



## **COMMUNITY LOCAL LAW GUIDELINES OFF STREET PARKING OF HEAVY VEHICLES Clause 99 (3)**

### **Clause**

**A person must not allow a heavy vehicle with a Gross Vehicle Mass (GVM) of 4.5 tonnes or more (laden or unladen) to be parked, kept, stored or repaired on any premises in an area zoned primarily for residential property under the Hobsons Bay Planning Scheme.**

**Clause 99 is to be read in conjunction with Hobsons Bay Planning Scheme (Home Occupation).**

### **Application**

**This clause applies to a vehicle with a Gross Vehicle Mass (GVM) of 4.5 tonnes or more and includes trucks and buses. Campervans, caravans and boats are not classified as heavy vehicles for the purpose of this clause. The clause shall apply to any heavy vehicle that is parked, kept, stored or repaired (regardless of frequency) on any premises in an area zoned primarily for residential purposes.**

### **Why have this Clause?**

**This law exists to protect the amenity of residential areas and to assist with the protection of Council assets. Vehicles over 4.5 tonnes generally have a larger motor and therefore have the potential to cause detriment to residents through noise and the smell of fumes. Local roads generally are not constructed to sustain the heavy weights of these vehicles.**

### **Requirements**

- **Noise to be in accordance with EPA guidelines,**
- **Regulations pertaining to other Acts to be complied with, i.e. Road Safety Act and Traffic Regulations,**
- **And the Planning and Environment Act,**
- **Permit to be issued to a particular address for a particular vehicle and nominated vehicle operator,**
- **Permits are not transferable, either from property to property, or from vehicle operator to vehicle operator,**
- **Storage of vehicle – parking of vehicle, details of location, etc. on site – NOTE:- Vacant blocks will not be considered as this will affect the use of the land under the Planning Scheme.**
- **The issuing of a permit for the parking of a heavy vehicle shall be limited to one permit per premises. An application for one additional permit may be**

accepted only in circumstances where existing use rights have been demonstrated in accordance with the Hobsons Bay Planning Scheme. In such cases one additional heavy vehicle may be parked on a premises provided the requirements of this guideline are complied with.

- When stored at the property the vehicle must not be loaded with dangerous or offensive materials,
- A condition controlling type of truck maintenance permitted on site, i.e. generally only very minor routine maintenance will be permitted on a residential property.

## Permit

Permits will not be required to be renewed annually. However, permits will expire at the end of a five-year period. The permit will remain in force until any of the detail on the permit changes i.e. either the nominated driver, the nominated vehicle or the address changes.

## Consideration

In deciding whether to grant a permit Council may take into consideration:-

- The likely impact on the residential amenity of the neighbourhood; and
- The level of noise emanating from the heavy vehicle; and
- The opinion of the immediate community; and
- Pedestrian and motorist safety; and
- Any damage likely to be caused to Council assets and street trees; and
- Fumes or related smells resulting from the parking of heavy vehicles; and
- The proximity of neighbouring habitable buildings to the storage area; and
- Whether the manoeuvring requirements of the vehicle and the carriageway width will permit the vehicle to safely enter the property without inconveniencing any other resident; and
- Any load restriction in force on the relevant road or surrounding roads; and
- Whether the property is of sufficient size and layout to enable the vehicle to be properly stored on the property; and
- Any other matter relevant to circumstances of the application.

## Conditions on Permit

The conditions of any permit may include:-

- Placement of screening trees and shrubs; and
- Prohibiting repairs and servicing of the heavy vehicle; and
- The location on the property where the heavy vehicle will be stored; and
- Times for entry and egress by the heavy vehicle to and from the property; and
- The condition and maintenance of the storage location;
- Installation of appropriate road crossover;
- Details of the permit holder and emergency contact numbers;
- Any other condition deemed appropriate.

## **Application Procedures**

The application procedures must be adhered to, to ensure a fair and equitable process is open to all truck drivers, that process is:-

- The truck driver must submit a completed application form.
- An inspection may take place by an Authorised Officer.
- The Council Officer may contact the adjoining properties to seek clarification.
- Permit will then either be issued or refused by the Authorised Officer.

## **Right of Appeal.**

The process of appeal to be followed if a person lodges an objection to a permit being refused:-

- An applicant or an objector to a permit may lodge an appeal against the decision of an Authorised Officer to grant or refuse a permit within 21 days of being notified.
- Council will formally consider all appeals and resolve accordingly.

