

# Heavy vehicle parking on residential premises

Do you park a truck, bus or other heavy vehicle with a tare weight of 4.5 tonnes or more on your residential premises? If so, please have your say on the proposed new local laws.

Logan City Council regulates the parking of heavy vehicles on residential premises under different laws and wants to adopt one law across the city to ensure that heavy vehicle parking does not result in personal injury, detrimentally affect the area in which it occurs or cause traffic problems.

You can have your say on the laws for parking heavy vehicles on residential premises and provide your feedback to Council before 28 August 2009.

Council's preferred position is that:

- One local law is to apply across the city.
- The laws that cover the old Logan area should be extended to cover the former Gold Coast and Beaudesert areas, subject to some amendments.
- The operator of a heavy vehicle on residential premises of 10,000 m<sup>2</sup> or greater will not need to be licensed, provided they meet the standards.
- There will be certain exemptions

We want your feedback now on whether this is the best way to deal with the parking of heavy vehicles on residential premises. Your comments are welcome on the size of the property the law should apply to, the weight of the vehicle, the distance from neighbours, the requirements for crossovers, proposed fees, operating hours, idling limits, landscaping rules, and any other issues.

Your feedback will be reported to Council for further consideration before it begins the formal subordinate local law making process.

In the meantime, the existing heavy vehicle parking laws remain in place.

## Background

Following local government reform on 15 March 2008, Logan City Council's local government area increased in size and population when it received new suburbs from Gold Coast City Council and the former Beaudesert Shire Council.

There are local laws in place covering heavy vehicle parking on residential premises in the former Logan and the Gold Coast areas and heavy vehicle parking in the former Beaudesert area is specified under a planning scheme.

After much consideration, Logan City Council has put forward a proposal to amend its relevant local laws, known as Local Law No. 9 (Licensing) 1999 and Subordinate Local Law No. 9.4 (Heavy Vehicle Parking (Other than on a Road) 2005. This will result in one local law and the provisions will apply across the city.

## Find out more

**Council:** Information will be on display at Council's Customer Service Centres in Logan Central, Jimboomba and Beenleigh until 28 August.

**Meet the Officer:** Council is hosting an open house on the dates shown on page 3, so you can drop in, ask questions and give your feedback.

**Web:** Go to [www.bangthetable.com/logan](http://www.bangthetable.com/logan).

**Email:** Send an email to Adrian Taylor at [council@logan.qld.gov.au](mailto:council@logan.qld.gov.au) with your comments/questions.



# Heavy vehicle parking on residential premises

## Proposed heavy vehicle parking laws

**Local Law No. 9 (Licensing) 1999 & Subordinate Local Law No. 9.4 (Heavy Vehicle Parking (Other than on a Road)) 2005.**

### A licence will be required when:

The heavy vehicle is operated on residential premises less than 10,000 m<sup>2</sup> and/or you cannot meet the standards. (see Appendix A under the heading "A licence is not required where")

In all cases, a person must comply with the prescribed criteria in Appendix B.

Council may issue a licence subject to conditions.

### How do I find out the tare weight of my heavy vehicle?

The tare weight of the vehicle may be located on your certificate of registration or the vehicles compliance plate.

### How do I find out the size of my land and its zoning?


Go to Council's website: [www.logan.qld.gov.au](http://www.logan.qld.gov.au)

In the left hand column, *click* Planning & Development Online

In the left hand column, *click* Property Enquiry

Click ➔ [Yes](#) to accept the terms and conditions

Enter the Street Number, Street Name and Suburb of your premises and press ➔ [search](#)

To view property details, *click* on the  Property Details link. This will reveal the specific property details you are seeking.

#### Example

Dimensions (Area: 8000 M2)

Zoning MLCRR - ML Rural Residential Precinct

#### Explanation

The area of the property is 8,000 m<sup>2</sup>

It is in the Rural Residential Precinct (of the former Beaudesert area)

## Who will be exempt from the law?

The law will not apply to:

- Operators of heavy vehicles in the Countryside Precinct (former Beaudesert area) or the Rural Domain (former Gold Coast area).
- The loading/unloading of a heavy vehicle on residential premises where it is done for no longer than necessary.
- Council vehicles parked on Council land.
- Emergency vehicles.
- Public utility vehicles.
- When you have a development approval allowing it.

