



Every Queensland  
community deserves  
to be a liveable one

24 November 2023

Attn: Michael Hopkins  
CEO and Commissioner  
Heavy Vehicle National Law (HVNL) Consultation Regulation Impact Statement  
National Transport Commission

Email: [mhopkins@ntc.gov.au](mailto:mhopkins@ntc.gov.au)

Dear Mr Hopkins

**RE: LGAQ Submission – Consultation Regulatory Impact Statement (C-RIS) – Reforms to Heavy Vehicle National Law (HVNL)**

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide feedback to the National Transport Commission on the Reforms to Heavy Vehicle National Law (HVNL) Consultation Regulation Impact Statement (C-RIS).

The LGAQ is the peak body for local government in Queensland, advising, supporting, and representing local councils since 1896, enabling 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 providing them with the means to achieve community, professional and political excellence.

Local government is primarily the road manager for the 'first and last mile' of most heavy vehicle routes nationally. Councils are responsible for assessing route suitability, taking into consideration the safety of all road users and the protection of infrastructure whilst acknowledging the need to support the local economy.

As heavy vehicles have the potential to critically damage infrastructure and negatively impact road safety, the role of road manager for first and last mile trips is of utmost importance to local government in ensuring the suitability of access to their communities.

One of the greatest challenges local governments are currently faced with is the widening gap between funding availability and escalating labour and material costs. Nationally, local governments collect just over three per cent of total taxation revenue but have responsibility for more than 30 per cent of the nation's public infrastructure.

Specifically in Queensland, local government is responsible for more than \$150 billion in community assets, including more than 150,000km of local roads, and about 2800 bridges. This requires significant investment to ensure these assets are fit for purpose, which is a key component of keeping Queensland's freight network operational.

Recognising the impact heavy vehicle access has on local government networks, and the importance of ongoing investment, Queensland councils passed the following resolution at the 2022 LGAQ Annual Conference:

**Resolution #60 – National Heavy Vehicle Regulator Cost Recovery on Over Dimension Permits**

The resolution asks the LGAQ to call on:

1. The State Government and its responsible State Minister to amend the Heavy Vehicle National Law Act 2012 (QLD) and Heavy Vehicle National Law Regulation 2014 to ensure fees collected



- for access permits by the National Heavy Vehicle Regulator include a component that is reimbursed to the Local Government Road Manager and;
2. The Federal Government and the responsible Commonwealth Minister to ensure the Heavy Vehicle National Law Act 2012 (QLD) and Heavy Vehicle National Law Regulation 2014 is updated to ensure that fees collected for access permits by the National Heavy Vehicle Regulator include a component that is reimbursed to the Local Government Road Manager.

Overall, the proposed alterations to the HVNL outlined in the C-RIS raise significant concerns regarding the potential impact to both road safety and the condition of local government owned assets.

While there is possibility of short-term productivity gains for the heavy vehicle industry, the lack of a clear evidence base supporting the proposed changes indicates these changes need to be better understood prior to being enacted. A key concern is that the proposed changes do not adequately consider the critical issue of cost impacts to local government, leaving potential financial repercussions unaddressed.

The LGAQ has included detailed feedback in **Attachment 1** regarding six consultation questions posed in the C-RIS, primarily focused on the proposed changes to access arrangements, which is most relevant to local government. In addition, we highlight the components of this C-RIS where Queensland local governments have voiced concerns around the changes, or where further clarity and consultation is required.

In considering the proposed reforms, the LGAQ has made seven key recommendations aimed at providing additional clarification and supporting evidence to demonstrate the suitability of the proposed changes contained in the C-RIS, particularly to general access limits for length, height and mass. These recommendations include:

