

**City of Greater Dandenong**

**Date: X July 2019**

**Response to National Transport Commission's issue paper:**

**Easy Access to Suitable Routes**

City of Greater Dandenong supports the review of the Heavy Vehicle National Law to improve consistency, improve efficiency, encourage innovation and promote a safety based approach.

Council has the Dandenong National Employment and Innovation Cluster within its jurisdiction. This area is a State Significant Industrial precinct that is continuing to grow. As such Council takes interest in any improvements that can be made for business is how they can handle their freight tasks including how the HVNL will impact these businesses.

Council has provided responses below to the questions raised in this paper.

Please feel free to contact us to discuss these responses or if you have any queries that you want a local government perspective on. Council's contact is Christopher Marshall, Strategic Transport Engineer, on [Christopher.marshall@cgd.vic.gov.au](mailto:Christopher.marshall@cgd.vic.gov.au) or 03 8571 5223.

Kind Regards



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

Access decision timeframes can vary for a number of reasons:

- Complex case requiring further information from operator
- Asset data needs to be checked
- Officer that normally makes access decisions is on leave or sick – Council has one person that primarily makes a decision with remaining team members able to provide back up around their other tasks
- Competing priorities may mean that other tasks are considered more critical

The HVNL rarely directly creates a delay, however it may indirectly create a delay when legal distinctions need to be made and officers need to communicate with NHVR over wording of conditions or rejections.

**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?**

Council has an internal policy of responding to all requests within 2 business days which is generally achievable. As such Council has no objection to a shorter time frame if it would provide more certainty to industry.

Any mechanism to deal with a nil response needs to consider potential safety implications as the road manager may be the only authority with access to information required for assessing the route. It may be worth considering an incentive mechanism to encourage road managers to respond within the time frame such as a fee that is only paid if the road manager responds within the required timeframe. Given the cost to industry this may cost them more up front but save more money overall. It would also encourage pre-approving routes if the money is still paid from permits that are using pre-approved routes.

**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 vehicle classification system is useful. Council uses the specific sub-classes to determine the critical design vehicle in terms of dimensions, swept path and loading (highly dependent on axle arrangements rather than overall mass) to assess routes and structures. In some cases a couple of vehicles may be determined within a sub-class as critical. If there is any issue with the current vehicle classification system it is that it can be difficult to determine what the critical vehicle(s) is.

Any changes to the vehicle classification system needs to ensure that road managers can identify the critical vehicle so that they can be confident that any route pre-approvals and gazettals are assessed correctly. This has been an issue when new notices have been released for road managers to agree to as it doesn't provide loading information (usually lacking axle and mass arrangement).

**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?**

Road managers face a challenge of balancing resident and industry expectations on how the road networks is used. A significant oversight in the current access arrangements is the ability to consider planning in the decision-making framework, whilst in some cases conditions are acceptable to reflect planning conditions, it does not allow for refusal based on planning grounds that would result in a breach of planning conditions or if the land use isn't legal.

Road managers that manage these challenges well have an open to business approach supported by senior management and a good understanding of their road network. This allows them to know where it is appropriate for trucks to be going and ensure that they use this route. This can be an issue in areas where there is a lack of alternatives that will then impact residents.

Most road managers that struggle will do so due to a lack of resources, education on heavy vehicles, missing information regarding their road network and conflicting community and industry expectations.

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

Industry should have an avenue to appeal the decision. This should have no cost (including officer time) to the road manager.

If this were to involve an external review that can impact the outcome of the decision then the external reviewer must take the burden of liability for the decision. It will also require very well defined criteria that includes amenity as a consideration. It is likely the issues that make this impracticable that is why the existing state review option has not been used.

Another option may be to present if an report examining if the reasoning was appropriate to provide grounds for a review of the decision from the road manager. It is unlikely road managers will change their decision based on this and the existing system already allows this to happen informally.

