

Draft

LGNSW Submission on *HVNL Review*

Consultation Regulation Impact Statement

November 2020

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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 proposals outlined in *HVNL Review Consultation Regulation Impact Statement*.

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 obstacles preventing the legislation from achieving its potential effectiveness, as has been outlined in the issues paper previously released by the National Transport Commission (NTC). As stated in our submissions to Issues Paper 1 (*Risk-based approach to regulating heavy vehicles*) and Issues Paper 2 (*Easy Access to Suitable Routes*), 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, the reduction in road asset lifespans (and the ongoing lack of adequate 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, even when the risks to infrastructure and road safety may otherwise call for a refusal.

As road managers, councils are left picking up the costs of increased freight movement and it is clear that the NTC review process has been heavily skewed toward addressing the interests of industry at the expense of councils. Councils have warned LGNSW that the road maintenance task is already unsustainable and if there isn't a long-term, sustained and planned program of government investment in local road infrastructure to address first and last mile bottlenecks, access for freight is in danger of becoming further constrained.

This view is only likely to be reinforced by detailed network assessments which are likely to show that, if anything, councils have been taking on greater risk than has been recognised and that routes that are currently open to restricted access vehicles should be closed. 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.

As such, LGNSW strongly cautions against any changes to the HVNL that would 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 *HVNL Review Consultation Regulation Impact Statement* is to identify reforms that could improve the effectiveness of the HVNL.
- The aim of reforming the HVNL is to deliver a modern risk-based and outcomes-focused HVNL that will:
 - Improve road safety for all road users
 - Support increased economic productivity and innovation
 - Simplify administration and enforcement of the law
 - Support the use of new technologies and methods of operation, and
 - Provide flexible, outcome-focused compliance options

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.¹

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.²

4. Focus of this submission

As the RIS explains, the “power to authorise a route for a RAV lies with the NHVR, but the NHVR must liaise with road managers (generally state and local government agencies) to obtain consent for each applied route. Consequently, the key area of interest for LGNSW and councils in NSW in the RIS is Chapter 9 Access.

5. 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

¹ https://www.lgnsw.org.au/files/imce-uploads/386/LGNSW_Advocacy_Priorities_2019.pdf

² <https://alga.asn.au/policy-centre/infrastructure/first-last-mile-strategy/>

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 remains 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 the best placed of the road authorities geographically to determine where a local route is suitable for access by an otherwise restricted access vehicle as defined within the current legislation. 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 without posing significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions

The NTC's previously published *Easy Access to Suitable Routes* Issues Paper did not provide any compelling data or evidence that demonstrates 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 the current access regime is working well and continues to improve:

- 96 percent of permit applications are approved;
- only 4 percent of applications are declined³; and
- most are processed and approved within 7 days⁴ – only 7 percent of applications take longer.

It is not unreasonable to come to the conclusion 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 do not accept 'No' responses, despite decisions being made well within the boundaries of the legislation. Refusals are made because local road networks vary greatly in their capacity to support freight movement.

Ongoing collaboration, cooperation and communication, rather than legislative changes targeting access, 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 Vehicles⁵. 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 where data shows access on certain routes is regularly approved. However, LGNSW only supports this on the basis individual councils have the choice and support entering into any such arrangements. This is to protect infrastructure from damage, mitigate against negative impacts on community amenity and maintain road safety for all road users as per the current HVNL access principles. The RIS access proposals do not appear to acknowledge that the current legislation was introduced with a sound rationale and there is no evidence that has been provided that would warrant any changes other than industry calls for change driven as much by profit as claims of productivity gains.

³ NTC *Easy access to suitable routes* Issues Paper, June 2019, (p.38)

⁴ NTC *Easy access to suitable routes* Issues Paper, June 2019, (p.11)

⁵ <https://www.nhvr.gov.au/news/2019/07/22/new-crane-notices-to-simplify-access-on-nsw-roads>

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 support restricted access vehicle movements sustainably and safely. NTC proposals to introduce a review process for access refusals made by councils is only going to detract from councils' ability to process other applications in a timely manner. This is particularly the case for smaller rural and regional councils who already face resourcing challenges.

Therefore 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 Inquiry⁶. This could make it easier for councils to ascertain the suitability of their network and road traffic conditions more quickly to support restricted access vehicle movements safely and sustainably. 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 hundreds 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.

It must also be remembered, and acknowledged, that councils are at the coalface in dealing with and managing complaints from the community about HV access and are ultimately accountable to their communities for the decisions made on their behalf.

