

SHIRE OF GINGIN  
LOCAL PLANNING SCHEME NO. 9  
**LOCAL PLANNING POLICY STATEMENT NO – 8.1**  
**PARKING OF COMMERCIAL VEHICLES IN**  
**“RURAL LIVING” ZONES**



**1. POLICY AREA**

“Rural Living” zoned land in the Shire of Gingin.

**2. POLICY OBJECTIVES**

- 2.1 To provide opportunities for the parking of commercial vehicles on “Rural Living” zoned properties in a manner that does not detrimentally impact on the amenity and safety of the surrounding community.
- 2.2 To provide guidance on the matters Council will take into consideration when determining proposals for commercial vehicles parking.
- 2.3 To authorise the Chief Executive Officer, under the authority of Council, to grant Planning Consent.

**3. POLICY STATEMENT**

- 3.1 This Policy applies to the parking of commercial vehicles on privately owned land zoned under Local Planning Scheme No. 9 (LPS No. 9) for “Rural Living” purposes.
- 3.2 A commercial vehicle, for the purposes of this Policy, is a vehicle:
- (i) In excess of 3 tonnes tare weight, as prescribed in Council’s LPS No. 9 or;
  - (ii) As prescribed by the Department of Planning – Vehicle Information and is included in Table 1 (see below). The vehicle, whether licensed or not, and which is used, capable of being used or intended to be used in conjunction with a trade or profession shall be deemed a commercial vehicle.

Table 1

<b>CLASS</b>	<b>DESCRIPTION OF VEHICLE</b>
<b>LR</b>	<i>A motor vehicle that:</i> <ul style="list-style-type: none"><li>• <i>has a gross vehicle mass greater than 4.5 tonnes but not greater than 8 tonnes: or</i></li><li>• <i>seats more than 12 adults (including the driver) and has a gross vehicle mass not greater than 8 tonnes.</i></li></ul>
<b>MR</b>	<i>A motor vehicle that has 2 axles and a gross vehicle mass greater than 8 tonnes.</i>
<b>HR</b>	<i>A motor vehicle that has 3 or more axles and a gross vehicle mass of greater than 15 tonnes and must be loaded to have a minimum on road mass of 16 tonnes.</i>
<b>HC</b>	<i>A prime mover with 3 axles and a gross vehicle mass exceeding 15 tonnes, attached to a semi trailer with at least 2 axles, having a tare weight exceeding 4,500 kilograms, the capability of a gross trailer mass or gross vehicle mass of not less than 16 tonnes and a length of not less than</i>

10 metres.

Vehicle combination to be loaded to have a minimum on-road mass of 28 tonnes.

**OR**

A heavy rigid vehicle that has 3 or more axles and a gross vehicle mass exceeding 15 tonnes, attached to a trailer with a tare weight exceeding 4,500 kilograms, the capability of a gross trailer or gross vehicle mass of not less than 16 tonnes and a length of not less than 7 metres.

Vehicle combination to be loaded to have a minimum on-road mass of 29 tonnes.

**Load to be distributed evenly between vehicle and trailer.**

3.3 This Policy is based on a principal that the entitlement to park a commercial vehicle on a “Rural Living” zoned property should only extend to an occupier of the property. The intent of this Policy is to limit the scale of the parking activity to a level consistent with community expectations for the amenity of the area and to discourage inappropriate land use.

#### 4.0 POLICY MEASURES

4.1 No person shall park or cause or permit to be parked any commercial vehicle on any Lot within a “Rural Living” zone unless otherwise provided for in Council’s Local Planning Scheme.

