

Shire of Mundaring

POLICY

COMMERCIAL VEHICLE PARKING

Policy Ref:	PS - 06	File Ref:	PS.CDE 2
Committee Rec:	PROC5.4.07	Date:	5 Apr 07
Adopted by:	C16.04.07	Date:	24 Apr 07
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Procedure Ref:		Delegation Ref:	
Statute Ref:			
Local Law Ref:			

PURPOSE

To provide a specific guide for the assessment and determination of applications for planning approval for commercial vehicles in the Residential, Rural Landscape Living and General Rural zones.

1.0 POLICY OBJECTIVES

To facilitate the controlled parking of commercial vehicles in Residential and Rural Landscape Living (RLL), and General Rural zones, in circumstances where it has been demonstrated that the objectives and overall quality of these zones will not be undermined.

2.0 BACKGROUND

Under the Shire of Mundaring's Town Planning Scheme No. 3 Planning Approval is required for commercial vehicle parking as a use not listed.

The Policy has been reviewed in an endeavor to provide consistency in Scheme and Policy provisions, and to address delays in addressing the issue of commercial vehicle parking. In conjunction with a concurrent amendment to the Scheme, the Policy is ultimately aimed at avoiding delays by prescribing criteria where applications can be approved with or without advertising.

Prior to the Scheme amendment being formally gazetted, the Policy provides clear criteria for assessment of commercial vehicle parking applications. However, until the gazettal of the amendment, all applications for Commercial Vehicle Parking require the consideration of Council, prior to and often following formal advertising, given the use is not listed in the Scheme.

This scenario will change following gazettal of the Scheme amendment. It is envisaged that this policy will be further reviewed incorporation minor changes, following adoption of the amendment.

3.0 SCHEME PROVISIONS

3.1 As commercial vehicle parking is not mentioned in the list of use classes in the Zoning Table and is not included in the general terms of any use class in the Zoning Table, Council in dealing with an application for Planning Approval may:

- (a) determine that the use is not consistent with the objectives of the relevant zone and is therefore not permitted; or
- (b) determine by absolute majority that the proposed use is consistent with the objectives of the zone and thereafter cause the application to be exhibited for public comment in accordance with the procedure set out in Clause 6.6 of the Scheme.

3.2 "Commercial vehicle" is defined in accordance with that prescribed in 4.12 below or otherwise means a vehicle, whether licensed or not, which is used or designed or intended for use in conjunction with a profession, trade or business and, without limiting the generality of the foregoing, shall include trailers, tractors and their attachments, buses and earthmoving machines, whether self-propelled or not, but shall not include a passenger car, a derivative [as defined by the Road Traffic Code 2000 (as amended)], or a van, utility or light truck, which is rated by the manufacturer as being suitable to carry loads of up to 1.5 tonnes.

3.3 This Policy serves as a guide for the assessment of all commercial vehicle parking applications.

4.0 ASSESSMENT CRITERIA

The criteria outlined below are to be read in conjunction with the attached Commercial Vehicle Parking Table:

4.1 The parking of commercial vehicle(s) that comply with all of the criteria corresponding to the relevant zone (for the applicable lot size) in Table 1 of this Policy will be recommended to Council for advertising to neighbours for comment, subject to compliance with other relevant clauses of this Policy, as set out below.

4.2 The parking of commercial vehicle(s) that does not comply with or exceeds any one or more of the criteria corresponding to the relevant zone in Table 1 of this Policy will be referred to Council for determination and will generally not be recommended for advertising / approval. Notwithstanding this, Council may resolve to advertise/approve the application if in Council's opinion the parking of the vehicle(s) may occur without resulting in any

detrimental impacts on the landscape and amenity of the area, consistent with 3.1 above.

- 4.3 The commercial vehicle must form an essential part of the occupation of the occupant of the dwelling, or is necessary for the use and management of the subject lot.
- 4.4 Commercial vehicles are to be parked behind the front setback line on all Residential zoned land unless otherwise located within a garage, or in Council's opinion the parking of the commercial vehicle behind the front setback line would be impossible or impractical due to existing constraints on site.