⁶ https://www.infrastructure.gov.au/vehicles/vehicle_regulation/ris/index.aspx

6. Responses to RIS Suitable Routes Options

Q 9.1 Is it reasonable to increase mass and dimension limits for general access? Under option 9.1, which sub-option would be the preferred way to increase mass and dimension limits? [Enhanced General Access (RIS option 9.1e. See also alternative RIS options 9.1a, 9.1b, 9.1c and 9.1d)]

This option would allow vehicles to operate at up to concessional mass limits (CML) and up to 20-metre lengths, provided those vehicles meet a set of criteria such as specific vehicle safety features or emissions standards.

As the RIS itself explains, “General access limits have not changed since the 1990s due to unresolved policy and engineering issues. Mass and dimension limits have not kept pace with advances in the heavy vehicle fleet, despite vehicles becoming safer, more efficient and longer over the past 30 years.” These matters of access are related directly to the capacity of the infrastructure on first and last mile access routes. This is directly related to investment available at the time of construction and the investment available to maintain them. Using a revised HVNL as an instrument or tool to “shoe-horn” vehicles that cannot be supported by the existing road network is not the solution to supporting increased mass on the local road network in particular. What is required are network assessments and targeted investment in first and last mile bottlenecks identified so that vehicles with increased dimension and mass can be safely and sustainably supported.

As such, LGNSW is not of the view that it is reasonable to increase mass and dimensions for general access and does not support the options presented. If forced to choose, Option 9.1e is the most balanced on the basis that Onboard Mass System (OBM) system data is made available to road managers on a real-time basis to monitor risk to network infrastructure and general road user safety. However, it is by no means a preferred option. The proposition for council road managers is relatively straightforward – if a vehicle (its mass and dimensions) can be safely and sustainably supported by the road network, then access approval is granted. To broaden the legislation to allow vehicles to move on anywhere on the network under the banner of “General Access” is only likely to lead to further premature deterioration in the lifespan of local road networks and related declines in bridges and other road-related infrastructure.

LGNSW Position: LGNSW does not support changes that would grant General Access to concessional mass limit vehicles as the current levels of investment in the road network is struggling to keep up with existing freight movements.

Q 9.4 Under sub-option 9.2a, what would be the costs and benefits of a precedent approach for operators and road managers? [Expedited decision-making based on risk and precedent (RIS option 9.2a)]

The future law could support expedited decision-making for equivalent or lower risk applications.

The current HVNL provides an expedited process for a narrow set of access decisions, which allows a quick response. This process would not be limited to permit renewals but applied as far as is reasonable in the future law.

On the surface, this option appears reasonable. However, this is a solution that could be pursued under the current legislative arrangements and does not require any amendment to the law. As the RIS outlines, “In 2019 around one-third of consent applications were for the renewal of previously granted mass or dimension authorities.” The NHVR can use this data under the current legislative regime to work with councils, as they have been since inception, to identify opportunities for time-limited gazettals or for extended period permit approvals.

Councils however, need to be closely consulted around these arrangements as, ultimately, they are the road authority closest to the road network in question and understand the capacity, sustainability and road safety risks. Raw data, such as presented the risk, does not paint the full picture of the level of risk in each individual instance. Where implemented, there are obvious benefits for both councils and operators in reduced administrative burdens and turnaround times.

Once again, to use a revised HVNL to drive productivity is a blunt instrument that does not take into account the unique circumstances of the road network in each LGA. This increases the risk of infrastructure failure as well as increase the risk to other road users on roads that might otherwise be marginal at best to support restricted access freight movement.

LGNSW Position: Legislative changes are not required to make this proposal possible as it is already occurring under the current legislation.

Q 9.5 Would road managers exercise the delegation power proposed in 9.2b? Why or why not? [Allow road managers to delegate decision-making (RIS option 9.2b)]

The future HVNL may allow road managers to delegate their access decision-making powers, whether on a case-by-case basis, by particular criteria (such as all oversize over-mass applications) or in entirety.

Delegates, by mutual agreement, may be officers in road authorities, other local governments, private enterprise or the NHVR. This could assist road managers who have limited capacity or expertise to ensure decisions are made quickly and with due consideration.

There may be some councils who might wish to exercise a delegation power for access decisions to another nearby council/road authority. This could help with resource sharing and help address skills shortages where they exist. LGNSW would support this proposal on the proviso that councils have the option to delegate at their discretion, but also for the councils to choose to have the delegation returned should their circumstances change.

However, LGNSW strongly opposes the suggestion made in the RIS regarding access delegations handed off to a “private business or any other suitably-qualified person” as this is only likely to increase risk to networks and road safety. As has been seen in the deregulation of the building industry in NSW, third-party building certifiers have failed to undertake their duties appropriately. A revised HVNL that permitted third-party certification would open itself to very high levels of risk as remote access decisions based on the information currently available are simply unsafe. A fully informed understanding of local road conditions is needed.

