

Easy access to suitable routes (HVNL Review)

Issues Paper

Submission

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1. Executive Summary

The local government sector is a key provider and manager of infrastructure including community facilities, roads and bridges, stormwater management, water supply and treatment. The infrastructure and services provided by councils support the operation of regional economies and the communities they sustain.

Councils are under constant pressure to increase the number and range of services they provide, to meet rising community expectations, demands from other levels of government and changes in standards and legislation. The introduction of the Heavy Vehicle National Law (HVNL) is no different in this regard. As a result of the HVNL, local government has an elevated role in facilitating heavy vehicle access to local government-controlled. The legislative obligation to undertake such roles has placed additional pressure upon constrained council resources without recompense.

The system would work better if constrained councils were properly compensated for their role, mapping tools were improved and data sharing through the compulsory use of telematics was introduced.

While local governments recognise their critical role in responding to the growing freight task, councils face a delicate balancing act between the need to improve productivity by increasing heavy vehicle access and their responsibility to preserve the local network for all road users, all within the constraints of available funding.

Recognising the challenges faced by councils in meeting these additional responsibilities, the Local Government Association of Queensland (LGAQ) has partnered with the National Heavy Vehicle Regulator (NHVR) to provide the necessary assistance to councils as they strive to fulfil their role in improving the safety and productivity of the local freight network. The LGAQ's approach, and the collective effort of Queensland councils in responding to these challenges, has been recognised in recent inquiries and, as a result, its replication has been recommended for other jurisdictions.

In drafting a new HVNL, the LGAQ urges the National Transport Commission (NTC) to give due consideration to the capability and capacity needs of local government in supporting safe and productive access to the local government-controlled road network. Such consideration should include the capability and capacity of local government to fulfil its role while considering the potential for technology, including mandatory data provision, to guide better decision-making.

2. The Local Government Association of Queensland

The Local Government Association of Queensland is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

The LGAQ welcomes the opportunity to comment and provide feedback on the NTC's 'Easy Access to Suitable Routes' Issues Paper. If there is a need for further information or clarification of any of LGAQ's responses, please feel free to contact Mr Robert Chow, Project Manager – Heavy Vehicle Access via robert_chow@lgaq.asn.au.

The LGAQ agrees to this submission being published on the National Transport Commission's website.

3. LGAQ Policy

The LGAQ's Policy Statement 2018¹ is a definitive statement of the collective voice of local government in Queensland. This statement identifies the position of local government in relation to a number of key issues.

The key positions of local government as relevant to the NTC's HVNL Review, are highlighted below.

8.1.5 Freight and Heavy Vehicle Management

8.1.5.1 Recognising that the majority of freight tasks start and finish on a local government-controlled road, councils play a critical role in responding to the growing freight task.

8.1.5.3 Local government is committed to working with Federal and State Governments to develop strategic freight routes, and to address impediments to accessing the locally controlled network.

8.1.5.4 Local government is committed to working with the National Heavy Vehicle Regulator and other regulatory agencies to ensure that heavy vehicle reforms benefit councils.

8.1.5.5 Local government requires simplified and transparent heavy vehicle permit approval processes.

8.1.5.9 While local government acknowledges that technologies are being developed to improve route and impact monitoring of heavy vehicles, councils require access to Intelligent Access Program data and better information on the impact of high mass limits, performance-based standards and multi-combination vehicles on varying pavements through braking, traction and horizontal forces.

4. Responses to questions in the Issues Paper

The LGAQ encourages the NTC to consider individual submissions made by LGAQ members and acknowledges individual responses may vary according to local circumstances and individual community expectations.

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

The variance in access decision timeframes is directly related to the level of capability and capacity of the road manager. From a local government perspective, there is a large variation across councils owing to:

- Understanding of network and infrastructure capacity
- Technical expertise required to assess complex applications
- Understanding of risks associated with different heavy vehicles

¹ Available at: <http://www.lgaq.asn.au/documents/10136/48c73637-4038-46e1-91a0-535a16e367dd>

- Resourcing e.g. outside of well-resourced councils, mainly in the South-East corner of the State, most Queensland councils do not have a full-time staff member managing access requests, nor does local government recoup any costs related to staffing or assessment.

Another factor that may increase timeframes is the quality of the application submitted by the transport operator. Examples of poor-quality applications include:

- Incomplete information provided
- Applying for more roads than are needed (e.g. just in case routes or even ‘all roads’)
- Poor route planning. i.e. applying for the most direct route rather than the ‘most suitable’ route.

Many of the issues relating to poorly made applications would be resolved by making improvements to the NHVR’s route planner. Improvements could include a restrictions layer that captures load limited structures, previously refused routes, pre-approved or previously approved routes. This would provide necessary information for industry to make more fully informed applications.

Volumes of permits also may affect response times. Ideally industry should only apply for routes required rather than applying for ‘nice to have’ routes. This would assist in reducing response times.

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?

Timely responses are possible when a road manager understands the capacity of the route or their network and the risks associated with the heavy vehicle seeking access. While most road managers grant consent within seven days, the 28-day timeframe provided under the law gives sufficient flexibility for the road manager to consider access requests where the capacity of the route in question, or the heavy vehicle seeking to access it, is not fully understood.