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

Third party assets have not been covered. These assets include underground structures that support the pavement and overhead structures. This includes bridges and culverts that are the responsibility of utility and service providers such as Melbourne Water and rail related structures. The current HVNL makes it the responsibility of the pavement owner to act as road manager however it does not put any burden on the structure owner to play their part in the access process.

This can result in the road manager being unable to approve access as they cannot assess the asset (nor do they have the responsibility to ensure the asset is in good condition). This can result in significant delays as often these asset owners do not wish to take responsibility for their assets and the road manager may not be able to assess without access to the asset and the information about it. By engaging the asset owners and treating them as road managers it will reduce decisions time by defining response expectations, reduce financial burden on current road managers, increase confidence that assets along heavy vehicle routes are being appropriately managed and increase the opportunity to increase pre-approved and gazetted networks.

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

The HVNL can assist in optimising the network by requiring the use telematics data. This would require a majority of heavy vehicles to provide data to NHVR which can then be used by road

managers to track where heavy vehicles are going, when and in what numbers allowing for improved freight network planning.

**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?**

To expand the as-of-right access and generalised access road managers need greater education on the types of vehicles being examined and their impacts and support with the tools required to undertake assessment of the road network.

Time limits generally shouldn't be required for notices. Road managers should only need to know when there is a change to the notice. Otherwise there should be mechanisms for the network changes to be implemented quickly (which should already exist) to accommodate urgent/emergency access changes.

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

These tools vary by party. Generally road managers require to be able to assess:

- Swept paths
- Suitability of structures

This will depend on the expertise and tools available in house. If not regularly used these skills will not be available in house.

Council can assess swept paths in house if required using software however does not have the experts require to undertake a load assessment of a structure. There is limited opportunity to modernise the tools required rather it is having easy access to the tools that is important.

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

Pre-approving and gazetting routes is a proactive approach.

This needs to be supported to continue operating as it currently is. Issues for why routes are may not be pre-approved or gazetted could be investigated to find ways for how to accelerate access decisions.

**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?**

The current aspects is generally working and most issues are process and resourcing related. If any changes should be made it should be to clarify the existing roles and expectations of these roles. This includes the operator's responsibilities.

The operator should be responsible for proving that the route is suitable, and the most appropriate route, to the satisfaction of the road manager, at the operators expense unless otherwise agreed. The majority of improvements that can be made rely on improving resources at all levels and improved education. It would also be more efficient if the journey planner tool on the NHVR portal gave greater weighting to pre-approved and gazetted routes even if it results in a slightly longer trip as this can be a source of delays when the request did not need to be seen by the road manager.

**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?**

Improvements in the processes to allow road managers to easily view previous decisions for roads would greatly improve consistency. Currently this primarily relies on the assessor's memory, which doesn't work if it's not the same person assessing. Pre-approved and gazetted networks (including conditions) generally can assist with providing consistency and improving the time.

Most decisions are documented within the NHVR portal which allows for transparency. It may be possible to provide a database of decisions for roads so all parties can see what has previously been decided. This would require identifying what information should be made available. Given that some decision making is internally within an organisation or only within the portal there could be issues with getting more information. This may need to be arranged through a freedom of information system.

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

Asset managers are ultimately responsible for assessing that the route is suitable for the proposed vehicle. This includes third party asset managers such as utility companies that should be treated the same as road managers in being responsible for ensuring their asset is suitable. Third party asset owners may be able to have the option of entering into an arrangement with a road manager to manage this responsibility.

Vehicle operators have a responsibility to follow any conditions and ensure their vehicle complies with the details in the permit.

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

Any method of managing accountability needs to ensure it doesn't make it harder for a party to meet their requirements in the access process. An incentive system to motivate road managers would be preferable.

Operators should generally be encouraged to fulfil their requirements by getting improved response times.

Whilst an option of an external review of a road managers decision is possible this needs to be carefully considered as it may have significant safety and liability implications, especially if it can override a road manager decision. It may also impact on a road managers ability to manage the network in the intended way to also meet community expectations.