4.2 An application for commercial vehicle parking must include the following details:

- Completed Application Form (if property is subject to a change of ownership the purchaser should complete the form as the owner and attach a copy to the “Offer and Acceptance”);
- Payment of the required Application Fee;
- A copy of Applicant’s Driver’s License indicating Class of Vehicle permitted to be driven.
- Vehicle Description (type, make and age of vehicle/s);
- Vehicle Registration number/s;
- Tare and Aggregate Weights;
- Vehicle Height and Length;
- A plan to scale showing Lot boundaries and the location of dwelling, outbuildings, driveway, proposed parking location and any intended vehicle screening measures;
- A photograph showing the location where the vehicle is proposed to be parked;
- An indication of the typical frequency and times that the vehicle will be driven to and from the subject property and a description of the main functions of the vehicle; and
- A plan indicating the local roads that will usually be traversed between where the vehicle is proposed to be parked and the main road network, supported by an assessment of the capability of these local roads to provide access for the subject vehicle and an acceptable level of safety for all other road users.

4.3 Properties upon which commercial vehicles are proposed to be parked will have a sealed crossover between the roadway and the private driveway, unless the roadway itself is unsealed.

- 4.4 Approval may be granted to the parking of a trailer or other non-self propelled attachment used in association with the operation of a commercial vehicle that is proposed or already approved to be parked on the property. No more than two vehicle attachments per subject Lot will be permitted to be parked.
- 4.5 This Policy limits one Commercial Vehicle to be parked per subject Lot and may be permitted to be parked on a property where the vehicle is driven by a bona fide occupant of the property as part of their main occupation and Council is of the opinion that the parking activity will not detrimentally impact upon the amenity and safety of the surrounding community. Proof of residency, employment and ownership/responsibility for the vehicle will be required, as this Policy does not provide for a person to park a commercial vehicle on a property where they do not reside.
- 4.6 In determining such a proposal, Council will take into account the type of vehicles involved and the nature of the activities for which they are used, the size of the subject property, the ability to garage the vehicle such that it is screened from public view, the nature of surrounding land uses and the standard of roads in the locality used as the route between the subject land and the road network.
- 4.7 Any proposal involving the parking of more than either one self propelled commercial vehicle and two vehicle attachments per subject Lot will be deemed a Transport Depot, as defined in LPS No. 9. A Transport Depot is not permitted in a "Rural Living" zone.
- 4.8 Where appropriate, an approval for commercial vehicle parking will be granted on the following basis:
- 4.8.1 LPS No. 9 provides that where an approval is issued the approval is personal to the applicant and revocable in the event of substantiated nuisance or non compliance.
- 4.8.2 It is the proponent's responsibility to ensure the storage of fuel and disposal of waste products complies with relevant legislation and best management practices;
- 4.8.3 Only minor servicing, including minor mechanical repairs and adjustments and/or cleaning be undertaken on the property and restricted to between the hours of 7.00am and 6.00pm Monday to Saturday and 9.00am and 1.00pm Sunday. Any activity that involves equipment or a process that generates, in the opinion of Council, unreasonable noise, odour or other nuisance or has a detrimental environmental impact is not considered minor servicing or maintenance and therefore is not permitted;
- 4.8.4 Vehicles laden with livestock, goods which pose a hazard or potential nuisance to nearby residents or loaded refrigeration units shall not be parked on the Lot.

#### 4.9 Assessment Process

- (i) Any proposal for parking of one commercial vehicle (over 3 tonnes) will require an Application for Use Not Listed: Parking of One Commercial Vehicle Over 3 Tonnes. This will be treated as an A Use – and advertised for public input prior to a report for Council determination. All such applications will have a condition imposed upon them (at Council's discretion) to require a Commercial Crossover – as per Council's Crossover Information Sheet.
- (ii) Applications for Parking a Commercial Vehicle are to be accompanied by a letter of non objection from the owners and occupiers of the adjoining properties. Alternatively, the Shire may advise, in writing, to the owners and occupiers of the adjoining properties, stating that if no objection is received within 21 days the Chief Executive Officer shall have the authority of Council to determine the Application.

4.9.1 If letters of objection are received the application shall be referred to Council for determination.

[Adopted 15 January 2013]