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Rock Logistics Submission to the National Transport Commission

HVNL Review: Consultation Regulation Impact Statement: Preliminary Issues

About Rock Logistics

Rock Logistics is fundamentally a 3PL provider who expressly provides its' services to the residential, industrial and commercial construction industry. We are an ON-TIME multi drop transport operator that conducts on average 3300 loads per month, which equates to 165 trips per day and 8-12 drops per trip.

Rock Logistics works directly with its' customers, predominately within the manufacturing/construction sectors, to ensure we provide a streamlined logistics solution across the supply chain, each month on average applying for 15-20 access permits for over-dimensional loads to travel on national, state and local road networks. This figure equates to approx..10% of our transport activities.

Introduction

This submission provides feedback regarding the National Transport Commission's (NTC) Consultation Regulation Impact Statement (CRIS) with our focus directed at Section 9 – Access. In addition our submission also highlights some areas of concern regarding the National Heavy Vehicle Regulator's (NHVR) 28 day statutory timeframes for decision making for over-dimensional load permit applications and restraints placed on industry in relation to fatigue specifically end of shift/journey statutory requirements.

Section 9 - Access

Under the current Heavy Vehicle National Law (HVNL), the authority to approve vehicle movement on a route for an OSOM vehicle lies with the NHVR who must liaise with State / Local road managers to obtain consent for each applied route. As part of that process, road managers are afforded a 28 day decision making timeframe in which to approve or refuse consent.

Rock Logistics has identified the main area of concern, and reasoning behind the vast majority of required permit applications, relates directly to the first and last 500m – 1 km of a given journey. This section of the journey will typically be within a local or council road manager jurisdiction, where Gazetted limits have been exceeded.

Rock Logistics has always complied with the requirements imposed on our operations with regard to over-dimensional load permits for all loads exceeding mandated dimension limits.

Under the current system/framework, Rock Logistics has experienced exponential costs, unacceptable delays, unnecessary administrative burdens and lost productivity. As such, Rock Logistics supports the NTC's findings that the current process 'does not provide the best possible balance between costs and delay costs on industry'.



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In addition, Rock Logistics has identified a concerning trend relating to the understanding of the consent process as part of the access permit application from predominately local road managers (i.e. Council). Rock Logistics has experienced many cases where consent was delayed, and in some cases refused, due to inexperience shown by local road managers.

In this submission, Rock Logistics is seeking a more efficient, timely and cost effective decision making framework, in addition a commitment from the NHVR regarding the education of local road managers in relation to consents and enforcement.

Recommendations

Section 9 – Access - In order to achieve a more robust, transparent, simple and effective Access Permit system, Rock Logistics recommends the following:

1. A complete review and reduction in the statutory consent timeframes for OSOM permit applications from 28 days to 48 hours;
2. Permit applications that result in a non-response within that timeframe to be granted access;
3. Clear direction and education to be formulated with local road managers (i.e. Council Representatives) with regard to granting consent, enforcement and statutory timeframes;
4. Enforcement of the reduced timeframes, which would compel road managers to respond to application requests within those timeframes, or applications would be delegated and approved on their behalf, and
5. Increasing local roads (council) to dimensions in-line with current gazetted roads up to a maximum 30m length, or have identified roads “fit for purpose” included in gazette notices, therefore reducing the quantity of permit applications through local road managers.

(e.g. Rock Logistics is based out of the BlueScope site at 128 Russell St, Emu Plains NSW. All OSOM loads depart this site and travel south toward the M4 Motorway. Russell St is a local road manager jurisdiction requiring us to apply for permit for every OSOM that departs the site to travel the approx..2km’s up to the M4 intersection)

In addition, Rock Logistics supports the NTC in suggesting the following reforms:

- Option 9.4 Increasing the responsiveness of Access Permit consents
- Option 9.3a Amendments to permit timeframes and procedures
- Option 9.3b Providing for review of access decisions by a third party

Rock Logistics Experience with NHVR Permit Access Process / Portal

1. 28 Day Time Frame vs Customer Response to Request

Currently, there are no consequences arising for road managers for non-response to permit applications that exceed the statutory timeframes. However, customers who fail to respond within 1 week of an “Additional Request for Information” have their application cancelled.