### How do I make application for a licence and what does it cost?

An application for licence must be made in writing and accompanied by the prescribed fee. The application should include the name, address and telephone number of the applicant, details of the heavy vehicle, a site plan of the premises and statements that neighbours within 50 metres of the premises have been consulted and the outcome of the consultation.

For the 2009/2010 year, the proposed application fee is \$900.00. The annual renewal fee for a licence will be \$152.00.

If a licence is granted, Council may impose all or any of the conditions in Appendix C.

### A licence can't be issued when:

A person cannot be issued with a licence to operate heavy vehicle parking on residential premises if the operation of the heavy vehicle parking does not comply with the prescribed criteria (see Appendix B).

### What is a heavy vehicle?

A heavy vehicle means a vehicle which has a tare weight of 4.5 tonnes or more.

### How many heavy vehicles can I have?

This depends on your property size and the suburb you live in. It will be either one or two (maximum).



## Appendix A - Proposed laws: suburbs, zoning and standards

**LOCATION:** The suburb that the heavy vehicle will be parked in:

Logan suburbs	Gold Coast suburbs	Beaudesert suburbs
Berrinba, Boronia Heights, Browns Plains, Carbrook, Cornubia, Crestmead, Daisy Hill, Forestdale, Greenbank (former LCC area), Heritage Park, Hillcrest, Kingston, Logan Central, Loganholme, Loganlea, Logan Reserve, Marsden, Meadowbrook, Park Ridge, Priestdale, Regents Park, Rochedale South, Shailer Park, Slacks Creek, Springwood, Tanah Merah, Underwood, Waterford West, Woodridge.	Bahrs Scrub, Bannockburn, Beenleigh, Belivah, Bethania, Cedar Creek, Eagleby, Edens Landing, Holmview, Mt Warren Park, Waterford, Wolfdene, Windaroo.	Buccan, Cedar Grove, Cedar Vale, Flagstone, Greenbank (former BSC area), Jimboomba, Kagaru, Logan Village, Lyons, Mundoolun, Munruben, New Beith, North Maclean, South Maclean, Park Ridge South, Stockleigh, Tamborine, Undullah, Veresdale, Veresdale Scrub, Woodhill, Yarrabilba.

**AREA:** The permitted zones, domains or precincts that constitute "residential premises":

Logan zones	Gold Coast domains/areas	Beaudesert precincts
residential zone non urban zone conservation zone investigation zone	Detached Dwelling Domain Residential Choice Domain Private Open Space Domain Park Living Domain Beenleigh Town Centre Local Area Plan Eagleby Local Area Plan Conservation Domain Emerging Communities Domain	Residential Precinct Park Residential Precinct Park Living Precinct Rural Residential Precinct Conservation Precinct Future Investigation Precinct

### To find out more:

Visit Council's website at [www.logan.qld.gov.au](http://www.logan.qld.gov.au) under "Have Your Say" or drop into one of these venues for a chat with a Council officer from 5 pm to 7 pm:

Location	Address	Date
Jimboomba Country Tavern	Mt Lindesay Highway, Jimboomba	Wed 29 July
Kimberley Park Community Centre	Cnr Roselea & Lyndale Streets, Shailer Park	Mon 3 August
Beenleigh Community Centre	Cnr Crete and Kent Streets, Beenleigh	Tues 4 August
Logan Village Community Hall	Wharf Street, Logan Village	Wed 5 August
Tudor Park Community Centre	71 - 78 Clarks Road, Loganholme	Thurs 6 August
Logan Entertainment Centre	Wembley Road, Logan Central	Tues 11 August