- **Recommendation 1** – The LGAQ recommends equivalent standard axles (ESA) values per combination are recalculated to allow local government to review potential impacts and the design life of pavements.
  - **Recommendation 2** - The LGAQ recommends the National Transport Commission (NTC) monitor heavy vehicle road crash data particularly on key freight routes to ensure there are no negative road safety impacts should GML (general mass limits) replace CML (concessional mass limits), and the requirement for NHVAS accreditation be removed.
  - **Recommendation 3** - The LGAQ does not support the proposal for increased heights. The LGAQ recommends that the requirement for special consents to be obtained for vehicles operating at 4.6 metres in height is retained, noting the continued impact to local infrastructure.
  - **Recommendation 4** – The LGAQ recommends the ability to operate at increased vehicle length limits remains within the Performance Based Standards (PBS) Scheme.
  - **Recommendation 5** – The LGAQ does not support the proposal for increased vehicle length. The LGAQ recommends further evidence of suitability and a local road network assessment to allow an in-depth evaluation of risk.
  - **Recommendation 6** – The LGAQ recommends that impacts to asset condition and road safety as a result of cumulative vehicle height, length and mass increases are further investigated to allow greater evaluation by local government.
  - **Recommendation 7** - The LGAQ recommends an imperative cost recovery mechanism is implemented prior to further expanding upon existing general access vehicle arrangements. The 2022 LGAQ Annual Conference resolution cited above highlights the significant cost impact borne by local government in facilitating freight activity, emphasising the importance of this initiative.
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Importantly, these recommendations align with the LGAQ Policy Statement, which is the definitive statement of the collective voice of local government in Queensland, and contains several statements of relevance to the HVNL reform including:

- *8.1.2.2 Local government accepts responsibility for effective management and maintenance of the local road network by adopting professional asset management standards, maximising productivity gains, seeking and applying the most effective technology, and setting priorities that provide required levels of access in the most cost-effective manner.*
- *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.*
- *8.1.5.2 Local government should be engaged as a legitimate partner in the Heavy Vehicle Road Reform being pursued at the national level, especially with reference to the development and negotiation of the proposed intergovernmental funding agreement.*
- *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.*
- *8.1.5.7 Local government calls on the Federal and State governments to provide adequate funding to repair damage to roads associated with heavy vehicle use, and to upgrade or construct roads, including bridges and culverts, to facilitate improved heavy vehicle access.*

Thank you again to the National Transport Commission for the opportunity to provide feedback on the HVNL C-RIS. Please do not hesitate to contact Jarrod Hellmuth, Lead – Roads and Transport via email at [jarrod\\_hellmuth@lgaq.asn.au](mailto:jarrod_hellmuth@lgaq.asn.au) or phone 07 3000 2237 should you wish to discuss any aspect of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alison Smith', written in a cursive style.

Alison Smith  
CHIEF EXECUTIVE OFFICER

## ATTACHMENT 1: LGAQ Comments on relevant C-RIS Consultation Questions

C-RIS Consultation Question	LGAQ Comment
<p><b>Question 15: Which option (either Option 4a or 4b) would deliver the greatest benefit? Which would have the simpler implementation pathway? Please give reasons in your response.</b></p>	<p>The LGAQ welcomes the benefits brought by Euro VI trucks including reduced emissions, enhanced productivity and improved safety features. However, we wish to draw attention to the disproportionate impact these vehicles pose to local governments. It is noted that there are significant productivity benefits stated within the C-RIS, however these primarily benefit operators within industry which results in local governments inheriting the cost associated with damage to infrastructure and increased wear and tear.</p> <p>Local government road managers face a challenge as they lack the ability to recoup any costs associated with road wear and tear. The provision of an additional 5% mass limits as a result of replacing GML with CML, as suggested in the options, does little to alleviate the strain of increased road wear. If local government were provided with a funding mechanism to recover costs associated with infrastructure degradation, Option 4a would be the preferred option subject to further analysis.</p>
<p><b>Question 18: Could reforms that make it easier for operators to operate at CML without the need for accreditation lead to any adverse outcomes to road safety or road infrastructure?</b></p>	<p>The National Heavy Vehicle Accreditation Scheme (NHVAS) was first offered to the heavy vehicle industry in 1999 as an alternative compliance system, which has been administered by the NHVR since 2014. Currently, for an operator to be permitted to use heavy vehicles at CML requires that they hold the Mass Management accreditation ensuring they meet eight standards. Under the mass management accreditation, operators are also required to ensure they have a loading system controlling both axle and gross mass within the parameters of CML.</p> <p>Reforms making it easier for operators to operate at CML may result in a further reduced level of care for the loading method/process, proceeding to operate over mass. Operators operating outside of their prescribed mass limits is an issue which is commonly observed throughout Queensland, posing a significant risk to both pavements and structures.</p>
<p><b>Question 20: Could reforms that make it easier for operators to operate at increased vehicle height limits lead to any adverse outcomes to road safety or road infrastructure? Are there options (e.g. vehicle or load type limitations) to mitigate any increased risk of adverse outcomes?</b></p>	<p>Several local governments have expressed concern at the proposal for general access vehicle height to be increased from 4.3 metres to 4.6 metres. In South East Queensland alone, there is approximately 74 rail bridges classified as 'low clearance' (&lt;4.6 metres), with 23 percent of these bridges having a clearance ranging from 4.3 metres to 4.6 metres. In the 2022/23 financial year alone, Queensland Rail recorded 67 bridge strikes across Queensland's Rail network. This continues to be a significant issue in Queensland, resulting in extensive infrastructure damage and community delays.</p> <p>Further to impacts to low clearance bridges, increasing the height for general access vehicles also creates an additional maintenance expense for local government through vegetation. For safety to be maintained in local road corridors, the height for vegetation canopy maintenance would need to be increased to ensure overhanging branches are not struck by heavy vehicles.</p>