LGNSW Position: LGNSW supports the proposal to give road managers, strictly at their discretion, the ability to delegate their access decision making authority. This delegation should also be reversible, should a road manager choose.

Q 9.6 Would operators benefit and use a geospatial map as proposed in 9.2c? What would be the costs for road managers to input the data and keep it updated? [Consolidated and shared authorisations and access precedents (RIS option 9.2c)]

The future law may establish a ‘single source of truth’ geospatial map that provides authoritative information on approved routes, ‘no go’ zones and precedents for access decisions.

LGNSW notes that there are several mapping and route assessment projects currently underway. These are:

- National Heavy Vehicle Regulator’s - National Spatial Solutions Program.

- State Growth Tasmania and Local Government assessment and representation of access.
- Austroads – Road Asset Data Standard - which is looking at the development and maintenance of data standard and priority datasets.
- Transport Certification Australia – and the programs and services they provide in relation to telematics and related spatial information from higher productivity freight vehicles.

It is essential that any proposal in the RIS made by the NTC takes into account these various projects and leverages them in order to achieve the proposed geospatial map outlined in 9.2c. Geospatial data is a key component of developing end-to-end freight routes and will help with the identification of first and last mile pinch points. It will play an important role in a whole of network assessment. Developing a systematic and consistent approach to how this is to be implemented will be vital. This will mean close engagement with councils/road managers by the system developers so the solution will minimise the impact on council resources and will have minimal cost implications. If cost implications are substantial, Australian Government and/or NSW Government funding will need to be considered.

LGNSW Position: LGNSW supports proposal for the development of a geospatial map on the basis that councils/road managers are closely engaged in its development, impact on staffing is minimised and any substantial cost impacts are picked up by the Australian and State governments.

Q9.8 Under option 9.2d, which option would provide more transparent, quick and cost-effective decisions? [Focused vehicle classification (RIS option 9.2d (sub-option 2). See also alternative RIS option 9.2d (sub-option 1)]

The future law might classify vehicles by the relevant factors for a given issue (such as access authorisation needed for access decisions or mass for off-route penalties), rather than applying all possible factors to create a singular classification for each vehicle or combination.

This approach would remove a range of perverse consequential issues in the current HVNL and make the law clearer for operators and enforcement.

A vehicle classification system remains 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 2018 Review of Oversize Overmass (OSOM) Access Arrangements. Currently, there are 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.

However, any potential revision of the existing classification approach should not be viewed as an opportunity to categorise more vehicles that are currently listed as Restricted Access into a more loosely defined General Access class. The current classification scheme was established upon a sound rationale and even if heavy vehicle technology has improved, the existing road network infrastructure on local roads in particular remains limited in its capacity to support vehicle mass and dimensions. Like the proposals in RIS regarding CML and General Access, local road networks vary considerably, and this must always be factored before any sweeping changes are made that might work in some circumstances, but not all. Failure to accommodate for this risks damage to critical infrastructure and road safety.

LGNSW Position: Option 2 is supported in principle on the proviso that it does not dilute the current definition of General Access vehicles.

Comments in relation to ‘Amendments to access decision-making criteria (RIS option 9.2f)’

The future law may require road managers to consider requests for access consent regarding strategic network considerations and the impacts that could arise from fleet effects rather than just individual vehicles. This would apply in addition to current considerations.

Many, if not most, councils have already developed strategic transport plans for their local road networks. This approach to considering network access would align with existing council approaches to road network planning as a result. It could also be beneficial in helping to ensure funding is directed to those parts of the network that are presenting as bottlenecks to the most efficient and direct freight routes. However, in order to be able to achieve this level of network planning, the industry must provide vehicle telemetry in return so that councils and other government agencies have a much better understanding of how the existing road network is being utilized and consumed by freight operators.

LGNSW Position: This proposal is supported on the proviso that freight operators provide the necessary telemetry in order to allow councils to make appropriate whole of local road network access decisions.

Q 9.8 Under option 9.3a, which option would provide more transparent, quick and cost-effective decisions? [Revised time limits for road manager and road authority consents (RIS option 9.3a)]

The future HVNL would foster faster decision resolution with a two-stage statutory timeframe. Road managers would have up to seven days to advise whether a route assessment is required, and the remainder of the 28 days to make a decision on consent and conditions and advise the regulator.

If road managers do not advise the NHVR about a route assessment or an access decision within statutory timeframes, the NHVR may deem the road manager to have referred the access decision and forward the request to the road authority.

The same timeframes would apply to road authorities: no response within the relevant timeframes results in a deemed refusal decision.

