

1 INTRODUCTION

The City of Rockingham Town Planning Scheme No.2 (TPS2) defines a 'Commercial Vehicle' as a "vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including:-

- (a) a utility, van, truck tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be attached to a vehicle referred to in paragraph (a) above."

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Local Government shall have due regard to in the assessment and determination of applications for Development Approval for the parking of Commercial Vehicles through various zones.

2 POLICY APPLICATION

This Planning Policy only applies across Residential, Special Residential, Rural, Special Rural and Development zones.

This Planning Policy does not apply to Transport Depot proposals which are defined by the TPS2 as "premises used primarily for the parking or garaging of 3 or more commercial vehicles including –

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another."

A Transport Depot is a prohibited use within all of the zones to which this Policy applies.

This Planning Policy should be read in conjunction with Clause 4.17 'Commercial Vehicles' of TPS2 and the City's Activities in Thoroughfares and Public Places Local Law 2001.

3 POLICY OBJECTIVE

The objective of this Planning Policy is to promote the orderly and proper use of land by setting out the criteria against which applications for Development Approval will be assessed and standards that shall be observed such that Commercial Vehicles can be parked in Residential, Special Residential, Rural, Special Rural and Development zones, where it has been demonstrated that there will be no adverse impact upon the amenity of the locality.

4 POLICY STATEMENT

4.1 Amenity

The deemed provisions of TPS2 define 'amenity' as all those factors that combine to form the character of an area and include the present and likely future amenity. In this regard, the parking of a Commercial Vehicle should not adversely impact upon the amenity of the locality.

Amenity can be adversely affected by the undue generation of noise, fumes, odours and the like. Visual amenity is another component that relates to the manner in which the property is viewed from the street or adjacent properties.

Minor maintenance of a Commercial Vehicle/s whilst parked at a property will only be considered where it can be demonstrated to the City's satisfaction that such maintenance will not adversely impact on the amenity of the locality, and can be suitably managed to ensure all wastes are disposed of appropriately.

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 Commercial Vehicle/s.

4.2 On-site Parking

The Commercial Vehicle must be parked entirely within the subject property, and should be contained behind the building setback line.

Where possible, the vehicle should be parked to the rear of the residence and screened from view of the street and from neighbouring properties.

Only one Commercial Vehicle will be permitted to be parked on a Residential, Special Residential, Rural, Special Rural or Development zoned property, unless it can be demonstrated to the City's satisfaction that an additional Commercial Vehicle can be parked on the property in compliance with all the requirements of this Planning Policy.

4.3 Access

Access to the property on which the Commercial Vehicle/s is to be parked is to be via a crossover that has been constructed to the City's specifications. Where appropriate conditions will be imposed on the development approval requiring the upgrade of vehicle crossover within 60 days from the issue of development approval.

The parking of the Commercial Vehicle/s does not preclude domestic passenger vehicles from parking at the property.

4.4 Commercial Vehicle Use

The City is unlikely to support the parking of a Commercial Vehicle/s that is, or has been, used for the 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 discharged from the vehicle would either cause pollution or pose a danger or threat to the health of inhabitants of the locality).

The parking of Multi Combination (MC) vehicles shall not be permitted.

Vehicle loads and equipment must not be stored separately on-site. It is not the intention of this Policy to accommodate the storage of materials, or equipment ancillary to commercial vehicles, separate to the general movements or operation of that vehicle.

4.5 Consultation

All applications for Development Approval for the parking of Commercial Vehicles/s will be the subject of a process of community consultation in accordance with Clause 64 of the deemed provisions of TPS2 and Planning Procedure No.1.3 - Community Consultation.

5 APPLICATION PROCEDURE

Applications for Development Approval to park a Commercial Vehicle/s shall be accompanied by the following information:

- (a) A written description of the vehicle and whether such vehicle is to be used for business purposes operating out of the premises on a call out basis;
- (b) The length, width, height and carrying capacity of the vehicle;

- (c) Arrival and departure times;
- (d) Demonstration that the proposal complies with the criteria set out in this Policy Statement;
- (e) A site plan clearly depicting the proposed location of where the Commercial Vehicle/s is to be parked;
- (f) A photograph of the Commercial Vehicle/s proposed to be parked at the property; and
- (e) The payment of an Administration Fee as detailed in the City's Scale of Fees for Planning Services.

6 POST APPROVAL CONSIDERATIONS

- (a) Where a owner/driver who has been granted Development Approval to park Commercial Vehicle/s on a lot damages a road, kerb and/or footpath when entering or leaving the lot, the owner/driver shall be responsible for the cost of repair.
- (b) If a owner/driver, who has been granted Development Approval to park Commercial Vehicle on a lot, wishes to replace the vehicle with a different Commercial Vehicle, or park the vehicle in a different location to that approved by the Local Government, the prior written approval of the Local Government to the variation is required.
- (c) Should the Local Government receive substantiated complaints from adjoining/ nearby residents regarding the parking of the Commercial Vehicle/s, or if the Local Government observes that conditions of Development Approval are not being complied with, the Local Government will either:
 - (i) by written notice served on the owner and/ or occupier of the land, require compliance with the conditions imposed on any Development Approval granted; and/ or
 - (ii) issue an infringement notice and/or prosecute the owner or occupier of the land as the case may be pursuant to the *Planning and Development Act 2005*.

7 AUTHORITY

This Planning Policy has been adopted by the Local Government under the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Local Government in respect of any application for Development Approval, 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 decision.

8 INTERPRETATIONS

For the purposes of this Planning Policy, the following term shall have the same meaning as in Town Planning Scheme No.2:

Local Government means the City of Rockingham.

The following term shall have the same meaning as per the definition of the Department of Transport:

Multi Combination (MC) vehicle means any heavy combination unit towing one or more trailers, each having a gross vehicle mass greater than 9,000kg.

9 DELEGATION

Where an application for Development Approval has been the subject of a process of community consultation and substantiated objections are received, the application for Development Approval will be referred to the Council for decision.



All other applications for Development Approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to Clause 83 of the deemed provisions of TPS2 and Planning Procedure 1.1 – Delegated Authority.

10 ADOPTION

This Planning Policy was adopted by the Council at its ordinary Meeting held on 27 May 2008.

11 AMENDMENT

This Planning Policy was amended by the Council on 25 August 2009 and 27 August 2019.

12 AMENDMENT

This Planning Policy supersedes the City's Statement of Planning Policy No.4.5 - Parking of Commercial Vehicles in Residential Zones.