

SCHEME AMENDMENT PROPOSALS: TRANSPORT DEPOT, RURAL TRANSPORT DEPOT AND COMMERCIAL VEHICLE PARKING

Introduction:

Since the introduction of *Local Planning Scheme No. 17* the City of Swan has had a number of issues assessing development applications for 'Transport Depots' and for the parking of commercial vehicles in residential and rural areas.

The City is receiving a number of applications for the parking of commercial vehicles within the 'General Rural' and 'Swan Valley Rural' zones, but does not have adequate planning instruments to assess these applications. Under LPS17, the only applicable use class for commercial vehicle parking is 'Transport Depot', which is currently being applied regardless of the number of vehicles involved.

In addition to this, the City is receiving or is aware of proposals to develop large scale commercial transport depots within the 'General Rural' zone due to their permissibility (discretionary use) under LPS17. The size and scale of some of these proposals is not considered appropriate within the 'General Rural' zone, as they are primarily an industrial land use. The scheme definitions, however, do not differentiate between small and large scale transport depots.

It is proposed that the City amend the current use class definition of 'Transport Depot' and introduce use classes for 'Rural Transport Depot' and 'Commercial Vehicle Parking' under LPS17, with appropriate permissibility throughout each of the zones. In addition to this, it is proposed that the 'Transport Depot' use class be amended to reclassify it as an 'X' use (not permitted) within the 'General Rural' zone and a 'D' use (Discretionary) within the 'Resource' zone. Local Planning Policy's have also been drafted to outline appropriate criteria for the assessment of commercial vehicle parking and transport depots/rural transport depots within applicable zones.

Scheme Amendments: Use Class Definition and Permissibility Review

1. Transport Depot

It is proposed that the current 'Transport Depot' use class definition be reviewed to ensure that it clearly articulates the understood and agreed upon definition of a 'Transport Depot'. The use class 'Transport Depot' would be reclassified as an 'X' use (not permitted) within the 'General Rural' zone, as the new use class of 'Rural Transport Depot' will take its place. In addition, it is proposed that the 'Transport Depot' classification be reclassified as a 'D' use (Discretionary) within the 'Resource' zone, to ensure that Council can adequately consider the surrounding rural context for an application for a 'Transport Depot' on a 'Resource' zoned lot.

Current Definition:

“Transport Depot” means land and/or buildings used for the transfer of goods or persons from one road motor vehicle to another such vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair, garaging or parking or storage of such vehicles

Revised Definition

“Transport Depot” means premises, or a portion of premises, used for the parking or garaging of three or more commercial vehicles, and:

- i. may include the maintenance and refuelling of those vehicles and the storage of goods brought to the premises by those vehicles, provided that those activities are ancillary to the parking or garaging of the commercial vehicles; and*
- ii. may include the transfer of goods or persons from one motor vehicle to another.*

2. Rural Transport Depot

It is proposed that a new use class of "Rural Transport Depot" be included within LPS17 to accommodate instances where a proposal involves the operation of a commercial business used for the parking of up to 5 commercial vehicles that are associated with the surrounding rural area. The temporary storage of goods transported by these vehicles is considered acceptable, provided that the storage is for no longer than a 48 hour period.

Proposed Definition:

"Rural Transport Depot" means premises, or a portion of premises, used for parking or garaging up to five Commercial Vehicles associated with the production or transport of rural produce or rural goods, and:

- i. may include the maintenance and refuelling of those vehicles, provided that those activities are ancillary to the parking or garaging of the motor vehicles;*
- ii. may include the storage of rural produce or rural goods for a period of no longer than 48 hours; and*
- iii. may include the transfer of goods or rural goods from one motor vehicle to another.*

3. Commercial Vehicle

The current definition of "commercial vehicle" under LPS17 is confusing for both assessing officers and applicants. It is proposed that this definition be redrafted so that it clearly states what the City considers to be a commercial vehicle.

In addition to this, the current definition identifies a commercial vehicle as that "which is used or designed for use for a business, trade or commercial purposes". City officers have always considered a vehicle with a mass of greater than 4.5 tonnes as a commercial vehicle, regardless of its intended use.

As a result, an alternative definition has been drafted:

Current Definition:

"Commercial Vehicle" means a vehicle, whether licensed or not, which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any attachment to any of them or any article designed to be an attachment to any of them, and any omnibus or any earthmoving machine whether self-propelled or not. The term does not include a vehicle not greater than 4.5 tonnes gross vehicle mass (gvm) designed for use as a passenger car, utility, van or light truck which is rated by the manufacturer as having a gross vehicle mass not greater than 4.5 tonnes.