	<p>It is acknowledged that under HVNL and the Australian Road Rules operators are obligated to safely navigate the road network, however in practice this does little to reduce the risk with bridge strikes.</p>
<p><b>Question 21: Given increased vehicle length limits already available to operators through existing PBS scheme and notices, would a general increase in vehicle length limits provide material productivity benefits (i.e. reductions in vehicle trips).</b></p>	<p>PBS vehicles are specifically designed to have a high level of performance and meet strict safety requirements to ensure they are suited to the road network. The PBS scheme is generally accepted by councils due to the detailed information the PBS approval process provides when granting access to local infrastructure. Providing the opportunity to operate at increased vehicle length limits to general vehicles also negatively impacts the PBS scheme, potentially deterring operators from adopting these vehicles which bring far greater benefits than simply increased dimensions.</p> <p>Further detail would be required to substantiate any productivity benefits and/or a potential reduction in vehicle trips associated with a length increase of 1 metre. These productivity benefits would also need to outweigh the impact to intersection design requirements and road safety.</p>
<p><b>Question 23: Could reforms that make it easier for operators to operate at increased vehicle length from 19 to 20m lead to any adverse outcomes to road safety or road infrastructure? Which risks would any regulatory conditions mitigate and what controls could be put in place?</b></p>	<p>The increase from 19 to 20 metres has the potential to impact access on local roads with abnormal geometric features. There are limited controls outside of the reconstruction of intersections/sub-standard curves to mitigate the potential road safety risk in this instance. Whilst it is noted signage may be seen as a control to limit load/length on certain routes, this is commonly ignored by motorists due to limited regulation of these conditions.</p> <p>Comparative swept paths between the existing and proposed vehicle arrangements are required to allow the examination of any swept path changes for intersection designs (due to impact to turning radii). The comparison of existing versus proposed swept paths will allow local government to quantify the potential impact on their networks and ascertain whether there is a significant risk associated with this change</p>
<p><b>Question 24: Do you have any comments on the cumulative impact of increasing general access limits for vehicle mass, length and height? Please give reasons and evidence where possible.</b></p>	<p>Whilst the direct impact to local government assets following the proposed HVNL reform is small in isolation, it is recommended that when briefing Ministers, the cumulative impact of these changes is acknowledged.</p> <p>As we transition to more emission-friendly vehicles such as electric trucks, there is an emerging trend of heavier and wider vehicles carrying freight on our road network compared to traditional diesel trucks. As we move forward with the adoption of these vehicles, there is an inevitable impact on both local government assets and road safety which warrants careful consideration and assessment. It is essential to ensure a fair and equitable distribution of economic benefits derived from increased productivity whilst also acknowledging the financial constraints faced by many local governments.</p>