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Per Month, Rock Logistics would apply for an average of 15 – 20 over-dimension permits on the NHVR Portal at a cost of \$76.00 per application (plus addition administrative costs). In many cases there is a significant delay in response, predominately from local road managers (i.e. Councils), as shown below:

Permit Case No	Application	Application type	Case progress	Case status	Durations	Submitted date
413595	New Permit	Oversize and/or Overmas...	Progress bar	Assigned	1d	17-Nov-2020
413593	New Permit	Oversize and/or Overmas...	Progress bar	Assigned	1d	17-Nov-2020
408016r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	1 18d	29-Oct-2020
407989r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	1 16d	29-Oct-2020
407981r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	1 18d	29-Oct-2020
407975r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	1 16d	29-Oct-2020
403471r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Customer Info Req	1d 27d	16-Oct-2020
395431r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	6d 49d	24-Sep-2020
381714r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	5d 79d	25-Aug-2020
378195r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	5 14d 71d	19-Aug-2020
373908r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	5 99d	06-Aug-2020
365404r1v1	New Permit	Oversize and/or Overmas...	Progress bar	Consent Requested	4 121d	16-Jul-2020

In addition, a review of Rock Logistics access permit applications made for the period Jan – Oct 2020 has shown an unacceptable delay in returning consents for approval to access given routes, as shown below:

Number of Permits (req'd for State Roads > 30m)	32	28.83%
Number of Permits (req'd for Council Roads > 25m)	79	71.17%
TOTAL NUMBER OF PERMITS	111	

Average	16	DAYS
Best	1	DAYS
Worst	113	DAYS

2. Access – Clearance Authority Letters (CAL)

The National Heavy Vehicle Regulator (NHVR) coordinates a range of access applications from start to finish. This involves liaising directly with road managers (both state and territory road authorities) and local governments to manage applications and issue permits.

As part of arranging access to the road network, heavy vehicle operators may seek a Clearance Authority Letter (CAL) from road managers (such as local councils) and third-parties (such as utility companies).



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Rock Logistics has written to 133 (NSW) and 82 (VIC) municipalities requesting an increase in overall vehicle length up to 30m, in line with the current gazetted maximum on those states roads. In response to these requests, Rock Logistics has received the following information:

CAL Received - Approving the change	15
CAL Received - Rejecting the change	85
No Response	115

It is Rock Logistics opinion that whilst this option is available to transport operators to potentially expedite the permit application timeframes, data shows that the vast majority of councils are reluctant to approve such an authority, in favour of dealing with applications on a case by case basis. Overwhelmingly, it would seem, this process does not work or is not readily understood by the local road managers.

CRIS Questions for Stakeholders

As detailed in the recommendations put forward in this submission, Rock Logistics supports the following options presented in the Impact Statement:

- Option 9.4 Increasing the responsiveness of Access Permit consents
- Option 9.3a Amendments to permit timeframes and procedures
- Option 9.3b Providing for review of access decisions by a third party

In answering the NTC's question for stake holders, under option 9.3A, which option would provide a more transparent, quick and cost-effective decisions? Rock Logistics supports that option 1 in 9A would result in a more transparent outcome, however there is still likely to be cost and timeframe issues.

Option 1 in 9.3 stipulates that *'The road manager would need to indicate to the applicant via the portal whether a route assessment is required within the first 7 days of receiving the application.'* This is necessary, because it ensures that road managers are acting on part of applications in an efficient and transparent manner however it is unlikely to fix the time and costing issues as there is no change in timeframe for the decision as a whole. Rock Logistics believes that while in theory this option will compel road managers to act with efficiency – it is unlikely to be successful unless there is a penalty or a default granting access where no response received.

The above points make apparent the need for an external review system, to ensure permits are delivered within the statutory time frame. As such, Rock Logistics supports option 9.3 which would enable an applicant to have their access decision reviewed by a third party. Under the current decisions made by road managers are not subject to an external appeal which means there is no repercussions if applications are not met in time.

CRIS Question 9.14 Are there any other policy options or refinements to these policy options which you think should be considered?

As indicated above, Rock Logistics seeks a change to the statutory decision-making period for over-dimensional load permit applications from 28 days to 48 hours, with a non-response resulting in access being granted. To ensure enforcement of the framework, there needs to be an implementation of regulation which would compel a response to an application request if timeframes are not met. As it currently stands, with no enforcement rules or regulation in place, it is easy for the NHVR and road managers to miss the statutory deadline as there are no repercussions in place if they do. By



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reducing the time frame and incorporating enforcement regulations there is more chance of a reduction in delays associated with the issuing of permits and subsequently lower costs.

For Rock Logistics specifically, this would notably reduce delays in the transport task and reduce frustration for our customers, whilst assisting with operational priorities.

Conclusion

Rock Logistics believes that for the NHVR, State and Local Road Managers to provide a more efficient and productive transport industry, significant reform of the Access Permit Processes are needing to be undertaken. Moreover the reduction of the statutory timeframes for consent approvals will go a long way to improving transport movement across the country. Implementation of enforcement rules around meeting stipulated future timeframes is key to satisfying the transport industry frustration regarding permit issuance delays.

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