

<u>Technical Report</u>			
Application No:	PA23/361		
Lodgement Date:	23 May 2023	DAU Date:	
Address:	Lot 500, 6 Lulu Close, Byford		
Proposal:	Parking of Commercial Trailer		
Land Use:	Commercial Vehicle Parking	Permissibility:	SA
Owner:	Genevieve Tomlins		
Applicant:	As above		
Zoning:	Residential	Density Code:	R20
Delegation Type:	11.1.1	Officer:	David Quelch
Site Inspection:		No	
Advertising:		Yes	
Internal Referrals:		Yes	
<p><u>Building</u>: As no buildings and structures are proposed, no building approval is required.</p> <p><u>Health</u>: A food business is registered where the trailer is to be stored. No food business has been registered or notified the Shire at 6 Lulu Close, Byford.</p> <p>Advice Note:</p> <p>An application to 'Food premises notification / registration form' must be sent in accordance with the satisfaction of the Environmental Health Officer.</p> <p>If trading within the Shire an application to 'Trading in Public Places Licence Application Form' must be sent to the Shire's Environmental Health Officers.</p> <p><u>Infrastructure</u>: No comments.</p>			
External Referrals:		No	
Within a Bushfire Prone Area:		No	

Deemed Provisions – Cl 67 Matters to be considered by local Government

Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: subject site is located within the Residential zone and the use of Commercial vehicle parking is a 'SA' use which means that Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the deemed provisions.			

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: subject site is located within the Residential zone and the use of Commercial vehicle parking is a 'X' use and therefore not permitted. However, under LPS3 a Commercial vehicle has a weight of greater than 4.5 tonnes while the proposed commercial trailer has a weight of 1 tonne. Therefore, approval is not required for the proposal under LPS3.			

c) any approved State planning policy	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

g) any local planning policy for the Scheme area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: subject site is located within the 'Byford on the Scarp Local Development Plan Area' and has a 'R20' coding. Note that the proposal is not for a residential use and therefore the R-Codes are not relevant to the assessment of this application.			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Development:

k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: no buildings and works are proposed.			

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			
Comment:			

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: Several submissions against the proposal raised concern with potential traffic issues resulting from the parking of the trailer. This is that by parking the commercial trailer in the driveway near the east side boundary, it would make it difficult for other vehicles to access and park within the double garage. Consequently, resident or visitor vehicles would be forced to park on the footpath and verge. This may lead to decreased safety for pedestrians or vehicle movements within the cul-de-sac.</p> <p>The applicant advises that their trailer would be parked on the driveway only and not within the road reserve or verge. The location and the small nature of the trailer leads Officers to consider that it would not reduce visibility for vehicles within the cul-de-sac. The trailer would maintain approximately 3.5m from the road carriageway itself, being within the property boundaries. Additionally, the trailer would not inhibit sight lines or views of oncoming pedestrians utilising the footpath due to the distance maintained.</p> <p>Despite the parking of the trailer on the driveway, the site still has sufficient capacity to park three other private vehicles. This includes two inside the double garage and one on the driveway, next to the commercial vehicle. This complies with the deemed-to-comply requirements of the R-Codes (Clause 5.3.3 – Parking), which requires that a minimum of two parking bays are provided for a dwelling site. Officers therefore consider that the site has sufficient capacity to manage vehicles within property boundaries, not impacting on the local road network or safety of pedestrians and vehicles.</p> <p>It is considered that the objections also relate to concerns that other private vehicles of the landowner will be parked in the road reserve or verge, impacting on traffic and pedestrian safety. However, the Parking and Parking Facilities Local Law 2014 prohibits vehicles from being parked on a footpath or otherwise obstruct the flow of traffic. Therefore, this legislation can be relied upon to enforce any non-compliance in relation to the parking of vehicles. Nonetheless, it is recommended that a planning advice note on the determination state, <i>“The parking of vehicles at the site is required to comply with the Parking and Parking Facilities Local Law 2014”</i>.</p>			

u) the availability and adequacy for the development of the following –	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input checked="" type="checkbox"/>
I. Public transport services			
II. Public utility services			
III. Storage, management and collection of waste			
IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)			
V. Access by older people and people with disability			
Comment:			

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: three submissions have been received to the application. Concerns raised are summarized below. <ul style="list-style-type: none"> Vehicles parking on the footpath, verge, front garden and blocking driveways. Traffic / safety hazard. Noise from operating of the generator on the vehicle. Refer to Council Report for discussion of concerns raised.			

Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			