

# Commercial Vehicle Parking

The City of Armadale recognises that there are circumstances where commercial vehicles are required to be parked on residential and rural properties.

In order to protect the amenity of adjoining neighbours and to provide certainty to commercial vehicle owners, the City has a number of requirements that need to be fulfilled before a commercial vehicle can be parked at a residential/rural property.

Under the City's Town Planning Scheme No. 4, a commercial vehicle is defined as:

"A licensed or unlicensed vehicle (including any trailer or attachment) whether in a serviceable condition or not, used, designed or intended to be used in the course of trade or commerce and includes vehicles described in the First Schedule to the Road Traffic Act 1974, but does not include a caravan, farm tractor, motor car, motor carrier, motor cycle, station sedan, station wagon or utility."

The provisions of the Scheme state the following under Part 4B.4.5 for Rural Living, Special Rural and General Rural Zone Requirements states the following:

"No person shall park a commercial vehicle except for immediate delivery or loading purposes normally associated with a domestic or rural use, unless approved by the local government except in accordance with the following requirements:

- (a) on-site provision for garaging or parking of the vehicle behind the front building setback line, is to be made in a manner satisfactory to the local government; and
- (b) the amenity of the neighbourhood is not to be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust.

Part 4A.1.5 of Town Planning Scheme No. 4 state the following under for Residential and Special Residential Zone Requirements:

"No person shall park a commercial vehicle except for immediate delivery or loading purposes normally associated with a domestic or residential use, unless approved by the local government except in accordance with the following requirements:

- (a) not more than one such vehicle is to be parked on a lot;
- (b) the load capacity of the vehicle shall not exceed 2.5 tonnes;

- (c) the overall height of the vehicle (including any load) shall not exceed 2 metres;
- (d) the overall length of the vehicle (including any trailer or attachments) shall not exceed 5 metres;
- (e) the lot on which the vehicle is parked is to have an area of at least 600m<sup>2</sup>;
- (f) the lot on which the vehicle is parked shall contain only a single house and associated outbuildings;
- (g) the operator of the vehicle shall be the owner or occupier of the property on which the vehicle is to be parked;
- (h) on-site provision for garaging or parking of the vehicle behind the front building setback line, is to be made in a manner satisfactory to the local government; and
- (i) the amenity of the neighbourhood is not to be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust."

## Application Submission

In order to reach an informed decision regarding any application, the following information and details must be submitted:

- A completed application form (Application for Development Approval) signed by all landowners.
- A completed Development Application Checklist.
- A non-refundable application fee as per the Schedule of Fees and Charges.
- A completed Commercial Vehicle Parking details form.
- A copy of the current registration for the vehicle.
- A site plan showing the location the vehicle will be parked and any manoeuvring areas.

# Commercial Vehicle Parking (continued)

## Assessment Process

When an application is lodged, the City's Planning Services Department staff will assess the information provided by the applicant and in accordance with Planning and Development (Local Planning Schemes) Regulations 2015 Clause 64, advertise the application to surrounding landowners who are given the opportunity to comment, for which a 14 day period is allowed for submissions to be received.

City officers have delegation to determine the applications for Planning Approval for Commercial Vehicle Parking, however depending on the nature of any objections received during the advertising period, the application may need to be considered by Council.

NB: The City has a statutory timeframe of 60 days in which to make a decision or 90 days if advertised.

## Determining of Applications

In determining an Application for Development Approval for Commercial Vehicle Parking, the City may:

- Grant approval with or without conditions as it deems necessary to the development; or
- Refuse to grant its approval giving its reasons for refusal.

## Notice of Determination (Approvals)

Approvals are:

- Granted to the applicant.
- Not capable of being transferred or assigned to any other person.
- Do not run with the land in respect of which it is granted.
- May be revoked at any time or refused at time of renewal, if in the opinion of the City, a breach of conditions or a nuisance or annoyance to adjoining neighbours occurs.
- Subject to an application for annual approval.

## Compliance

Failure to comply with any condition of approval or approved plans constitutes an offence under the Planning and Development Act 2005.

The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for a continuation of that offence.

## Further Information

For further information, refer to the Planning section of the City's website where the following information is available:

- Town Planning Scheme No. 4
- Local Planning Policies
- Information Sheets
- Schedule of Fees and Charges
- Application for Development Approval
- Development Application Checklist
- Planning and Development (Local Planning Schemes) Regulations 2015

Contact the City's Planning Services for further information.

*Please note the information contained within this brochure is intended as a guide only. It is recommended that advice and assistance of City's Planning Services staff be sought prior to lodgement of a development application. The City of Armadale disclaims any liability for any damages sustained by a person acting on the basis of this information.*