Council may also consider the parking of commercial vehicle(s) forward of the front setback line where:

- (a) there would be no more than one commercial vehicle located forward of the front of the dwelling; and
 - (b) the vehicle being adequately screened in lieu of being located in a garage as outlined above.
- 4.5 The parking of a commercial vehicle shall not, in the opinion of the Council, adversely affect the amenity of the surrounding land or be inconsistent with the objectives of the relevant zone.
 - 4.6 The maximum number of commercial vehicles permissible on any one lot shall be two, except for RLL zoned land with an area of 1 ha and above and General Rural zoned land as outlined in 4.7 below.
 - 4.7 It is generally considered on larger (>1ha) Rural Landscape Living & General Rural zoned land that some farm machinery may be necessary as associated with maintaining firebreaks, or use in conjunction with an approved or exempt rural activity. Accordingly, such machinery is exempt from the requirements of this policy.
 - 4.8 Load / trailer or attachments as described in Table 1 must generally exit and enter the subject site with the commercial vehicle. It is not the intention of this Policy to accommodate storage of a load(s), or equipment ancillary to commercial vehicles, separate to the general movements or operation of that vehicle. Those trailers, tractors and earthmoving machinery etc stored (even temporarily) on site separately are considered as individual commercial vehicles in accordance with the definition outlined in 3.1 above.
 - 4.9 Compliance with this Policy does not form justification for variations beyond those acceptable provisions prescribed in the Shire Town Planning Scheme No. 3 or related Policy (i.e. Building Envelope Policy, Council's Outbuildings Policy etc). Each application will be assessed on its merits in the context of all relevant legislation.

4.10 Any discretionary standards prescribed in the Policy or enclosed Table are at the discretion of Council, or its delegate.

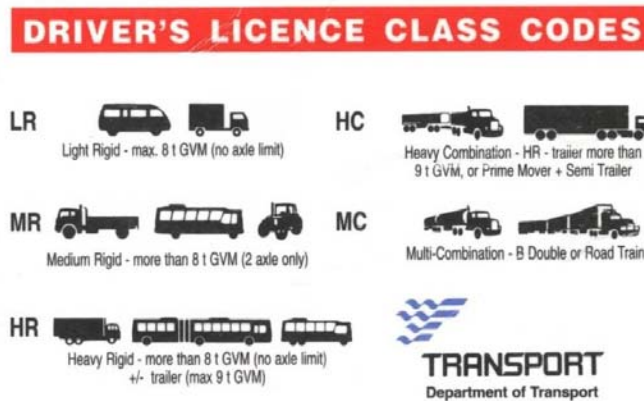
4.11 The Driver Licence Class Code described on the attached Table 1 are current as of the adoption of this Policy, as prescribed by the Department of Transport extract.

5.0 CONDITIONS

Where Council grants approval for the parking of commercial vehicle(s), the following conditions may be applied:

- (a) that on-site provision be made for housing the vehicle in a garage, outbuilding or parking behind the front building setback line, and that the vehicle be screened from the street and surrounding properties in a manner satisfactory to the Council;
- (b) that the amenity of the neighbourhood is not prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust;
- (c) no repairs or activities are undertaken on Residential or Rural Landscape Living blocks that create the issues identified in (b) above;
- (d) the approval shall be personal to the applicant and neither run with the land nor be transferable or assignable to any other person;
- (e) the vehicle is not to be brought to or taken from the land between the hours of midnight and 6 a.m.
- (f) that if, in the opinion of the Council, a nuisance or annoyance to the owners or occupiers of land in the neighbourhood is caused, the Council may revoke its approval;
- (g) any other conditions the Council considers to be necessary or desirable.

