

Local Planning Policy

Commercial Vehicle Parking

Prepared by Planning and Sustainability Services
November 2022

1.0 Background

People who drive commercial vehicles as part of their business or occupation often park vehicles at their residences. This provides a high level of convenience for the driver and saves costs for local business. Commercial vehicle parking does, however, have the potential to detrimentally impact on amenity, particularly in the case of larger vehicles, where vehicles are parked in an obtrusive manner, or where activities such as loading, onsite storage, vehicle manoeuvring or maintenance are undertaken.

This policy therefore seeks to strike an appropriate balance between amenity considerations and the legitimate needs of commercial vehicle drivers to park their vehicles at their place of residence.

2.0 Application/Definition

The policy only relates to the parking of commercial vehicles in association with the residential use of land. The policy does not apply to the parking of commercial vehicles associated with an approved non-residential use or a use that is otherwise lawfully being undertaken on the land, such as the parking of vehicles associated with farming on a rural property.

A commercial vehicle means a vehicle, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and, without limiting the generality of the foregoing, includes any utility, van, truck, trailer, tractor and any wheeled attachment to any of them or any wheeled article designed to be an attachment to any of them, and any bus or omnibus or any earthmoving machine whether self-propelled or not. If a truck, prime mover or other vehicle is attached to a trailer, semi-trailer or any other attachment, each trailer, semi-trailer or other attachment is to be regarded as a separate commercial vehicle. A loaded combination, such as a bobcat, forklift or other vehicle or attachment loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes.

3.0 Development Approval Requirements

All proposals for commercial vehicle parking require the Development Approval of the Shire prior to the commencement of the use.

Applicants will need to clearly demonstrate that their proposal meets the objective and requirements of this policy. Applications must also meet any other requirement of the Shire's planning framework that may be applicable for a particular site under a Local Planning Scheme or any applicable Structure Plan, Local Planning Policy or Local Development Plan.

4.0 Objective

To provide opportunities for the parking of commercial vehicles on private property in a manner that does not detrimentally impact the character or amenity of the surrounding area.

5.0 Requirements

The parking of commercial vehicles is to be undertaken in accordance with the following provisions:

5.1 General

5.1.1 One commercial vehicle may generally be parked on a lot within the Shire, however, where it can be demonstrated that the parking activity will not detrimentally affect the amenity of the surrounding area additional vehicles may be parked on a lot in accordance with the following table:

Zone	Minimum Lot Size	Maximum Number of Commercial vehicles
All	N/A	1
Special Rural, Farmlet, Hills Landscape Protection, Rural or similar	2 Hectares	2
Special Rural, Farmlet, Hills Landscape Protection, Rural or similar	4 Hectares	4

- 5.1.2 All commercial vehicles parked in accordance with this policy are to be an essential part of the main occupation of a permanent resident of a dwelling on the lot.
- 5.1.3 The commercial vehicle is not to exceed 3 metres in height (including any load), 2.5 metres in width, or 8 metres in length, except in the case of a lot in the Special Rural, Farmlet, Hills Landscape Protection, Rural or other similar zones where the height and width are not controlled except that the maximum vehicle combination length is not to exceed 19 metres.
- 5.1.4 The vehicle is to be parked entirely on the subject lot and is to be located on a hard stand area which is located behind the front of the dwelling, or alternatively within a garage. In the case of a lot in the Special Rural, Farmlet, Hills Landscape Protection, Rural or other similar zones, the vehicle is to be parked in a location that is not readily visible from beyond the property boundaries and be located within the building envelope (if applicable) or behind the building setbacks, with adequate screening or alternatively parked within a garage.

5.2 Amenity

- 5.2.1 The vehicle is not to be started or manoeuvred or serviced or cleaned on site between the hours of 7.00pm and 7.00am the following day with the exception of Sunday when the vehicle is not to be started before 9.00am.
- 5.2.2 While on the lot, the vehicle's motor is not to be left running while the vehicle is unattended or in any event for any period in excess of five minutes.
- 5.2.3 The vehicle is not to be used or designed for use for the transportation of livestock or the transportation or disposal of liquid or solid wastes or other use so as to cause nuisance or pollution as defined in the Public Health Act 2016 and/or the Environmental Protection Act 1986.
- 5.2.4 The vehicle is not to carry a refrigeration unit which is operated on a continuous or intermittent basis whilst on the lot.
- 5.2.5 There is to be no transfer of goods or passengers from one vehicle to another vehicle, unloading or loading of the vehicle, or storage of goods or equipment associated with the use of the vehicle.
- 5.2.6 Only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste may be carried out on the lot. Liquid waste shall be as defined in the Health (Liquid Waste) Regulations 1993 and shall be disposed of in accordance with the same. All cleaning and servicing shall be conducted behind the front of the dwelling.

5.3 Access

- 5.3.1 Where the crossover and/or driveway is unsealed, the Shire may require them to be upgraded to a sealed standard (incorporating appropriate drainage) so as to protect the road pavement surface, limit the impact of dust nuisance and to limit materials being carried onto the adjoining road surface. The

upgrade works are to be undertaken prior to the site first being used for the parking of commercial vehicles and are to thereafter be maintained to a good standard of repair.

5.3.2 The Shire may require the landowners/occupiers of premises where the parking of commercial vehicles is being undertaken to pay to the Shire the estimated cost associated with any repairs that become necessary to the adjacent portion of road surface as a result of access and manoeuvring associated with the parking of commercial vehicles.

5.3.2 The parking and manoeuvring of the vehicle is not to cause damage to or removal of vegetation on the lot.

6.0 Compliance

The Shire may revoke the approval where, upon investigation, it is satisfied that:

- a. any of the terms or conditions of approval are not being complied with; or
- b. the commercial vehicle parking is causing a nuisance or annoyance to residents in the neighbourhood and the nature of the nuisance or annoyance has been verified; and
- c. the compliance or the source of the nuisance or annoyance has not been rectified within seven days of the Shire's written request.

A development approval granted in respect to commercial vehicle parking will be personal to the person to whom it is granted. It is not transferable to any other person and will not run with the land in respect of which it is granted.



Administration

Directorate	Officer Title
Planning and Sustainability	Director Planning and Sustainability

Version	Decision to Advertise	Decision to Adopt/Amend	Current Status
1	OCM08/229 – 27/11/2008	OCM10/191 – 30/9/2010	Adopted
2	OCM22/111 – 29/9/2022	OCM22/141 – 24/11/2022	Amendments Adopted

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