

# SCHEDULE OF SUBMISSIONS

**FOR AMENDMENT NO: LPS17-40  
Amendment**

**PROPOSAL: Transport Depot, Rural Transport Depot & Commercial Vehicle Parking - Textual**

No	Name/Address	Affected Property	Summary of Submission	Council's Recommendation	Commission's Recommendation
1	<p>David Caddy/ Matt Raymond for TPG Town Planning and Urban Design</p> <p>PO Box 7375 Cloisters Square, WA 6850</p>	<p>Lot 1010 and portion of Lot 36 Great Northern Hwy, Upper Swan</p>	<p><b>Objection:</b></p> <p>a) We understand that the City of Swan considers the size and scale of Transport Depots to be inappropriate in the General Rural zone. Whilst we understand the City's position, we argue that there is insufficient cause to implement a blanket 'X' use for Transport Depot across all General Rural zoned land. Council currently has the ability to exercise its discretion to approve or refuse the use in the General Rural zone. The discretionary classification means that the use must be appropriately justified before it is permitted by Council. We acknowledge that Council may require guidance in the use of its discretion to approve Transport Depot uses and therefore support the introduction of a local planning policy that helps to address the specific issues associated with a Transport Depot use.</p> <p>b) One solution available to the City is to concentrate the Transport Depot use in certain locations, especially on and around land previously used for resource extraction, possibly through an 'Additional</p>	<p>a) <b>Disagreed.</b> The City of Swan considers that the 'Transport Depot' use represents an industrial scale use of land that is generally inconsistent with the objectives of the 'General Rural' zone. The City does not consider it appropriate to permit applications for this industrial land use within rural areas based on Council's discretion, which at all times is open to challenge in the State Administrative Tribunal, often resulting in ad hoc industrial development occurring in inappropriate locations throughout the rural area.</p> <p>b) <b>Agreed.</b> Given the extent of earthworks, investment in road infrastructure and cost of rehabilitation, former resource extraction areas may have the potential to become transport depot precincts. The City is currently considering a number of landowner proposals for the conversion of resource extraction areas to</p>	

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			Use' mechanism if necessary.	Transport Depots. The City considers that it is entirely appropriate that these landowners should be required to justify their proposal through a scheme amendment process for an 'Additional Use' if the lots are not zoned to permit a 'Transport Depot'.	
2	<p>Wally and Pam Campbell for Wally Campbell Pty Ltd</p> <p>210 Guger Road, Herne Hill 6056</p>	210 Guger Road, Herne Hill 656	<p><b>Objection:</b></p> <p>a) Proposed grandfather clause for selected properties – it is proposed to allow a 12 month transition period in which to allow a landowner to apply for a scheme amendment at a cost of \$6,600, which may not be granted. Smaller operators would be extremely disadvantaged by this cost and uncertainty.</p> <p>b) Moving to a more suitable property (if one could be found) within a 12 month period is impossible. We have spoken to several owners who have tried to do this. A minimum of 3 years is required as a transition period because of the time it takes to get various planning approvals in place plus 12 months to 2 years to get fences erected, sheds built, offices in place, etc.</p> <p>c) We have operated our business here for</p>	<p>a) <b>Noted.</b> The proposed cost of \$6,600 for a scheme amendment is an estimate of the fees required to cover advertising and referral to government agencies, in addition to reporting requirements to both Council and the Minister for Planning. If the proposed amendment is not initiated by Council a significant proportion of the fees will be refunded to the applicant. If an operator is able to comply with the proposed scheme amendments they will not be required to seek any further amendment for an 'Additional Use'.</p> <p>b) <b>Noted.</b> As outlined in the Discussion Paper, the 12 month period will be for all landowners to submit an</p>	