Revised Definition:

"Commercial Vehicle" means a vehicle, whether licensed or not, which has a gross vehicle mass of greater than 4.5 tonnes and includes the following vehicles above that weight:

- i. Any utility, van, truck, trailer or tractor or any attachment to any of them or any article designed to be an attachment to them; and*
- ii. Any omnibus and any earthmoving machine whether self-propelled or not.*

4. Commercial Vehicle Parking

It is proposed that a new use class “Commercial Vehicle Parking” be included within LPS 17 to accommodate instances where a proposal involves the parking of up to two commercial vehicles ancillary to the approved use of the lot. The proposed use class is primarily aimed to accommodate home occupations or owner/operators of commercial vehicles that require parking at their residence/business, including owner/operators running an approved ‘rural pursuit’.

Proposed Definition:

“Commercial Vehicle Parking” means the parking or garaging of not more than two Commercial Vehicles for more than two hours in any 24 hour period.

Exempted Development:

In addition to the creation of the use class of 'Commercial Vehicle Parking', a number of exemptions will need to be included within Schedule 5 of *Local Planning Scheme 17* for commercial vehicle parking in specific zones provided that the application meets specific criteria.

EXEMPTED DEVELOPMENT	APPLICABLE ZONE/RESERVE	CONDITIONS APPLYING TO THE EXEMPTED DEVELOPMENT
Commercial Vehicle Parking	General Commercial; Highway Service; Light Industrial;	The parking or garaging of up to two commercial vehicles is exempt from requiring development approval, where both commercial vehicles meet all of the following criteria: <ul style="list-style-type: none"> • Satisfy the classification requirements for Type 1 commercial vehicles under the 'Commercial Vehicle Parking' Policy; • Are parked or garaged solely within the subject lot at all times; and • Are used as an essential part of the business or activity that is conducted lawfully on the subject lot.
	General Industrial	The parking or garaging of up to two commercial vehicles is exempt from requiring development approval, where both commercial vehicles meet all of the following criteria: <ul style="list-style-type: none"> • Are parked or garaged solely within the subject lot at all times; and • Are used as an essential part of the business or activity that is conducted lawfully on the subject lot.

	Rural Residential; Swan Valley Rural; Rural Living; General Rural; Landscape; Resource	The parking or garaging of up to one commercial vehicle is exempt from requiring development approval, where the commercial vehicle meets all of the following criteria: <ul style="list-style-type: none"> • Satisfy the classification requirements for Class 1 and/or Class 2 commercial vehicles under the 'Commercial Vehicle Parking' Policy; • Is parked or garaged solely within the subject lot at all times; and • Is used as an essential part of the main occupation of an occupant of the dwelling; or solely in connection with a lawful rural activity conducted on the subject lot.
--	---	--

5. Parking of Commercial Vehicles in Rural zones

It is also considered appropriate to exempt the parking and garaging of Commercial Vehicles that are in the nature of farm machinery used on a lot in Rural zones, in certain circumstances. For that purpose a new clause 5.10 is to be added to the Scheme in the following terms:

5.10 Parking farm machinery in Rural zones

Notwithstanding any other provision of the Scheme, the approval of the Council is not required to park or garage any Commercial Vehicle in the nature of farm machinery (but excluding trucks) on a lot within any Rural zone where the Commercial Vehicle:

- a) Is used solely in connection with the production of rural goods or rural produce from that lot; and
- b) Does not leave that lot except for the purpose of repairs or maintenance.

Note: Where parking or garaging of a Commercial Vehicle in a Rural zone is not exempt by reason of clause 5.10 from the requirement to obtain planning approval, the parking or garaging:

- a) *May be exempt via Schedule 5A;*
- b) *May be considered to be the use of land for Commercial Vehicle Parking, a Rural Transport Depot or a Transport Depot.*

6. Permissibility of Use Classes:

ZONES USE CLASSES	Strategic Regional Centre						Commercial/Industrial				Residential			Rural						Other		
	City Centre - Business	City Centre - Shopping	City Centre - Showroom	City Centre - Mixed Use	City Centre - Residential	City Centre - Commercial Deferred*	General Commercial	Highway Service	Light Industrial	General Industrial	Industrial Development*	Residential	Residential Development*	Residential Redevelopment	Rural-Residential*	Special Rural *	Swan Valley Rural	Rural Living	Resource	Landscape*	General Rural	Private Clubs & Institutions
Transport Depot	X	X	X	X	X	X	D	D	X	P	-	X	-	X	X	-	X	X	D	X	X	X
Commercial Vehicle Parking	X	X	X	X	X	X	D	D	D	P	-	D	-	D	D	-	D	D	P	P	P	D
Rural Transport Depot	X	X	X	X	X	X	X	X	X	X	-	X	-	X	X	-	X	X	D	X	D	X

DRAFT