The LGAQ acknowledges that the issues around nil response from road managers need to be addressed but highlights that, where collaboration and support has occurred, the number of nil responses has significantly declined. As such, the LGAQ suggests that any such mechanism to address a nil response needs to ensure the road manager has been supported throughout the process.

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 LGAQ supports the inclusion of a vehicle classification framework within the HVNL. Such a framework provides for a risk-based approach to access decision making, thus allowing local government road managers to focus upon the associated risks with different heavy vehicle types.

While there are benefits to vehicle classification, some heavy vehicles may be limited to the same access as the worst performing vehicle within each vehicle classification envelope.

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?

Most local government road managers are civil engineers with expertise in designing, building and maintaining roads. The sheer variance in the different heavy vehicle types and their associated risks can make decision-making difficult for local government.

Greater support from the state jurisdictions and NHVR in communicating those risks to local government road managers would assist in timely and more consistent decision-making. Local

government road managers that have made the most significant improvement in response times have either received greater levels of support (e.g. State Growth Model and their collaborative approach) or have had greater exposure to heavy vehicle assessments.

Local governments do not receive any compensation for costs related to the processing of access consent requests, even when they require an assessment of the infrastructure that may be affected. As an example of mounting costs, one central Queensland council has incurred additional expenses of approximately \$400,000 in recent years to assess culverts and bridges relating to access consent requests.

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

The LGAQ understands there has been limited use of external review provisions in Queensland to date. While the need for such a provision is understood, the LGAQ does not have any fixed view on the matter.

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

If the objective of the law is to facilitate safe and efficient access to the network, greater consideration of the capability and capacity of road managers is required. Notwithstanding the need for increased state and federal funding for the roads and transport network, other provisions such as mandatory telematics would not only provide greater levels of assurance but would also aid better investment and access decision-making.

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

When considering access, local government road managers seek to achieve a balance between economic development factors and an acceptable level of risk associated with access consent requests. While a level of risk management is required when defining network capacity, use of currently available assessment guidelines and engineering standards (e.g. AS5100 bridge assessment standard) could lead to unintended access outcomes.

Mandatory telematics would provide greater levels of assurance for road managers to confidently take on increased levels of risk while maximising the available capacity of the road network.

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?

Currently a notice exempts a vehicle from a mass or dimension requirement thus providing access to a network under certain conditions. The LGAQ believes the new HVNL should provide greater flexibility for the road manager to manage access through use of pre-approvals and notices. That is, greater flexibility would allow road managers to dynamically amend networks authorised for use under various notices. Furthermore, local government road managers would be more willing to grant consent to notices on the basis that removal of certain routes, should circumstances require, was a simple administrative process.

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

Not currently. The lack of mapping tools often results in poorly made consent requests as noted in the response to Question 1. The development of mapping layers, such as restricted roads and structures,

would assist industry to plan more suitable routes which would facilitate improved consent timeframes.

The Tasmanian Government's approach to heavy vehicle access provides an ideal framework to provide access assurance without putting vulnerable infrastructure at risk. Their system has reduced the number of permits required by an estimated 85%. This was achieved under the current HVNL by utilising a collaborative whole of network approach.

ARRB's Restricted Access Vehicle Route Assessment Tool (RAVRAT) is also helpful and does provide road managers with a tool/system to assist with assessment of Class 2 heavy vehicles, but is limited by the high standard required under the National Performance Based Standards Route Assessment Guideline and is missing structural assessment and swept path assessment modules.

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

Yes, a proactive approach to major projects would enable a more streamlined approach to project specific access. The introduction of a mechanism within the new HVNL to enable road managers to enter into a 'road access agreement' for a specific project (e.g. Mining Project or Major Construction Project) would establish access arrangements that consider:

- the ability to split assessment costs
- cost recovery of any work required to address network deficiencies including culvert strengthening, widening of roads etc.
- access conditions such as route, road/travel conditions, provisions for maintenance of roads for duration of project and road condition returned to minimum agreed standard upon completion of project.

For example, the Coopers Gap Wind Farm project resulted in approximately 10,000 heavy vehicle movements that required permits. By introducing a 'road access agreement' and subsequent Project Specific Permits, access could be enabled through pre-approval or notice arrangements for vehicle classes related specifically to that project.

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?

In the absence of a whole of network classification, the operator could play a greater role in route selection. As noted in the response to Question 1, the ideal access arrangement would involve the provision of greater levels of information through the NHVR's route planner. This would allow industry to self-select the most appropriate route, and access arrangement e.g. as-of-right, pre-approved or individual permit, based on the specific transport task.

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?

A collaborative whole of network approach to a risk-based departure from the current standards, managed through data sharing (e.g. Telematics) and improvements to the NHVR's route planner.

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

As noted earlier, the inclusion of mandatory telematics within the new HVNL would provide greater levels of assurance for the local government road manager. This coupled with a collaborative risk-based approach to a fully integrated road network would enable appropriate levels of risk to be shared among all relevant parties.

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

Greater levels of support and collaboration from the NHVR and state jurisdictions would improve the accountability of local government road managers.

Improvements to mapping tools would ensure better made access consent requests from transport operators coupled with mandatory telematics, would provide greater assurance that industry are following the conditions of the notice/permit.