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			<p>over 30 years and know it works in the area from which we operate. It makes no sense to us to have to apply for a scheme amendment just so we can see out the final years in business. My husband is 63 years of age.</p> <p>d) The Council will be policing our social lives if a truckie friend is not allowed to visit, park his rig in our yard or in front of the house on our 5 acre lot for a period of more than 2 hours or an overnight stay. That would obviously leave the landowner open to prosecution as the number of commercial vehicles on that lot would be exceeded.</p> <p>e) The provision for appropriate visual screening is unworkable. A drive around the Swan Valley will show many junk yard properties not pleasing to the eye and offering up visual pollution. They haven't got vehicles and may not have any commercial vehicles on at all. They are aesthetically unpleasing to the eye. We assume the owners will be contacted and forced to erect visual screening. Even boats and caravans probably need to be screened.</p> <p>f) The lot sizes proposed in Schedule 14 are unworkable. It is considered that the following is more appropriate:</p>	<p>application or indicate to the City that they are seeking alternative solutions. If a landowner requires further time to find alternative solutions they may request this in writing, and the City will consider this request.</p> <p>c) <b>Noted.</b> It is recommended that you review the historic operation of your business and determine whether you have any existing use rights under the 'non-conforming use' section of Local Planning Scheme No. 17 (clause 4.8, 4.9 and 4.10). If you can demonstrate that you were lawfully using the land prior to the Gazettal of a Scheme or amendment that resulted in the land use no longer being permissible within that zone, you may be able to claim a non-conforming use right.</p> <p>d) <b>Noted.</b> This clause is intended to limit the ad-hoc parking of commercial vehicles on properties, as this will likely have an identical impact to the parking of residents commercial vehicles on that property. It is recognized that the 2 hour time limit may be insufficient to accommodate visitors, and as a</p>	

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			<ul style="list-style-type: none"> <li>i. Lot size 4700m<sup>2</sup> – 18000m<sup>2</sup> permitted to have up to 10 prime movers and trailers;</li> <li>ii. Lot size 18000m<sup>2</sup> – 40,000m<sup>2</sup> permitted to have up to 15 prime movers and trailers;</li> <li>iii. Lot size 40,000m<sup>2</sup> permitted to have 20 or more prime movers and trailers.</li> </ul> <p>The current proposal is unworkable, and will force owners to seek additional land to park excess equipment.</p> <p>10-15 trucks and trailers fit comfortably on a 40,000m<sup>2</sup> block with attendant infrastructure and a house at front. There are several such situations already in the Swan area.</p> <ul style="list-style-type: none"> <li>g) It would appear that Council will need to provide safe and secure parking in the area for those affected by these proposed changes until suitable land becomes available. It is not the fault of the owners/occupiers that they are in this situation and liable to be treated as criminals when compliance notices are served on them.</li> <li>h) We consider the proposed exempted development to be unworkable.</li> </ul>	<p>result it is proposed to extend this time limit to 5 hours.</p> <ul style="list-style-type: none"> <li>e) <b>Noted.</b> The provision for appropriate visual screening was in response to public comment received during the first round of advertising, and was deliberately left open to allow the applicant to formulate a solution to visual screening requirements. If any person considers that another property is undertaking a land use that is inconsistent with their approval or the objectives of the zone (e.g. junk yards), they may lodge a complaint with the City and officers will commence investigation and take further action if necessary.</li> <li>f) <b>Disagreed.</b> The proposed parking of commercial vehicles at the scale suggested is considered to be inappropriate within rural areas, as this would represent an industrial type use. It is considered that the lot sizes and vehicle permissibility is appropriate to ensure that rural and residential amenity is not impacted by the parking of multiple commercial vehicles.</li> <li>g) <b>Disagreed.</b> It is the responsibility of all landowners to ensure that the</li> </ul>	

