



HEAVY VEHICLE NATIONAL LAW

New South Wales Class 3 Port Botany Freight Container Exemption Notice 2024 (No.1)

1. Purpose

- 1) This notice grants exemptions from mass requirements for class 3 heavy vehicles that are transporting freight containers within the Greater Sydney area.
- 2) This notice revokes and replaces the *New South Wales Class 3 Port Botany Freight Container Exemption Notice 2019 (No.1)*.

2. Authorising Provision

- 1) This notice is made under the following provisions of the Heavy Vehicle National Law (HVNL):
 - a) section 117 – *Regulator’s power to exempt category of class 1 or 3 heavy vehicles from compliance with mass or dimension requirement*; and
 - b) section 23 of Schedule 1 – *Regulator’s power to amend or repeal instrument*.

3. Title

This notice may be cited as the *New South Wales Class 3 Port Botany Freight Container Exemption Notice 2024 (No.1)*.

4. Commencement

This notice commences 22 November 2024.

5. Expiry

This notice expires on 21 November 2029.

6. Definitions

- 1) Unless otherwise stated, words and expressions used in this notice have the same meanings as those in the HVNL and its regulations.
- 2) In this notice:

New South Wales Class 2 and Class 3 Port Botany Container Transportation Mass Exemption Notices Operator’s Guide (“the Guide”) means the document of that name published by the NHVR and as amended from time to time.

Prescribed Stevedore's Terminal means a cargo terminal prescribed in the Guide.

7. Application

- 1) This notice applies to a class 3 heavy vehicle that meets all the requirements in this section.
- 2) This notice applies to a heavy vehicle that is a:
 - a) rigid truck; or
 - b) prime mover and semi-trailer combination that has an overall length not exceeding 19 metres; or
 - c) B-double that has an overall length not exceeding 26 metres.
- 3) This notice applies to a vehicle specified in 2) if that vehicle is carrying one or more shipping containers to or from a Prescribed Stevedore's Terminal.
- 4) A vehicle to which this section applies and that complies with the conditions of this notice is an eligible vehicle.

Note: This section specifically does not include truck and dog trailer combinations, and truck and pig trailer combinations.

8. Exemption – Prescribed Mass Requirements

- 1) An eligible vehicle is exempt from the following mass requirements under Schedule 1 of the Heavy Vehicle (Mass Dimension and Loading) National Regulation (MDL Regulation):
 - a) Section 2 – Mass limits for a single vehicle or combination;
 - b) Section 4 – Mass limits for a single axle or axle group; and
 - c) Section 5 - Mass limits relating to axle spacing generally.
- 2) An exemption in 1) applies to an eligible vehicle only to the extent that specific conditional mass limits are provided in section 9 of this notice.
- 3) To be clear, if this notice provides for more than one mass limit that may apply in the same circumstances the more restrictive mass limit applies.
- 4) Regardless of any conditional masses prescribed in this notice an eligible vehicle must not exceed manufacturer mass limits as defined in section 8(8) of the MDL Regulation.

9. Condition – Mass (Mass limits for types of axle groups)

- 1) On an eligible vehicle, an axle group described in Column 1 of Table 1 must not exceed the mass listed in Column 2.

Table 1: Maximum mass limits for axle groups

Column 1	Column 2
Axle Group	Maximum mass (t)
Steer Axles	
A non-complying steer axle	6.0
A complying steer axle	6.5
Tandem axle group	
Tandem axle group fitted with single tyres on all axles —	
(a) if the section width of the tyres is less than 375mm	11.5
(b) if the section width of the tyres is 375mm or more but not more than 450mm	13.8
(c) if the section width of the tyres is more than 450mm	14.5
Tandem axle group fitted with single tyres on 1 axle and dual tyres on the other axle or axles	13.5
Tandem axle group fitted with dual tyres on all axles	17
Tri-axle group	
Tri-axle group on a vehicle fitted with—	
(a) single tyres with section widths of less than 375mm on all axles; or	15.5
(b) single tyres with section widths of less than 375mm on some axles and dual tyres on the other axles	
Tri-axle group on a vehicle fitted with—	
(a) single tyres with section widths of at least 375mm on all axles; or	21.0
(b) dual tyres on all axles; or	
(c) single tyres with section widths of at least 375mm on some axles and dual tyres on the other axles	

- 2) If a vehicle has an axle group not described in Table 1, the mass on the axle group must not exceed general mass limits prescribed in Schedule 1 of the MDL Regulation.

Note: The mass limits in Table 1 are the same as those for CML as set out in Schedule 2 of the MDL Regulation. However, a vehicle operating under this notice is not operating under CML, and must comply with the conditions of this notice and not the conditions of Schedule 2 of the MDL Regulation.

Dog trailers and pig trailers are not permitted under this notice, so references to these vehicles are removed in Table 1.

10. Condition – Telematics

- 1) Pursuant to section 402(1)(a) and (b) of Chapter 7 of the HVNL, the following conditions of this notice are intelligent access program conditions:
 - a) any condition relating to mass; and
 - b) any condition relating to stated areas or routes to which the authority applies, including any relating to speed or time of travel.
- 2) Pursuant to section 402(1)(c) of Chapter 7 of the HVNL, an eligible vehicle must be enrolled in and comply with the following approved intelligent transport systems approved by Transport Certification Australia:

Road Infrastructure Management

11 Condition – Australian Design Rules

- 1) An eligible vehicle operating under this notice must be fitted with the following safety systems:
 - a) Lane departure warning systems compliant with UN ECE 130 Uniform provisions concerning the approval of motor vehicles with regard to the Lane Departure Warning System; and
 - b) Emergency braking systems compliant with UN ECE R131 Uniform provisions concerning the approval of motor vehicles with regard to the Advanced Emergency Braking Systems (AEBS); and
 - c) Vehicle braking systems consistent with Australian Design Rule 35/03 — Commercial Vehicle Brake Systems; and
 - d) Electronic stability control systems compliant with Australian Design Rule 35/06 — Commercial Vehicle Brake Systems; and
 - e) If the vehicle is a combination, trailer braking systems compliant with Australian Design Rule 38/03 — Trailer Brake Systems.

12. Condition - Stated areas or routes

- 1) An eligible vehicle complying with the conditions of this notice is authorised to operate on areas and routes stated in this section.
- 2) For the purposes of section 119 (1)(a) of the HVNL, an area or route stated in this section is a stated area or route to which this notice applies.
- 3) In this notice a reference to a network is a reference to a map or stated route pursuant to section 119(2) of the HVNL.
- 4) An eligible vehicle may operate on the areas and routes as listed in 'Schedule 2 – Approved routes and conditions' of the Guide.

5) Regardless of any access granted under this section, an eligible vehicle must comply with any conditions or restrictions applied to a given area or route in Schedule 2 of the Guide.

6) In this section:

network means a map or stated route, including a list or database, presented electronically or otherwise, that represents the stated areas and stated routes authorised under this notice.

7) An eligible vehicle operating on an area or route specified in Schedule 2 of the Guide must comply with any of the following conditions prescribed for that area or route:

- a) Road conditions pursuant to section 160 of the HVNL; and
- b) Travel conditions pursuant to section 161 of the HVNL; and
- c) Vehicle conditions pursuant to section 162 of the HVNL.

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National Heavy Vehicle Regulator