# Heavy vehicle parking on residential premises

When parked in a former <b>Logan or Gold Coast suburb:</b>	
A licence is not required where:	A licence is required where:
<p>Heavy vehicle parking is operated pursuant to a development approval for heavy vehicle parking;</p> <p><b>OR</b></p> <p>Heavy vehicle parking is operated on premises of 10,000 m<sup>2</sup> or greater in size.</p> <p><b>AND THE FOLLOWING STANDARDS ARE COMPLIED WITH</b></p> <p>Maximum of one heavy vehicle; or a maximum of two heavy vehicles, where one heavy vehicle is being carried on the other heavy vehicle.</p> <p>The heavy vehicle must not be parked within 30 metres of a habitable room in a dwelling unit on an adjacent lot.</p> <p>The heavy vehicle must be parked behind the road boundary clearance of the dwelling unit.</p> <p>The heavy vehicle must be capable of entering and exiting the premises –</p> <ul style="list-style-type: none"> <li>• from a road without driving, stopping or wheeling the heavy vehicle on a footpath, nature strip, water-channel or gutter; and</li> <li>• in forward gear or by way of a conventional three point turn.</li> </ul> <p>Maintenance of a heavy vehicle, other than day to day maintenance, must not be carried out on the heavy vehicle on the premises.</p> <p>The heavy vehicle must not be parked on the premises while carrying –</p> <ul style="list-style-type: none"> <li>• a dangerous good; or</li> <li>• a regulated waste; or</li> <li>• livestock</li> </ul> <p>Where the heavy vehicle is parked on an unenclosed area on the premises, it must be screened from the view of an adjoining residential premises by a densely landscaped area which –</p> <ul style="list-style-type: none"> <li>• has a minimum width of three metres; and</li> <li>• contains vegetation that matures to a height of over four metres.</li> </ul> <p>A reinforced concrete crossover, constructed in accordance with Schedule 1 (IPWEAQ Drawing Number R0051), must exist or be constructed between the access frontage and the kerb and channel or, where there is no kerb and channel, between the access frontage and the road carriage.</p> <p>The use of the entrance and exit to the premises by the heavy vehicle must not create an environmental nuisance.</p>	<p>The heavy vehicle is on land 596 m<sup>2</sup> to 9,999 m<sup>2</sup>.</p> <p><b>OR</b></p> <p>The heavy vehicle is parked more than 10 metres and less than 30 metres of a habitable room in a dwelling on an adjacent allotment.</p> <p><b>OR</b></p> <p>The applicant can't comply with the other standards (Where a licence is not required).</p>
	A licence can't be issued where:
	<p>The heavy vehicle is operated on premises which are 595 m<sup>2</sup> or less in size<sup>1</sup></p> <p>The heavy vehicle is parked within 10 metres of a habitable room in a dwelling unit on an adjacent lot.</p> <p>The number of heavy vehicles exceed a maximum of one heavy vehicle; or a maximum of two heavy vehicles, where one heavy vehicle is being carried on the other heavy vehicle.</p>



## When Parked in a former **Beaudesert** suburb:

### A licence is not required where:

Heavy vehicle parking is operated pursuant to a development approval for heavy vehicle parking;

#### OR

Heavy vehicle parking is operated on premises of 10,000 m<sup>2</sup> or greater in size.

#### AND THE FOLLOWING STANDARDS ARE COMPLIED WITH

- 1 heavy vehicle on an allotment less than 20,000 m<sup>2</sup>; or
- 2 heavy vehicles on an allotment equal to or greater than 20,000 m<sup>2</sup>;

The heavy vehicle must not be parked within six metres of a habitable room in a dwelling unit on an adjacent lot.

The heavy vehicle must be parked behind the road boundary clearance of the dwelling unit.

- The heavy vehicle must be capable of entering and exiting the premises—
- from a road without driving, stopping or wheeling the heavy vehicle on a footpath, nature strip, water-channel or gutter; and
  - in forward gear or by way of a conventional three point turn.

Maintenance of a heavy vehicle, other than day to day maintenance, must not be carried out on the heavy vehicle on the premises.

- The heavy vehicle must not be parked on the premises while carrying—
- a dangerous good; or
  - a regulated waste; or
  - livestock

Where the heavy vehicle is parked on an unenclosed area on the premises, it must be screened from the view of an adjoining residential premises by a densely landscaped area which—

- has a minimum width of three metres; and
- contains vegetation that matures to a height of over four metres.

A reinforced concrete crossover, constructed in accordance with Schedule 1 (IPWEAQ Drawing Number R0051), must exist or be constructed between the access frontage and the kerb and channel or, where there is no kerb and channel, between the access frontage and the road carriage.

