



CITY OF BAYSWATER

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Parking Commercial Vehicles in Residential Areas

CONTEXT

Work patterns are changing and more people are working from home or are contractors working off-site but based from home.

Residential zones are primarily intended for residential purposes and associated uses that do no unduly impact on residential amenity. More intensive commercial or industrial uses are generally not appropriate in residential zones.

This document provides information on the suitability of parking commercial vehicles in residential areas. The City also has a separate information sheet on home-based businesses.

WHAT IS A COMMERCIAL VEHICLE?

A **Commercial Vehicle** is defined by Town Planning Scheme No. 24 as:

“means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacture as being suitable to carry loads of up to 1.5 tonnes”.

Examples of vehicles that may not need planning approval include (but are not limited to): a standard-sized electrician’s van, a tradesman’s ute or a light truck suitable for carrying loads of up to 1.5 tonnes.

Examples of vehicles that would likely need planning approval include (but are not limited to): a bus, a delivery truck or a truck suitable to carry loads of over 1.5 tonnes.

NEED FOR PLANNING APPROVAL

Clause 8.5.8 of Town Planning Scheme No. 24 specifies criteria applicable to parking commercial vehicles in residential areas. A person may park one commercial vehicle on a lot in a residential zone without planning approval if **all** of the following requirements are met:

- a) No part of the vehicle is parked on any portion of a right of way, footpath or public road contiguous with the lot;
- b) The vehicle forms an essential part of the lawful occupation of an occupant of the dwelling and that occupation if carried upon the lot does not contravene the Scheme;
- c) The vehicle does not exceed 3 metres in height or 8 metres in length;
- d) The vehicle is not brought to or taken from the lot between the hours of midnight or 6.00am;
- e) Major repairs to the vehicle are not undertaken on the lot;
- f) Any minor repairs, servicing or cleaning of the vehicle are carried out in an area which is effectively screened from view from outside of the lot;
- g) Operation of the vehicle does not adversely impact on the amenity of the neighbourhood due to noise or other emissions;
- h) The vehicle is parked behind the front building line; and
- i) The vehicle is effectively screened, through fencing, landscaping, outbuildings or other measures, from outside the lot and from neighbouring properties.

Planning approval is required if any of the above requirements are not met. If you are unsure of whether planning is required, please speak to a planning officer.

PLANNING APPLICATION REQUIREMENTS

Planning approval must be obtained **before** a commercial vehicle can be parked on a residential lot (if planning approval is required).

A planning application should include information on and photos of the commercial vehicle, specific vehicle details such as height, length and carrying capacity, the times of usage and the reasons why the vehicle needs to be parked in a residential area. It is recommended that applicants obtain letters of non-objection from all potentially affected landowners, including landowners across the street and behind the subject lot.

Some of the information required for a planning application for a commercial vehicle in a residential area includes (but is not limited to):

- Complete a Metropolitan Region Scheme Form 1 signed by the owner of the land (available at www.bayswater.wa.gov.au).
- Pay the planning application fee (available at www.bayswater.wa.gov.au).
- Provide information on and photos of the commercial vehicle, specific vehicle details such as height, length and carrying capacity, the times of usage and the reasons why the vehicle needs to be parked in a residential area.
- Submit relevant letters of support or non-objection from the landowners.
- Provide a site plan showing where the commercial vehicle is proposed to be parked.

It is best to provide as much information as possible with an application so that the City can gain a full understanding of the proposal.

In considering an application for planning approval, the City may:

- Grant planning approval subject to such conditions as it considers necessary; or
- Refuse to grant planning approval.

Should the decision or any of the conditions imposed by the City be unacceptable, the applicant has a right of review under Part 14 of the *Planning & Development Act 2005*.

GRANTING OF PLANNING APPROVAL

Any approval to park a commercial vehicle in a residential area:

1. Is issued to a specific occupier of a particular parcel of land;
2. Shall not be transferred or assigned to any other person; and
3. Shall not be transferred from the land in respect of which it was granted.

Any approval granted is automatically cancelled if the property changes land ownership.

FURTHER INFORMATION

Should you require any further information, please contact the City's Planning and Development Services Division.

Phone: (08) 9272 0622

Fax: (08) 9272 0665

E-mail: mail@bayswater.wa.gov.au

Web: www.bayswater.wa.gov.au

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