

Parking of Commercial Vehicles On Private Property



Scheme Requirements

Clause 5.20 of Kalamunda District Planning Scheme No 3 refers to Commercial Vehicle Parking, as follows:

- a) Notwithstanding any other provision in the Scheme to the contrary, determination of Commercial Vehicle parking shall be in accordance with Council's Policy Statement on "Parking of Commercial Vehicles on Private Property".
- b) Council shall seek opinions from affected landowners before any decision on an application to park a commercial vehicle is made.
- c) Council reserves the right to amend the conditions of an approval or to revoke an approval to park a commercial vehicle (i) as a result of a justified complaint received or (ii) due to changes (or potential changes) of the zoning, subdivision or development of the subject or nearby land.
- d) If a commercial vehicle owner who has been granted Council approval to park a commercial vehicle on a lot wishes to replace the vehicle with another commercial vehicle, a further application to Council is required, except where the replacement vehicle is of the equivalent tare weight or less. In such cases, only notification and submission of a photograph of the new commercial vehicle is required by the owner.

Policy (adopted August 2004)

Objective:

To provide guidelines for the assessment of applications for the parking of a commercial vehicle on private property.

Policy:

This Policy relates to the Keeping or Parking of Commercial Vehicles on private property in the Shire of Kalamunda. The subject of Commercial Vehicles on road reserves (ie. footpath area, verge, pavement area) is not covered by this Policy; verge or pavement parking is controlled by either Council's Parking local laws or the Road Traffic Act, and would be dealt with accordingly, with the exception of point Exiii) of this policy document.

"Commercial Vehicle" means a vehicle whether licensed or not and shall include motor propelled caravans, trailers, semi-trailers, earth moving machines whether self propelled or not, motor wagons, buses and tractors and their attachments but shall not include any, motor car or any vehicle whatsoever the weight of which is less than 3.5 tonnes.

The "keeping" or "parking of a Commercial Vehicle" means the parking of a Commercial Vehicle for more than 2 consecutive hours or for a longer period than is necessary to load and unload, or for a longer period than is necessary to complete a related service being rendered to the property.

A "residential lot" means a lot predominantly used for residential purposes, as decided by Council.

"Affected landowners" means those landowners considered to be affected by a proposal to park a Commercial Vehicle, as decided by Council.

- a. For the purpose of this Policy, any vehicle, the tare weight of which is less than 3.5 tonnes, is not considered to be a "Commercial Vehicle".
- b. In all Industrial zones, the Rural Agriculture, Rural Conservation, Rural Landscape Interest, Rural Living and Rural zones, the keeping of Commercial Vehicles is permitted, without the need for approval if the use is in respect of approved industrial or Agricultural/Horticultural operations

If the vehicle is not associated with the approved activity as outlined above, an application for the parking of commercial vehicles in the abovementioned zones shall be required.

- c. In the following zones: Residential R2.5, Residential R5, Residential R10, Residential R12.5, Residential R15, Residential R17.5, Special Rural, Special Residential, Urban Development, Residential Bushland, Service Station, Private Clubs and Institutions and Special Purpose, the keeping of a Commercial Vehicle is not permitted, unless consent is granted by Council.
- d. The keeping of a Commercial Vehicle in zones other than those referred to in B and C above (ie. Residential R20, Residential R25, Residential R30 Shopping, Office, Mixed Use, and District Centre zones), is prohibited.