The use of the entrance and exit to the premises by the heavy vehicle must not create an environmental nuisance.

### A licence is required where:

The heavy vehicle is on land less than 10,000 m<sup>2</sup>.

#### OR

The applicant can't comply with the other standards (Where a licence is not required).

### A licence can't be issued where:

The heavy vehicle is parked within 6 metres of a habitable room in a dwelling unit on an adjacent lot.

The number of heavy vehicles exceed one heavy vehicle on an allotment less than 20,000 m<sup>2</sup>; or two heavy vehicles on an allotment equal to or greater than 20,000 m<sup>2</sup>.

<sup>1</sup>The premises where the operation of heavy vehicle parking is to be undertaken must not be 595 m<sup>2</sup> or less in size, however, if two adjoining lots form premises that are over 595 m<sup>2</sup> in size then an application for a licence may be made under *Local Law No. 9 (Licensing) 1999*.



# Heavy vehicle parking on residential premises

## Appendix B - Prescribed criteria

### Prescribed Criteria

Unless you have a Development Approval which allows for heavy vehicle parking, you must comply with this criteria:

a) Heavy vehicle parking is not allowed on premises which are 595 m<sup>2</sup> or less in size<sup>2</sup>, unless the premises area subject to the *Beaudesert Shire Planning Scheme 2007*.

b) The maximum number of heavy vehicles permitted is—

- for premises subject to the *Beaudesert Shire Planning Scheme 2007*—
  - one heavy vehicle on an allotment less than 20,000m<sup>2</sup>; or
  - two heavy vehicles on an allotment equal to or greater than 20,000 m<sup>2</sup>;
- for premises subject to the *Logan Planning Scheme 2006* or the *Gold Coast Planning Scheme 2003*—
  - one heavy vehicle; or
  - two heavy vehicles, where one heavy vehicle is being carried on the other heavy vehicle.

(c) The heavy vehicle must not be parked within—

- six metres of a habitable room in a dwelling unit on an adjacent lot for premises subject to *Beaudesert Shire Planning Scheme 2007*;
- ten metres of a habitable room in a dwelling unit on an adjacent lot for premises subject to the *Logan Planning Scheme 2006* or the *Gold Coast Planning Scheme 2003*.

<sup>2</sup>The premises where the operation of heavy vehicle parking is to be undertaken must not be 595 m<sup>2</sup> or less in size, however, if two adjoining lots form premises that are over 595 m<sup>2</sup> in size then an application for a licence may be made under *Local Law No. 9 (Licensing) 1999*.

## Appendix C - Conditions of a licence

### Conditions of licence

Council can impose all or any of the following conditions on a licence—

a. The heavy vehicle must, unless otherwise specified by Council, be parked behind the road boundary clearance of the dwelling unit.

- b. The heavy vehicle must enter and exit the premises—
- (i) from a road without driving, stopping or wheeling the heavy vehicle on a footpath, nature strip, water-channel or gutter unless otherwise authorised by the terms of this licence; and
  - (ii) in forward gear or by way of a conventional three point turn.
- c. The heavy vehicle must not enter or exit the premises between the hours of—
- (i) 9 pm to 6 am Monday to Saturday; and
  - (ii) 9 pm to 8 am on a Sunday or a public holiday.
- d. The engine of the heavy vehicle must not be operated for more than three minutes—
- (i) before departing from the premises; or
  - (ii) while stationary on the road outside of the premises before entering the premises; or
  - (iii) upon entry to the premises.
- e. Maintenance of a heavy vehicle, other than day-to-day maintenance, must not be carried out on the premises.
- f. The heavy vehicle parking must not involve the use of ancillary machinery including, but not limited to, a refrigeration unit.
- g. The heavy vehicle must not be parked on the premises whilst carrying livestock, a regulated waste or dangerous goods.
- h. Where the heavy vehicle is parked on an unenclosed area on the premises, it must be screened from the view of an adjoining residential premises by a densely landscaped area which is at least three metres wide and contains vegetation that matures to a height of over four metres.
- i. A reinforced concrete crossover, constructed in accordance with Schedule 1 (IPWEAQ Drawing Number R0051), must exist or be constructed between the access frontage and the kerb and channel or, where there is no kerb and channel, between the access frontage and the road carriageway.