## **Breach of Permit.**

Any breach of the conditions of the permit will be investigated by an Authorised Officer and may occur if:-

- Notice to Comply will be issued advising what condition of the permit is being breached and will state the time to correct or comply with the permit conditions,
- Failure to comply with the Notice to Comply may cause the permit to be cancelled,
- Failure to have a valid permit, then normal enforcement action will be instigated for failing to obey the Local Law.

## **Enforcement**

Where a truck operator has not applied for a permit the operator will be given notice to apply for a permit within 14 days. During the 14 day period no action will be taken against the truck operator unless there is a serious breach of other Council Local Laws or State legislation.

Failure to apply for a permit by the end of the 14 day period would initiate action to commence enforcement procedures for failing to comply with this Local Law.

## **Discretion**

Council Officers regulate this Local Law based only on justifiable complaints.

## **Penalties**

<b>On the spot penalty</b>	<b>\$200</b>
<b>Maximum Court Penalty</b>	<b>\$1,000.</b>



**COMMUNITY LOCAL LAW CLAUSE 99**

**APPLICATION FOR PERMIT TO ALLOW VEHICLE WEIGHING MORE THAN 4.5 TONNES TO  
BE PLACED ON RESIDENTIAL LAND**

**SECTIONS 1-6 OF THIS APPLICATION MUST BE COMPLETED.**

**FAILURE TO FULLY COMPLETE THE APPLICATION WILL RESULT IN THE APPLICATION  
BEING RETURNED TO THE APPLICANT AND A DELAY IN PROCESSING.**

**SECTION 1**

**APPLICANT DETAILS**

APPLICANTS NAME.....

APPLICANTS ADDRESS.....

PRIVATE PHONE NO:.....

BUSINESS PHONE NO:.....

PERMIT ADDRESS:.....

NAME AND ADDRESS OF REGISTERED OWNER OF VEHICLE IF DIFFERENT TO ABOVE

.....

**SECTION 2**

**VEHICLE DESCRIPTION**

REGISTRATION NO:.....

MAKE:..... YEAR/MODEL..... COLOUR:.....

TYPE ( EG TIPPER, ARTICULATED, TRAY ETC).....

ANCILLARY EQUIPMENT (Please tick appropriate YES OR NO box)

- |                 |     |                          |    |                          |
|-----------------|-----|--------------------------|----|--------------------------|
| • Axle Trailer  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| • Digger        | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| • Bob Cat       | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| • Refrigeration | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| • Air Brakes    | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

GVM WEIGHT..... TARE..... LENGTH OF VEHICLE.....

HEIGHT OF VEHICLE..... WIDTH OF VEHICLE.....

**SECTION 3**

**ADDITIONAL INFORMATION**

THE REASON FOR NEEDING TO GARAGE THE VEHICLE AT YOUR PROPERTY.....

.....

DISTANCE FROM NEIGHBOURING HOUSES.....

THE TIME VEHICLE WILL USUALLY LEAVES THE PROPERTY.....  AM  PM

THE TIME VEHICLE WILL USUALLY RETURN TO THE PROPERTY.....  AM  PM

**SECTION 4**

**ADVICE FROM PROPERTY OWNER (If renting) AND NEIGHBORS (Adjoining and across the road from your property) NOTIFIED OF ACTIVITY.**

A petition or separate letter from the property owner (If Renting) and each property owner/occupier including Name, Address is required to be included in the application. A neighbor may wish to lodge an objection to the proposal and Council will take their objection into account in determining whether to approve the application.

If this information is not included Council will notify neighbors which will prolong the application.

NAME	ADDRESS	SIGNATURE

## **SECTION 5**

### **A BLOCK PLAN WITH CLEAR LOCATION OF VEHICLE (Ancillary Equipment if applicable)**

A property plan must be attached (OR inserted below) to the application with the position of the vehicle and ancillary equipment is to be placed in..

**SECTION 6**

**DECLARATION**

I hereby apply to the Hobsons Bay City Council for a permit to keep a heavy vehicle as specified in this application.

**I certify that the particulars contained herein are true and correct.**

**SIGNATURE:**.....

**DATE:**.....

**NO APPLICATION WILL BE CONSIDERED UNLESS APPLICATION FEE IS RECEIVED AT THE TIME OF APPLICATION.**

OFFICE USE ONLY	<u>PERMIT NO:</u>	<u>ISSUED:</u>	<u>EXPIRES:</u>
<b>\$ 250.00</b> FEE	DATE: _____	RECEIPT NO: _____	LEDGER 11501.5660

