

COMMERCIAL VEHICLES

LOCAL PLANNING POLICY



1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. OBJECTIVE

3.1 To ensure that the parking of such a vehicle will not adversely affect the appearance or amenity of the locality nor have any adverse effect upon the occupiers or users of properties in, or inhabitants of, the locality of the land on which the vehicle is parked.

3.2 To set out the criteria against which an application will be assessed and standards that should be observed.

4. POLICY STATEMENT

4.1 Definitions

a. This Policy addresses the parking of a commercial vehicle upon land zoned 'Residential', 'Rural Residential' and 'Rural Smallholding'.

b. For the purposes of this policy a "Commercial Vehicle" means any vehicle designed or used for commercial/industrial purposes which exceeds a load capacity of 5 tonnes, or a height of 3m, or a length of 7m (inclusive of attachments), and may include any utility, truck, bus (including bus converted for recreational purposes), trailer, tractor, any

wheeled attachment or article designed or used for commercial/industrial purposes.

4.2 Parking Location

- a. The commercial vehicle must be parked entirely within the subject property, and should be contained behind the building setback line.
- b. Preferably the vehicle should be parked to the rear of the residence and screened from view of the street and from neighbouring properties.
- c. Only 1 commercial vehicle will be permitted to be parked on a property, unless it can be demonstrated that an additional commercial vehicle can be parked on the property in compliance with the objectives of this policy.
- d. Access to the property on which the commercial vehicle is to be parked is to be via a crossover which has been constructed to the specifications of the local government. The parking of the commercial vehicle should not preclude domestic vehicles from parking at the property.

4.3 Use of the commercial vehicle

- a. The local government is unlikely to support the parking of a commercial vehicle that is, or has been, used for the commercial transportation of animals, disposal of liquid wastes, or other dangerous, hazardous or contaminated substances (which either requires a special permit for their transportation, or which if spilled or discharges from the vehicle would either cause pollution or pose a danger or threat to the health or inhabitants of the locality).
- b. Applications are only considered on the principle that the parking of the commercial vehicle is incidental to the predominant residential use of the property and therefore the parking of commercial vehicles on vacant land, or where no residence exists, are considered to be a land use application in themselves and contrary to the objectives of this policy.
- c. Where planning consent has been granted for a Rural Tourist Development, Intensive Agriculture, a Rural Industry or Rural Pursuit, and in some instances a cottage industry on 'Rural Smallholding' zoned land, the parking of a vehicle associated with these activities may be considered provided it can be demonstrated that there will be no undue impact on the environment or the amenity of the surrounding locality.

4.4 Amenity

- a. The parking of a commercial vehicle should not adversely impact upon the amenity of the locality. Amenity is considered to relate to what can be reasonably expected in the subject residential/rural residential environment. Amenity can be affected by the undue generation of noise, fumes, odours and the like. Visual amenity is another

component which relates to the manner in which the property is viewed from the street or adjacent properties.

- b. Minor maintenance of a commercial vehicle whilst parked at a residential/rural residential property will only be considered where it can be demonstrated to the satisfaction of the local government that such maintenance will not impact on the amenity of the locality, and can be suitably managed to ensure all wastes are disposed of appropriately.
- c. Activities such as spray painting, panel beating or mechanical repairs that have the potential to adversely impact upon the amenity of the locality by the emission of noise, odours, by-products or otherwise, will not be permitted to be undertaken on a commercial vehicle parked in a residential/rural residential zone.

4.5 Application Requirements

- a. A planning application is required to be lodged for all vehicles that do not meet the requirements of this Policy. The Shire may undertake consultation with effected / surrounding landowners prior to the application being presented to a meeting of Council for consideration.
- b. An application made to the Shire is required to include:
 - i. A covering letter that provides details as to the purpose of the vehicle (what commercial/industrial activity the vehicle is used for), the length, width, height and carrying capacity of the vehicle and envisaged departure and arrival times.
 - ii. A photograph(s) of the commercial vehicle proposed to be parked at the property.
 - iii. Completed planning application form and fee

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Adopted at the 19 February 2014 Ordinary Meeting of Council