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			<p>i) We feel that Council needs to go back to the drawing board, scrap these proposals and start again. What are these poor business operators going to do? Please hold more discussion and more meetings with the victims of these proposals. We feel Council is trying to achieve too much in one amendment, one hit. If we existing businesses are having so much trouble attaining industrial land – all those running from their home blocks – what happens to the poor blighters who want to start a new business? Where's the Aussie fair go? Where do they go? Are the small operators to be stamped out? Even the larger operators are having trouble acquiring land. Some are not allowing their subcontractors to park in their congested yards any more. Not their problem, they say. (But just keep bringing your rig in and front up to work).</p> <p>j) We agree with the discontinuation of the 'Rural Transport Depot' use class.</p> <p>k) The restriction on the goods that commercial vehicles may carry under the 'Rural Transport Depot' land use be removed.</p> <p>l) The City must ensure that there is sufficient land available for Transport Depots. Many of us are in this intolerable situation now because of the shortage of land in</p>	<p>land use being undertaken on their property is compliant with the relevant planning scheme and the <i>Planning &amp; Development Act 2006</i>. The City recognizes that there is an increasing demand for properties suitable for the parking of commercial vehicles, and is actively working with landowners to find suitable locations. The City is not in ownership of any land that is available or suitable for such a parking facility.</p> <p>h) <b>Noted.</b> This point has not been elaborated upon and as such the City cannot provide any response. City officers are of the opinion that the exempted development proposed is entirely workable and appropriate.</p> <p>i) <b>Noted.</b> City officers have been reviewing and working on the proposed amendments for two years, and throughout this time have undertaken numerous consultation exercises with the general public, landowners, community organizations and public representatives. It is considered that the proposed amendments are the</p>	

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			<p>appropriate areas and this is how ad-hoc development has happened. As well waiting for areas to be developed in the City so called to be industrial land is still in the Never Never, unless you have millions of dollars to spend fighting to get it passed.</p>	<p>optimal solution for the community as a whole, but it is recognized that these amendments will not satisfy all landowners concerned. The City has a responsibility to ensure that all property owners are undertaking land uses compliant with the local planning scheme, and that land uses do not result in a negative impact on other landowners. The City also recognizes that there is an increasing demand for properties suitable for the parking of commercial vehicles, and is actively working with landowners to find suitable locations. The City is not in ownership of any land that is available or suitable for such a parking facility.</p> <p>j) <b>Noted.</b> The proposal to introduce this land use class has been discontinued.</p> <p>k) <b>Noted.</b> The proposal to introduce this land use class has been discontinued, and as such the restriction on goods carried is no longer applicable.</p> <p>l) <b>Noted.</b> The City recognizes that there is an increasing demand for properties suitable for the parking of</p>	

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				commercial vehicles, and is actively working with landowners to find suitable locations. The City is not in ownership of any land that is available or suitable for such a parking facility.	
3	Brendan Toohey for Aspen Living  Level 8, 256 Adelaide Terrace		<p><b>Objection:</b></p> <ul style="list-style-type: none"> <li>a) Lot size is not accurate determinate for the number of vehicles permitted to be garaged/parked within a lot.</li> <li>b) It would be contested that the parking of five vehicles would generate noise and other emissions which would result in a negative impact on local amenity and ultimately land use conflict.</li> <li>c) It is recommended that the rural or rural residential nature of the subject areas be preserved and that the number of vehicles be restricted to the number of residents who reside on the subject lot.</li> </ul>	<ul style="list-style-type: none"> <li>a) <b>Noted.</b> The use of lot size is considered to be an appropriate determinate, as a greater area of land will allow a landowner to better screen the commercial vehicles, and allows a greater separation distance between the vehicles and any sensitive surrounding development.</li> <li>b) <b>Agreed.</b> There is the potential for the parking of five commercial vehicles on a six hectare lot to cause land use conflict – this is exactly why a development application is required for such a land use, in order to adequately determine whether the land use is appropriate on the subject lot, and whether conditions need to be applied to minimize any conflict.</li> <li>c) <b>Disagreed.</b> It is considered that the number of residents (which may be</li> </ul>	