- e. An application to Council for permission to keep a Commercial Vehicle in the zones referred to in B & C above, will only be considered if the following conditions can be complied with:
- i) The Commercial Vehicle to be parked on the lot shall not exceed (rigid type) 11 metres in length, 2.5 metres in width and 4.3 metres in height (either laden or unladen), or (articulated type) 17.5m in length, 2.5m in width and 4.3m in height,. (All dimensions to comply with VSR 1977). Council shall require the submission of a photograph of the vehicle, to accompany the application.
 - ii) Only one Commercial Vehicle will be permitted on any lot in the zones referred to at B & C above, except in the case of Urban Development, Rural Conservation, Rural Landscape Interest, Rural Living, Rural *and* Special Rural zones. In these zones, the following shall apply:
 - a) Lawfully established Agricultural/Horticultural operations - refer to point B above.
 - b) Lawfully established other businesses - Council will consider applications for a maximum of two Commercial Vehicles where the existence of the business may generate the need for more that one Commercial Vehicle; in these cases applications will be dealt with on their merits.
 - c) In the case of the Urban Development zone, a composite land use strategy has been agreed to by the Council, in accordance with an outline development plan.
 - iii) Within Rural Agricultural zoned land where the parking of commercial vehicles is associated with a use other than a lawfully established Agricultural/Horticultural operations, Council will consider applications for commercial vehicles and in these cases applications will be dealt with on their merits having regard to matters to be considered when Council exercises its discretion. Therefore the provisions of this policy will not apply to such applications.
 - iv) The Commercial Vehicle shall be parked entirely on the lot behind the alignment of the front of the house and preferably behind the rear alignment of the residence or building. If the vehicle is parked alongside the residence or building then gates/fencing of a minimum of 1.8m in height shall be erected to satisfactorily screen the vehicle from the street. It shall be screened from view of the street and from neighbours to Council's satisfaction.
 - v) The Commercial Vehicle must be parked on the lot so that it does not interfere with the normal access and egress of other vehicles and does not cause damage to the road, kerb or footpath. Where possible, vehicles shall be parked such that they do not need to be reversed out.
 - vi) Spray-painting, panel-beating and major servicing on the Commercial Vehicle will not be permitted on the lot. Maintenance limited to oil and grease changes and changes of wheels (but not repair of tyres) and other minor maintenance as *approved by Council*.
 - vii) Washing of the Commercial Vehicle on the lot is to be limited to the use of water and mild detergent, and excludes the use of any solvents, degreasing substances, steam-cleaning and any other processes.
 - viii) The Commercial Vehicle shall only be started or manoeuvred on the lot in such manner and at such times as *approved by Council, being is* consistent with the provisions of the *Environmental Protection (Noise) Regulations. Standard vehicle movement and start up times of between 7.00am and 7.00pm Monday to Saturday and 9.00am to 5.00pm on Sundays and public holidays shall apply, unless otherwise approved by Council*. The idling times for start up and cool down on the property shall be restricted to 5 minutes unless otherwise approved by Council.
 - ix) Maintenance and cleaning of the Commercial Vehicle on a residential lot to be permitted only between the hours of 8am and 7pm Monday to Saturday and 9am to 6pm Sunday.
 - x) A single unit Commercial Vehicle and, or trailer, which is or has been used to transport livestock or hazardous material, shall not be parked on a residential lot.
 - xi) A refrigeration unit fitted to a Commercial Vehicle parked on or abutting a residential lot may not be operated whilst the vehicle is on the lot.
 - xii) In respect of the Residential zones, the provisions of Clause 5.20 of Kalamunda Local Planning Scheme No 3 must also be complied with.

- xiii) If approval is granted to park a commercial vehicle on a property, the vehicle shall be parked on the property in accordance with the approval and shall not be parked on the verge abutting or adjacent to that property at any time.
- g. Council will give consideration to the weight of the Commercial Vehicle in terms of the design capabilities of the affected road surface, kerb, footpath or crossover.
- h. Where a Commercial Vehicle owner who has been granted Council approval to park a vehicle on a lot damages a road, kerb and/or footpath when entering or leaving the lot, the vehicle owner shall be held responsible by Council for the cost of repair.
- i.
 - i) Council will seek opinions from affected landowners before any decision on the application is made. All applications will be considered in the light of any potential impact the proposal is likely to have on residential amenity, in terms of the neighbourhood in general or nearby lots in particular.
 - ii) In respect of an application in a situation where complaints or objections have been received by Council, such application will be referred to Planning Services Committee and Council for determination.
- j. If a Commercial Vehicle owner, who has been granted Council approval to park a vehicle on a lot, wishes to replace the vehicle with another Commercial Vehicle, a further application to Council is required, except where the vehicle is of the equivalent tare weight or less, providing all conditions on the previous approval are complied with. In such cases, only notification and submission of a photograph of the new Commercial Vehicle to Council is required by the owner.
- k. Approval to park a commercial vehicle on a lot shall apply to the applicant only on the lot the subject of the application and shall not be transferred to any other person.
- l. Council reserves the right to amend the conditions of an approval or to revoke an approval (i) as a result of a justified complaint received, or (ii) due to changes (or potential changes) of the zoning of the subject or nearby land.
- m. In issuing an approval or a refusal for the keeping or parking of a Commercial Vehicle on private property, the applicant's attention shall be drawn to the separate matter of parking on the road verge and the road carriageway, and the need for compliance with the Council's Parking local laws and the Road Traffic Act.
- n. Confirmation of Council's approval for any application will be dependent upon the applicant signifying in writing that he/she will comply with all conditions as laid down by Council in respect of the particular proposal."
- o. A non-refundable application fee of \$150.00, to cover processing costs will be payable to Council on application. Approvals shall be issued for a period of 12 months only with a fee of \$100.00 applicable to applications up for renewal.
- p. Approval will not be granted to the parking of a commercial vehicle in a Residential zone if the parking of another commercial vehicle is being undertaken on any lot directly adjoining the subject lot or any of the 3 lots directly opposite the subject lot, or where a lot will be surrounded by 2 commercial vehicles as a result of an approval.

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