This approach shortens the time to determine whether a route assessment is required and fixes the decision-making process failure caused by a nil response.

The access decision making timeframe data provided by the NHVR in the RIS for 2019 does not establish the need to change the current statutory decision-making period of 28 days. As the RIS acknowledges, 80 percent of access decisions are made within the statutory timeframe. Reducing the access decision making period to seven days is only going to increase the administrative burden on road managers. This could end up being counter-productive with pressured road managers more likely to issue a refusal as the time frame to properly assess applications will have been reduced. The RIS (or previous NTC Issues Papers) have done little if anything to identify the root cause of the problem. If some road managers/councils are taking longer to process applications, it implies a lack of appropriate council funding and resourcing. The solution rather, would either be to give these councils longer to process applications, or provide them with the necessary funding and resourcing to meet existing statutory timeframes. Alternatively, the Australian and State governments could consider targeting specific council LGAs where this is problematic with increased road funding that is ideally, the best solution to improving road access for restricted access vehicles.

LGNSW Position: LGNSW does not support the proposals under option 9.3a to introduce an initial 7-day review period. Rather than pressuring road managers further with faster turnaround times, councils need to be provided with either more time or better resourcing in instances where application processing times are falling outside of the current 28-day statutory period.

Q 9.9 Under option 9.3b, which option would provide the right level of review? Would operators and road managers spend time and money seeking an external review?
[Reviewability of access decision-making (RIS option 9.3b)]

Under the future law, operators could seek a process review (not a decision-merit review) of access decision-making with either the NHVR or the relevant jurisdiction based administrative tribunal.

This will encourage transparency and ensure due consideration is given to access requests.

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 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. Further, 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.

LGNSW does not see a legitimate case to introduce an external review process, given that only 4 percent of applications are declined according to the NHVR. 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. The proposal once again seeks to use a revised HVNL to potentially bully road managers into making inappropriate access decisions when the refusal is not the underlying problem. The underlying problem with any access decision is the highly variable condition of the road network. The freight industry needs to understand that road managers do not make access decisions lightly and often take on more risk in granting access than is generally acknowledged.

Road managers remain best placed to make access decisions and the HVNL should not be used as a tool to potentially override local decision making by parties completely unfamiliar with local road conditions. Further, the amount of money that would need to be injected into such bureaucratic overreach would be better invested in the road network.

LGNSW Position: LGNSW does not support the options presented under 9.3b. There is simply no justification other than appeasing industry lobbyists for the introduction of an external review system.

Q 9.10 Would the structure proposed in option 9.4 be responsive to future changes?
[Move the restricted access decision-making process to business rules (RIS option 9.4)]

The access decision-making process could be moved from primary legislation to regulations or standards, allowing refinement as needed while maintaining ministerial oversight.

LGNSW does not support moving the access decision-making process from the primary legislation to the regulations or standards. While this will undoubtedly increase the responsiveness of changes to the access decision making process, it is of deep concern to LGNSW that the stated aim of this change is to increase “the responsiveness of access decision-making.” It is clear this is a further attempt to undermine road managers who are incorrectly and wrongly perceived as the bottleneck when it comes to providing appropriate

and safe access to the local road networks that they manage. This manoeuvre has the potential to by-pass road managers all together but would continue to leave them with both footing the bill for damage to the road networks and related infrastructure while also increasing the danger to other road users created by larger, longer vehicles with increased mass and dimensions. While it is true that the road freight needs to be carried out, it should always be carried out in accordance with the fundamental principles of sustainability, amenity and safety as is currently the case under the existing HVNL. Parliamentary oversight and scrutiny are fundamental components of any legislative regime, which also act to ensure the integrity and accountability of those funded and tasked with implementing and enforcing the legislation.

LGNSW Position: LGNSW does not support moving the access decision-making process from primary legislation to regulations or standards under any circumstances as it is a clear attempt to circumvent the authority of councils as road managers.

7. Concluding remarks

The RIS options outlined regarding access decision making processes do not appear to be driven by fundamental issues with the legislation. Rather, the RIS options presented appear to be directed at using revisions in the legislation to unfairly target road managers for issues related to access. If there are issues related to heavy vehicle access on local road networks, it is not the fault of the existing legislation, and as the access processing data shows, rarely are councils/road managers to blame. In most instances it is because of the chronic under investment in local road infrastructure over many decades. Any changes in a revised HVNL must be strongly supported by evidence and not erode the vital role that road managers play in ensuring the long-term sustainability and viability of the road network. If the NTC pursues options that LGNSW has not supported it will lead to substantial road wear and tear, reduced asset life and could have road safety implications. Legislative change should not be driven by industry desire to see road managers strong-armed or to patch over the fundamental issues with the road network.

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