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				very difficult to gauge) is a poor determinate for the suitability of the property to accommodate the parking of commercial vehicles.	
4	<p>John Stefanelli on behalf of Stefanelli Nominees Pty Ltd</p> <p>428 Great Northern Hwy Middle Swan WA 6936</p>	428 Great Northern Hwy, Middle Swan	<p><b>Objection:</b></p> <p>a) Removal of the 'Rural Transport Depot' land use class is a good suggestion, but the land area required for 5 vehicles of at least 6 hectares is far too large and therefore restrictive. Smaller parcels of land (e.g. 3 hectares) could easily accommodate five commercial vehicles, depending on site specific circumstances.</p> <p>b) Making the commercial vehicle parking a 'D' use is also too restrictive. It would be simpler to make it a 'P' use. Council have significant controlling powers with permitted uses and can impose all manner of conditions. So I do not accept the view that category 'D' gives the City of Swan more control. The 'D' category just complicates matters because applications can still be delayed and/or refused. How would this help to clarify and provide adequate areas for truck parking in the City of Swan?</p> <p>c) Will the identification of a prime mover with 'at least one trailer' allow an operator who</p>	<p>a) <b>Noted.</b> The City recognizes that smaller landholdings may physically cater for larger numbers of commercial vehicles, but it is considered that these properties will not have sufficient area to maintain suitable buffer distances from surrounding sensitive development, and will not have sufficient area to erect visual screening mechanisms. It is also considered that areas with smaller lot sizes are unlikely to have a road network suitable to accommodate high numbers of heavy vehicle movements, due to the classification of roads and the higher numbers of residential (non-commercial) traffic. The City is aiming to accommodate owner-operators of commercial vehicles to park their vehicles at their home at a reasonable scale. It is considered</p>	

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			<p>has a bobcat, 6 or 8 wheel truck and the associated dog trailer? This is a very common configuration for owner operators. They use the truck to cart dirt and the bobcat is transported in the dog trailer.</p> <p>d) Will there be recognition for truckers that operate long distances to the North West of Western Australia, and who also reside on a recognized road train route (e.g. Great Northern Highway?) Their required configuration is for a prime mover and 2 trailers. Any less than that and they can't park their vehicles at home.</p> <p>e) I would suggest that a much more clear description here so that the allowable number of vehicles that can be parked is clear, and not up to interpretation or assumption which will only lead to more arguments.</p> <p>f) The 'Transport Depot' land use classification should be a 'P' use within rural zones.</p> <p>g) The wording of the section associated with screening is too vague. The policy wording should clearly recognize that adequate screening can be achieved using just a 1.8m high fence like structure – any higher structure will itself become an eyesore.</p>	<p>that the maximum number of vehicles outlined in the proposed Schedule 14 achieves this objective.</p> <p>b) <b>Noted.</b> It is considered that the suitability of a lot to accommodate a particular commercial vehicle(s) is site specific and should be assessed on this basis. It may eventuate that the parking of a type of commercial vehicle(s) on a lot is inappropriate due to the configuration of this lot or the subject commercial vehicle, and the City should reserve the right to refuse such an application. As a result the 'D' classification (discretionary) is considered to be appropriate.</p> <p>c) <b>Noted.</b> This is dependent upon lot size. If the lot size is greater than 3.0ha then a second trailer (dog trailer) may also be parked on the property. It is considered appropriate to allow Council discretion to approve the parking of additional trailers only – this should be addressed through recommendations for modifications to the proposed amendments.</p> <p>d) <b>Noted.</b> Access to a property is a factor that will be taken into account</p>	

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				<p>in any planning application for the parking of a commercial vehicle on a lot.</p> <p>e) <b>Noted.</b> It is considered that the proposed Schedule 14 provides clarity for applicants and City officers on the permissibility of commercial vehicle parking on a lot.</p> <p>f) <b>Disagreed.</b> It is considered that the 'Transport Depot' land use is an industrial scale land use that is generally inconsistent with the objectives of rural zones under Local Planning Scheme No. 17. As a result it is considered appropriate that this land use be classified as an 'X' class use (not permitted).</p> <p>g) <b>Noted.</b> The wording of the section on screening is intended to allow the applicant the opportunity to propose screening measures on a site specific basis, rather than establishing mandatory screening measures for all properties. This is considered to be an appropriate response, as different sites may require different screening measures, and the applicant should be given the opportunity to propose these measures as part of their</p>	

