



## DS 4.12 – Vehicles stored on Private Property

### 1.0 Introduction

The storage of vehicles on site can be unsightly and untidy. Vehicles, if retained on site for an extended period, may cause a number of other undesirable impacts, including harbourage of rodents and the contamination of the site through degradation (rust, leaking fluids, tyres etc.). These impacts are of particular concern for sensitive land such as residential areas, near the river or water catchment areas.

The Shire has a statutory responsibility to ensure that these impacts do not occur as they not only affect the site, but also the neighbouring properties.

There are five (5) separate pieces of legislation which apply to vehicles stored on private land. These regulate different impacts of the storage and wrecking of the vehicles. This creates confusion and uncertainty for landowners who are not sure what is permissible.

#### 1.1 Purpose

The purpose of this policy is to:

- a) Clarify the requirements of the legislation relating to stored vehicles;
- b) Provide for recreational uses of vehicles on private property;
- c) Comply with statutory obligations as a local government; and
- d) Provide consistency across the Shire in the enforcement and regulation of stored vehicles.

#### 1.2 Scope

This policy impacts stored vehicles parked on freehold private land.

### 2.0 Legislative Framework

The following legislation have a direct bearing on this policy:

- Local Government Act 1995 (LG Act)
- Planning and Development Act 2005 (P&D Act)
- Shire of Collie Local Planning Scheme No. 5 (LPS)
- Health Act 1911 (Health Act)
- Bush Fires Act 1954 (BF Act)

### 3.0 Shire of Collie Strategic Community Plan 2013-2022

Goal 2	A protected and sustainable natural environment.
Strategy 2.1	A protected natural environment.

- Goal 3 Infrastructure, land use and development that supports the needs of the community.
- Strategy 3.2 Attractive townscapes and streetscapes
- Goal 5: Good governance and leadership.
- Strategy 5.1 Administer local laws and ensure compliance with statutory obligations.

#### 4.0 Application of Policy

This policy applies to all land within the Shire of Collie

#### 5.0 Policy Provisions

5.1 Vehicles are not permitted to be stored and/or wrecked on land under the Shire of *Collie Local Planning Scheme No. 5* and the *Planning and Development Act 2005* except in the following circumstances:

- a) An approved wrecker's premises;
- b) Where planning approval has been given;
- c) The General Industry Zone; and
- d) The Light & Service Industry Zones.

5.1.1 The Shire has a responsibility to enforce compliance with this legislation in all other circumstances. To comply with this responsibility and to provide consistency across the Shire in the enforcement and regulation of stored vehicles the below principles must be followed:

#	Principles	Reasons/Regulations
1.	<b>Stored vehicles must not be visible from the road.</b>	<ul style="list-style-type: none"> <li>• Control unsightly and untidy sites (LG Act and P&amp;D Act)</li> </ul>
2.	<b>Stored vehicles must not be stored outdoors for a period of more than 6 months.</b>	<ul style="list-style-type: none"> <li>• Reduce potential for harbourage of rodents (Health Act)</li> <li>• Prevent land contamination (Health Act)</li> </ul>
3.	<b>Stored vehicles must not be located within 5 metres of a residence and 2 metres of a boundary.</b>	<ul style="list-style-type: none"> <li>• Minimise the fire risk (BF Act)</li> <li>• Provide sufficient area to control any fire (BF Act)</li> </ul>
4.	<b>Abandoned vehicles are prohibited and must be removed.</b>	<ul style="list-style-type: none"> <li>• Limit the proliferation of stored vehicles (P&amp;D Act)</li> <li>• Control unsightly and untidy sites (LG Act and P&amp;D Act)</li> <li>• Reduce potential for harbourage of rodents (Health Act)</li> <li>• Prevent land contamination (Health Act)</li> </ul>
5.	<b>Vehicles and/or parts must not be available for sale (unauthorised wrecking).</b>	<ul style="list-style-type: none"> <li>• Limit the proliferation of stored vehicles (P&amp;D Act)</li> <li>• Prevent unauthorised businesses in inappropriate locations (P&amp;D Act)</li> </ul>

- 5.2 Vehicles kept for restoration or for parts are allowable provided that they comply with the above principles.
- 5.3 Vehicles used for garden art are allowable provided that they comply with the above principles

**6.0 Definitions**

**Amenity** means all the factors which combine to form the character of an area and include the present and likely future amenity.

**Abandoned vehicle** means a vehicle which does not have a current or intended future use (e.g. parts or restoration), including farm and industry vehicles.

**Derelict vehicle** means a vehicle which does not comply with Principles 1-4.

**Stored vehicle** means a vehicle which currently is not used for transport, excluding farm and industry vehicles.

**Vehicle** has the meaning given to it by the Road Traffic Code 2000 whether functional or not (e.g. includes car bodies).

**Policy Adoption and Review**

Council meeting held:	16 April 2019
Adopted by Minute No:	8112
Date to be reviewed:	April 2022
Previous Revision:	12 September 2017