Note—

*Holders of a licence granted pursuant to this local law are exempt from the above requirement subject to compliance with the local government's roads local laws.*

j. An air compressor used as part of the operation of the heavy vehicle parking must be fitted with inlet and exhaust silencers and enclosed in an effective acoustic enclosure.

k. All objects (including vehicles and machinery) which are dismantled as part of the operation of the heavy vehicle parking must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.



- l. Spillage of any waste, contaminant or other material must be immediately cleaned up and must not be allowed to enter any stormwater system or water.
- m. The operation of the heavy vehicle parking must meet the requirements set out in *AS1940 - The Storage and Handling of Flammable and Combustible Liquids*.
- n. The heavy vehicle parking (including all fixtures, fittings, equipment and facilities) must be maintained in a clean, tidy, sanitary and hygienic condition.
- o. All hazardous materials must be stored and used in a safe manner.
- p. All maintenance of the heavy vehicle parking must be performed safely in accordance with all relevant laws.
- q. All waste (including waste water) generated as part of the operation of the heavy vehicle parking must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Plumbing and Drainage Act 2002*.
- r. All waste generated as part of the operation of the heavy vehicle parking must be disposed of in a manner which maintains the operation of the heavy vehicle parking and its surrounds in a clean, tidy, sanitary and hygienic condition.
- s. Waste water from the operation of the heavy vehicle parking must be collected and released to—
  - (i) a discharge point approved by Council; or
  - (ii) land in such a way that it will not enter the stormwater system or waters.
- t. Waste from the operation of the heavy vehicle parking must not be disposed of into waters or a watercourse.
- u. Any structure, vehicle, facility or equipment which is part of the operation of the heavy vehicle parking the subject of the licence must not be changed in any respect without the prior notification to Council and approval of an authorised person.
- v. The operation of any prescribed activities as part of the heavy vehicle parking the subject of this licence must be the subject of separate licences under *Local Law No. 9 (Licensing) 1999*.

## Appendix D - Existing laws

### Existing laws - the Logan area

*Local Law No. 9 (Licensing) 1999 & Subordinate Local Law No. 9.4 (Heavy Vehicle Parking (Other than on a Road)) 2005.*

A licence is not required for heavy vehicle parking on premises of 4,500 m<sup>2</sup> or greater in size if it complies with the following standards.

- A maximum of one heavy vehicle; or two heavy vehicles if one heavy vehicle is being carried on the other.
- The heavy vehicle must not be parked within 30 metres of a habitable room in a dwelling unit on an adjacent lot.
- The heavy vehicle must be parked behind or beside the dwelling unit.
- The heavy vehicle must be capable of entering and exiting the premises in compliance with the Queensland Road Rules; and
- from a road without driving, stopping or wheeling the heavy vehicle on a footpath, nature strip, water channel or gutter; and
- in forward gear or by way of a conventional three point turn.
- Maintenance of a heavy vehicle, other than day to day maintenance, must not be carried out on the heavy vehicle on the premises.
- The heavy vehicle must not be parked on the premises while carrying a dangerous good, regulated waste or livestock.
- Where the heavy vehicle is parked on an unenclosed area on the premises, it must be screened from the view of an adjoining residential premises by a densely landscaped area which—
  - has a minimum width of three metres; and
  - contains vegetation that matures to a height of over four metres.
- A reinforced concrete crossover must exist or be constructed between the access frontage and the kerb and channel or, where there is no kerb and channel, an asphaltic concrete crossover must exist or be constructed.
- The use of the entrance and exit to the premises by the heavy vehicle must not create an environmental nuisance.

### What happens if a lot is less than 4,500 m<sup>2</sup> or a person can't comply with the standards?

A person can make application for a licence provided they comply with the prescribed criteria for heavy vehicle parking.

In this local law, a heavy vehicle means a vehicle which has a tare weight of 4.5 tonnes or more.