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				application.	
5	<p data-bbox="170 387 389 619">Mrs. Carmelina Grigson; Vice Chairperson on behalf of; Swan Valley Progress Association Inc.</p> <p data-bbox="170 655 360 751">PO Box119 Herne Hill WA 6056</p>		<p data-bbox="658 387 1032 416"><b>No Formal Position Stated</b></p> <ul style="list-style-type: none"> <li data-bbox="707 437 1330 603">a) SVPA supports the position that only commercial vehicles owned by the property owner are permitted to apply for the parking of commercial vehicles to ensure they are consistent with the objective of the SVP Act.</li> <li data-bbox="707 624 1330 853">b) The City of Swan should continue to have dialogue with those landowners illegally parking commercial vehicles within the Swan Valley to find some suitable remedy, bearing in mind that there is no readily available land zoned for relocation of these small scale family businesses.</li> <li data-bbox="707 874 1330 975">c) It is considered that lot size is not an accurate determinate for the number of vehicles garaged or parked within a lot.</li> <li data-bbox="707 995 1330 1126">d) It is contested that the parking of 5 vehicles would generate noise and other emissions that may become a land use issue – particularly in the Swan Valley.</li> <li data-bbox="707 1147 1330 1278">e) Does the Discussion Paper hypothesis resolve the issue of noise and other emissions that the parking of 5 vehicles would generate on a 6 ha property?</li> <li data-bbox="707 1299 1330 1394">f) Do not support the proposed Grandfather Clause that has been discussed and proposed by some members in the</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1406 437 1928 703">a) <b>Noted.</b> The commercial vehicle parking provisions apply only to vehicles that are owned or operated by a person who occupies the lot. This does not stipulate that the person must own the subject lot, as they may rent the property but still live on the premises.</li> <li data-bbox="1406 724 1928 959">b) <b>Noted.</b> The City of Swan will continue to have dialogue with all landowners regarding the permissibility of their land uses and any approvals they may require, regardless of their location within the municipal area.</li> <li data-bbox="1406 979 1928 1246">c) <b>Noted.</b> The use of lot size is considered to be an appropriate determinate, as a greater area of land will allow a landowner to better screen the commercial vehicles, and allows a greater separation distance between the vehicles and any sensitive surrounding development.</li> <li data-bbox="1406 1267 1928 1394">d) <b>Noted.</b> It is considered that the requirement for a minimum 6 hectare lot for the parking of up to 5 commercial vehicles is sufficient to</li> </ul>	

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			<p>community.</p> <p>g) How is the City of Swan going to audit the policy? What budget allocations have been considered by the City, for both planning and auditing issues?</p> <p>h) Land should not be permitted to be leased or rented for the parking of commercial vehicles.</p> <p>i) The proposed amendments will force landowners to have a non-compliant land use.</p> <p>j) What type of screening will be acceptable?</p> <p>k) The City should not use a 'one size fits all' approach.</p> <p>l) Policies are conflicting and we feel do not promote rural activities and impacts business endeavors.</p> <p>m) Land use applications may prove very expensive for the rate payer and therefore prohibitive.</p> <p>n) Annual review of policies should be undertaken.</p> <p>o) There is a concern that land rates may increase due to new planning requirements.</p> <p>p) There should be a further option D that would apply to those landowners that could</p>	<p>address noise and other planning issues. It is additionally noted that this is only permitted within the 'General Rural' zone, which does not incorporate the Swan Valley area.</p> <p>e) <b>Noted.</b> It is considered that the requirement for a minimum 6 hectare lot for the parking of up to 5 commercial vehicles is sufficient to address noise and other planning issues. Such a proposal would be subject to planning approval, at which time site-specific issues would be identified and addressed.</p> <p>f) <b>Noted.</b> City officers concur.</p> <p>g) <b>Noted.</b> The City of Swan will continue to undertake its role as a planning authority in the same manner it does now. The City is adequately prepared for the submission of planning applications and any required compliance investigations that arise from the parking of commercial vehicles.</p> <p>h) <b>Disagreed.</b> The permissibility of a land use is dependent upon the zoning of the lot under <i>Local Planning Scheme No. 17</i>. The ownership arrangements are not</p>	

