
- No consultation between applicant and road authority prior to submitting applications

Highly performing road managers encourage consultation with applicants, understand the capacity of their road network and have allocated staff resources to deal with applications in a timely manner.

Good performers encourage consultation with applicants at an early stage and operate in road authorities that have developed appropriate policies and procedures for dealing with access applications. Policies are readily available to provide information for applicants.

The challenges listed above result in the inability of some road managers to make appropriate access decisions in a timely manner.

**Question 5:** Should the law allow for external review of access decisions?

Current data suggests that only a small proportion of access decisions are refused, an indication that there is little need for any external review process.

There is no objection to the internal review of the process followed within a road authority and as stated above, consultation between the NHVR and the road authority may identify issues that can readily be addressed.

No value is seen in the use of an external reviewer since the reviewer is only able to identify shortcomings in the process, but not change the decision (without accepting the liability of the road authority).

**Question 6:** Have we covered the issues with access under the current HVNL accurately and comprehensively? If not, what else should we consider?

The discussion paper does not highlight any current issues of a legislative nature that require changing. Clearly, the unsatisfactory results being delivered by some road authorities result from lack of resources, no knowledgeable and experienced staff, poor road network strength and condition data and poor quality of applications. These matters will not be addressed by legislative change.

**Question 7:** How can the new HVNL work, most likely with other reforms, to best support optimised use of our transport assets and vehicles?

Suggestions for improving the performance of the NHVL are:

1. Mandatory use of telematic (IAP) reporting for all heavy vehicles approved in the future. This will provide:
  - iii. network usage data to support the future allocation of resources to road pavements, and
  - iv. a high degree of certainty to road authorities in relation to compliance with conditions set as a requirement for access
2. Development of a new funding model covering the full road network which hypothecates road user charges for road maintenance and renewal
3. Mapping of regional freight routes so that applicants, local communities and businesses and road managers understand what part each road segment is expected to play in the freight management process.
4. Increased use of pre approvals, gazettals and notices in place of permits will greatly improve efficiency

**Question 8:** How can the new HVNL expand as-of-right access and generalise access authorisations? Can we remove time limits for notices, for example?

No advantage is seen in extending any of the existing time limits. These timings provide both the freight industry and, more importantly the road manager, an opportunity to review the road network and to determine if the approved routes are still appropriate.

A more appropriate focus should be on a reduction in the use of permits and an increasing implementation of pre approvals, gazettals and notices. This will reduce the workload of road authorities and provide increased certainty for applicants.

**Question 9:** Do we have the right tools to implement access decisions? How can we modernise the tools for access authorisations?

The increasing use of the portal as a tool for supporting road managers in dealing with access applications is seen as one way forward. Access to history of applications on elements of the network combined with a source of 'standard' conditions will provide road managers with a

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source of information combined with the knowledge that they don't need to start every application from scratch.

Our members have also suggested that the ability to map sections of the network where approvals will not be given for various classes of vehicle would improve the process for both the applicant and the road authority. Such sections of the network might be determined by bridge load capacity pavement condition or strength and inadequate pavement width or intersection capacity.

**Question 10:** How can the new HVNL accelerate access decisions? Is a proactive approach possible?

The response to this question has been dealt with above and includes:

- Mandatory use of telematic (IAP?) reporting
- Development of a new funding model covering the full road network which hypothecates road user charges for road maintenance and renewal
- Mapping of regional freight routes so that applicants, local communities and businesses and road managers understand what part each road segment is expected to play in the freight management process.
- Increased use of pre approvals, gazettals and notices in place of permits will greatly improve efficiency
- Use of the portal as a tool for supporting road managers
- The ability to map sections of the network where approvals will not be given for various classes of vehicle
- Increased consultation between NHVR and road authorities and between road authorities and applicants

**Question 11:** 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?

This question has essentially been dealt with above:

- No change is required to the NHVL – implementation will continue as at present
- No further definition of roles or processes is required
- A greater degree of communication between operators and road authorities will produce improved outcomes
- Access decision making has been dealt with in Question 10

**Question 12:** How do we reach consistent and predictable risk-based access decision-making? How can we make sure decision-making is transparent and fair?

As described above, consistent and predictable access decision making can be achieved by:

- Mandatory use of telematic (IAP) reporting
- Development of a new funding model covering the full road network which hypothecates road user charges for road maintenance and renewal

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- Mapping of regional freight routes so that applicants, local communities and businesses and road managers understand what part each road segment is expected to play in the freight management process.
  - Increased use of pre approvals, gazettals and notices in place of permits will greatly improve efficiency
  - Use of the portal as a tool for supporting road managers
  - The ability to map sections of the network where approvals will not be given for various classes of vehicle
  - Increased consultation between NHVR and road authorities and between road authorities and applicants

Transparency will support the premise that the decision-making process was fair. This can be achieved through use of the portal to document each step of the process and how the ultimate decision was reached. Public availability of this information would achieve the desired outcome.

**Question 13:** How do we best share the risk management responsibilities between parties with a role in heavy vehicle access?

Risk management responsibilities are largely determined by external Federal and State legislation covering:

- Road Management
- Road Safety
- Public safety
- Environmental Management
- Work Health and Safety

The NHVL should not seek to become involved in any of these already complex areas.

**Question 14:** How do we manage the accountability of parties with a role in heavy vehicle access?

From the data available it is apparent that road authorities take their responsibilities in managing heavy vehicle access seriously.

As stated earlier there is no demonstrated need to change the NHVL to overcome any perceived shortfall in the accountability of any of the parties to the process.

Information from NSW Councils suggests that delays in processing applications, particularly for regional councils, is a result of inadequate resources including the availability of suitably qualified and experienced staff as well as no revenue stream to fund the approvals process. Rectification of these shortcomings rather than apportioning blame through the process is seen as a more fruitful way of deploying our resources.

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## Conclusion

*Easy access to suitable routes* – the title to the issues paper clearly defines the two competing aspects of the heavy vehicle access decision, namely easy access for operators and selection of suitable routes by road authorities.

There needs to be an exchange of information between both parties so that each appreciates the others' point of view and expectations. This does not need extensive change to the NHVL, rather an ongoing consultative approach to getting better outcomes for our communities.

Easy access does not refer to opening up the entire network for heavy vehicle access without proper consideration being given to the competing considerations of asset management, road safety, public safety, economic impacts and environmental impacts. Many of these considerations are requirements under both Federal and State legislation.

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## Contact

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Yours faithfully,



Mr Garry Hemsworth  
**Director IPWEA NSW Board**



Mr Mick Savage  
**Roads & Transport Directorate Man**

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## References

National Heavy Vehicle Regulator, 2016, *Local Government Information Pack*, Available at <https://www.nhvr.gov.au/files/nhvr-local-gov-info-pack-2016.pdf>

National Transport Commission, 2019, *Easy access to suitable routes*, Issues paper, NTC, Melbourne