# Heavy vehicle parking on residential premises

## Appendix D - Existing laws (cont.)

### Existing laws in the former Gold Coast area

*Gold Coast City Council Local Law No. 44 (Heavy Vehicle Parking) 2007*

The operation of heavy vehicle parking must be licensed and comply with the conditions of the licence, including-

- Only one heavy vehicle must be parked on the residential premises at any time.
- The heavy vehicle must be able to enter and exit the residential premises in a forward manner only.
- The parking of the heavy vehicle on or moving the heavy vehicle from the residential premises must not take place outside the hours specified in the licence.
- Operation of the vehicle on Sundays or public holidays will not be considered unless the applicant has obtained letters of no objection from each owner and occupier of any premises which is within 50 metres of the boundaries of the premises at which the heavy vehicle will be parked, stating they have no objections to the operation of the vehicle on such days.
- The heavy vehicle must be parked in an area which is setback from the frontage of the residence on the premises and must be effectively screened from view from a public place and any residential premises located within 50 metres of the premises at which the vehicle is being parked; for example Parked in a class 10 building or be effectively screened from view by vegetation.
- Any equipment, material, machinery or tools used in association with the heavy vehicle must be setback from the frontage of the residential premises.
- Any building used to park the heavy vehicle must not unreasonably detract from the desirable characteristics of the natural and built environment.
- The neighbourhood or adjoining property/s must not be unreasonably effected or likely to be effected by noise, dust or odour.
- The travel path of the vehicle within the premises must be treated or constructed to prevent the production of dust.
- The vehicle/s hardstand/parking area within the premises must be constructed to prevent the ponding, redirection or discharge of storm water that causes or could cause an actionable nuisance on adjacent property or road reserve.
- The vehicle or any equipment, material, machinery or tools used in association with the heavy vehicle must be set back a minimum of 1.5 metres from adjoining properties.
- All objects (including vehicles and machinery) which are dismantled as part of the heavy vehicle parking must be dismantled on a paved impervious surface which is unaffected by storm water runoff.
- A heavy vehicular crossing to a residential driveway must exist or be constructed.

A person does not require a licence under this local law for—  
(a) an emergency vehicle being used for an emergency or other official purpose; or

(b) a heavy vehicle being lawfully used in the immediate vicinity of and in connection with the construction, investigation or maintenance of a community facility or undertaking; or

(c) a heavy vehicle involved in the conduct of a lawful activity reasonably required to be carried out in the residential area; or

(d) a heavy vehicle permitted to be parked on residential premises pursuant to a development approval given under the local government's planning scheme; or

(e) the temporary parking of a heavy vehicle on residential premises.

Example of subsection (e) — The short term parking of a removal van.

In this local law, a heavy vehicle is a vehicle or combination of vehicles with a gross vehicle mass of more than 4.5 tonnes; or a vehicle transporting dangerous goods for reward; or a commercial vehicle that runs a refrigeration unit while parked.

### Existing laws in the former Beaudesert area

There is no local law regulating heavy vehicles in the former Beaudesert area. Heavy vehicle parking is prescribed in the Beaudesert Planning Scheme which is regulated the *Integrated Planning Act 1997*.

In the planning scheme, a heavy vehicle means-

(a) a motor vehicle, prime mover, trailer or vessel designed or adapted for the carriage of persons and/or goods with a combined gross vehicle mass in excess of five tonnes and a maximum length of 17.5 metres; and

(b) a motor vehicle or trailer designed or adapted for earthmoving or road making, including vehicles designed or adapted for excavating materials, rollers, compressors and other equipment designed or adapted to be drawn behind a vehicle; and

(c) a crane; and

(d) any tracked vehicle or other tracked machine with a combined gross vehicle mass in excess of five tonnes.

The planning scheme allows for the parking of one heavy vehicle on an allotment less than 20,000 m<sup>2</sup> in size, or two heavy vehicles on an allotment equal to or greater than 20,000 m<sup>2</sup> in size.

**Note:** The planning scheme specifies the numbers of heavy vehicles permitted by property size but does not provide a mechanism for the regulation of safety, amenity or traffic issues relating to the operation of heavy vehicle parking. Breaches of the planning scheme have protracted enforcement processes and a maximum penalty of \$166,500 compared to simpler enforcement processes and a maximum penalty of \$5,000 in the proposed local law.