**TABLE 1 – REFERRED TO COUNCIL FOR CONSIDERATION OF
ADVERTISING OR REFUSAL**



Zoning:	Drivers Licence Class Code:	Where exceeding or not complying with the following criteria, applications will be generally referred to Council with a recommendation for refusal:
Residential R 20 or Higher	LR	<ul style="list-style-type: none"> <input type="checkbox"/> Single vehicle; <input type="checkbox"/> adequately screened; and <input type="checkbox"/> and may include load / trailer or trailer subject to them also being adequately screened.
Residential R10 - R 17.5	LR	<ul style="list-style-type: none"> <input type="checkbox"/> Maximum 2 vehicles; <input type="checkbox"/> adequately screened; <input type="checkbox"/> direct access or lot frontage to a distributor road; and <input type="checkbox"/> and may include load / trailer or attachment subject to them also being garaged.
Residential 5	LR or MR	<ul style="list-style-type: none"> <input type="checkbox"/> Maximum 2 vehicles; <input type="checkbox"/> garaged only in respect to MR; <input type="checkbox"/> otherwise garaged or adequately screened; <input type="checkbox"/> direct access or lot frontage to a distributor road; and <input type="checkbox"/> and may include load / trailer or trailer subject to them also being garaged (including LR).

Zoning:	Drivers Licence Class Code:	Where exceeding or not complying with the following criteria, applications will be generally referred to Council with a recommendation for refusal:
Residential 2.5	LR, MR or HR	<ul style="list-style-type: none"> <input type="checkbox"/> Maximum 2 vehicles for LR; <input type="checkbox"/> Maximum single vehicle for MR or HR; <input type="checkbox"/> adequately screened; <input type="checkbox"/> direct access or lot frontage to a distributor road for MR or HR; and <input type="checkbox"/> and may include load / trailer or attachment subject to them also being garaged or adequately screened (including LR).
Rural Landscape Living under 2ha	LR	<ul style="list-style-type: none"> <input type="checkbox"/> Maximum of 2 vehicles; <input type="checkbox"/> adequately screened or garaged; <input type="checkbox"/> may include second vehicle where garaged; <input type="checkbox"/> may include load or trailer for both vehicles; and <input type="checkbox"/> subject to 1 being garaged.
	MR	<ul style="list-style-type: none"> <input type="checkbox"/> Single vehicle; <input type="checkbox"/> adequately screened or garaged; and <input type="checkbox"/> and garaged or adequately screened where including load / trailer or attachments.
	HR	<ul style="list-style-type: none"> <input type="checkbox"/> Single vehicle; <input type="checkbox"/> garaged or adequately screened; <input type="checkbox"/> including load / trailer and attachment where garaged also; and <input type="checkbox"/> direct access or lot frontage to a distributor road.
Rural Landscape Living 2ha or above	LR	<ul style="list-style-type: none"> <input type="checkbox"/> Maximum 2 vehicles; <input type="checkbox"/> adequately screened or garaged; <input type="checkbox"/> may include second vehicle; and <input type="checkbox"/> including load / trailer or attachments where screened.

Zoning:	Drivers Licence Class Code:	Where exceeding or not complying with the following criteria, applications will be generally referred to Council with a recommendation for refusal:
	MR	<input type="checkbox"/> Maximum 2 vehicles; <input type="checkbox"/> adequately screened or garaged; and <input type="checkbox"/> including load / trailer and attachments where screened.
	HR	<input type="checkbox"/> Single vehicle; <input type="checkbox"/> adequately screened or garaged; and <input type="checkbox"/> including load / trailer and attachments where screened.
General Rural	LR	<input type="checkbox"/> Maximum 3 vehicles; and <input type="checkbox"/> including vehicles load / trailers and attachments.
	MR	<input type="checkbox"/> Maximum 2 vehicles; and <input type="checkbox"/> including load / trailer and attachments.
	HR	<input type="checkbox"/> Maximum 2 vehicles; <input type="checkbox"/> adequately screened or garaged; and <input type="checkbox"/> including load / trailer and attachments.
	HC	<input type="checkbox"/> Single vehicle; and <input type="checkbox"/> garaged or adequately screened.

Note: Where criteria is not specified it is not considered to apply.