

Local Law Policy
Local Law No.30 (Parking of Heavy Vehicles in Residential Streets)

REDLAND SHIRE COUNCIL

Local Law Policy No.30 - Parking of Heavy Vehicles in Residential Streets

This Local Law Policy is to be read with Local Law No.30 (Parking of Heavy Vehicles in Residential Streets).

Made by Council resolution on 12/05/99.

Citation

1. This local law policy may be cited as Local Law Policy No.30 (Parking of Heavy Vehicles in Residential Streets).

Definitions

2. (1) In this Local Law Policy, the terms used shall, unless the context otherwise indicates or requires, have the meanings assigned to them by the Traffic Act, 1949 and Regulations thereunder.

- (2) In this Local Law Policy the following shall have the meanings shown: -

"authorised person" - means an officer or agent of the Council authorised either by Council resolution or by an officer or agent with appropriate delegated authority, to exercise the powers of an Authorised Person under the Local Law (Parking Of Heavy Vehicles In Residential Streets) or Local Law policies made thereunder.

"Chief Executive Officer" (CEO) - means the Chief Executive Officer of the Council or the person for the time being acting in that position.

"Council" - means the Council of the Redland Shire .

“heavy vehicle” means a vehicle, or combination of vehicles attached to each other, such that it, or the combination, has a gross vehicle mass (GVM) of more than 4.5 tonnes, or has a total length in excess of 7.5m. The term includes a trailer or semi-trailer standing alone, which has a GVM of 3 tonnes or has a length exceeding 5 metres. The term excludes any heavy vehicles specified for exclusion in a local law policy.

"industrial vehicle" - means a motor truck, articulated vehicle, articulated motor vehicle, prime mover, semi-trailer, motor omnibus, specially constructed vehicle, tractor, traction engineer or other motor vehicle constructed, fitted, equipped or used principally for industrial or commercial purposes but does not include a motor car.

“Local Law” – “Local Law” means Local Law No 30 (Parking of Heavy Vehicles in Residential Streets).

“permit” means a heavy vehicle parking permit issued under this Local Law.

"recreational vehicle" - means a motor home, caravan, caravan trailer and any similar vehicle used wholly or substantially for recreational purposes and includes a boat trailer, whether or not carrying a boat and any other trailer.

“residential area”:-

- (a) any area of the Redland Shire which may be designated in a local law policy; and
- (b) is contained within a residential zoning under the Town Plan for the Redland Shire.

"residential zoning" - means a zoning that is designated primarily for residential purposes under the Town Plan for the Redland Shire.

Classes of heavy vehicles (To be read with Section 9 of the Local Law)

3. (1) A person must not park a heavy vehicle with tracks on any road within 20m of a residential area.



Matters which must be addressed in the granting of a permit (To be read with Section 10(b) of the Local Law)

4. In considering an application for a permit the Council must address the following matters:-
- (a) Display of a permit label.
 - (b) Indemnifying the Council against any loss, damage, injury or death arising as a result of the granting or exercise of the rights granted by a permit.
 - (c) Parking while loaded with goods considered dangerous to persons or the environment.
 - (d) Relationship to other laws such as regulated parking, Traffic Act 1949, or any other Act controlling the use of the road.
 - (e) Prevention of damage to the road, kerb, footpath, trees, street furniture, utilities or other objects and the responsibility for compensation.
 - (f) Offensive smells or other nuisances created by goods or remains of goods including animals.
 - (g) Offensive or unsightly goods or signs
 - (h) restriction of parking to the location specified by description or plan, except when an exemption applies.
 - (i) Restriction to a vehicle or a vehicle of a maximum size, weight or characteristic.
 - (j) Washing, cleaning, maintaining or repairing heavy vehicles while parked.
 - (k) Use of refrigeration units.

Safety matters which must be addressed in the granting of a permit (To be read with Section 10(c) of the Local Law)

5. In considering an application for a permit the Council must address the following matters:-
- (a) That parking at the location or the use of roads to access or exit from a parking location, could create a safety risk to road users, pedestrians, or residents.
 - (b) That the vehicle has a load which could be considered dangerous to persons or the environment in the event of a fire, spillage, breakage or escape of some of the load or combination of the products loaded while the vehicle is parked.
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- (c) That the vehicle has a load, or the remains of a load which might cause a health or environmental risk.

Amenity matters which must be addressed in the granting of a permit (To be read with Section 10(d) of the Local Law)

6. In considering an application for a permit the Council must address the following matters:-
- (a) Noise, including the use of air start mechanisms, or other operations of the vehicle or the time of the day when such operations may take place, which may have a detrimental effect on the amenity of the area.
 - (b) The vehicle may have goods or signs visible which could be unacceptable to neighbors.
 - (c) The opinion of residents who might reasonably be expected to be affected by the parking of a heavy vehicle. For the purposes of this section the following procedure shall be followed:
 - (i) Residents shall be requested to respond to matters relating to the application within a specified time where residential buildings are within a 50 meter radius of the centre of the parking location.
 - (ii) Residents will be interviewed where possible, however, if necessary, a response by other means may be requested.
 - (iii) If the number of residential buildings where residents have a reasonable and valid objection to the permit being issued, after exploration of alternatives, exceed 25% of the number of residential buildings affected under (i), the amenity of the area shall be considered to be adversely affected and not satisfy the issue.
 - (iv) Where there are less than 4 residential buildings identified in (i), the issue shall be determined by Council.
 - (d) That the vehicle may have a load or the remains of a load which may cause an unpleasant smell.
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Matters which may be addressed in the granting of a permit (To be read with Section 10(e) of the Local Law)

- 7. In considering an application for a permit the Council must address the following matters:-
 - (a) Any matter which Council may consider appropriate to protect the amenity of an area or the safety of residents or the public.
 - (b) Restricting the roads to be used in the access to or departure from a parking location to prevent damage to the road, danger to the public or adverse effects on the amenity of the area.

This and the preceding four (4) pages bearing my initials is a certified copy of Local Law Policy No. 30 (Parking of Heavy Vehicles in Residential Streets) made, in accordance with the provisions of the Local Government Act 1993, by Redland Shire Council by resolution dated 12 May 1999.

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Chief Executive Officer

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Dated