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			<p>not comply with the proposed amendments – they could prove that they have a 'pre-existing use right'.</p> <p>q) The fee for an Additional Use application is too high, and it is unclear how this amount is determined.</p> <p><b>Note:</b> this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>considered to be a relevant planning concern.</p> <p>i) <b>Disagreed.</b> Any landowner that is currently operating in compliance with the scheme will not be negatively influenced by the proposed amendments, as they will be adequately protected under the 'Non-Conforming Use' provisions of the Scheme. Those landowners that are currently non-compliant with the Scheme, and as such are operating illegally, will still be in this situation under the new Scheme provisions. They must seek planning approval for their land use if required, or find an alternative solution for their non-compliance.</p> <p>j) <b>Noted.</b> Screening should be erected to ensure that the parking of commercial vehicles does not detract from the character of the area or interrupt the visual amenity. It is for the applicant to propose a suitable screening measure, which will be considered by the City as part of a planning application.</p> <p>k) <b>Noted.</b> City officers consider that they have not used a 'one size fits all' approach, but rather have taken</p>	

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				<p>into account the objectives of the relevant zones, character of the various localities, lot size patterns and existing land uses.</p> <p>l) <b>Noted.</b> The policies were discontinued in response to public comment received during the first round of advertising.</p> <p>m) <b>Noted.</b> A standard planning application attracts a minimum fee of \$129 for the parking of commercial vehicles. This is not considered to be a prohibitive amount, and financial hardships do not absolve landowners of their responsibility to ensure that they have the required approvals for land uses undertaken on their property.</p> <p>n) <b>Noted.</b> The policies were discontinued in response to public comment received during the first round of advertising. Regular monitoring of the proposed scheme provisions will be undertaken to ensure that they are adequate for all concerned.</p> <p>o) <b>Noted.</b> Land rates are partially calculated based on the services required to support a land use. If a</p>	

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				<p>business is operating at a cost to local government, land rates may be increased to ensure that this cost is sufficiently covered by that business.</p> <p>p) <b>Noted.</b> The proposed 'Option D' already exists under the Scheme as part of the 'non-conforming use' provisions. If a landowner can demonstrate that they had a valid planning approval to undertake their existing land use, this will not be influenced by the proposed scheme amendments.</p> <p>q) <b>Noted.</b> The application fee is an estimate of the costs incurred by the City for the assessment of an application, referral to Council for initiation and adoption, public advertising and referral to relevant agencies, in addition to final approval by the Minister for Planning.</p>	
6.	<p>Claire Richards for Greg Rowe &amp; Associates on behalf of Mr Adrian Brjkovich</p> <p>Level 3, 369 Newcastle st</p>	<p>Lot 12 (No.1527) Great Northern Hwy Upper Swan</p>	<p><b>Objection</b></p> <p>a) The proposed 'X' classification for Transport Depot's in 'General Rural Zone' is inappropriate. This will impact existing operators in this zoning, and we believe the 'transport depot' use is consistent with the objectives of the 'General Rural' zone. If</p>	<p>a) <b>Disagreed.</b> City officers consider that the 'Transport Depot' land use classification is an industrial scale land use that is inconsistent with the objectives of the 'General Rural' zone. A historic site specific</p>	

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	Northbridge WA 6003		<p>they were not then Council would not have approved the use on the subject lot.</p> <p>b) Object to the proposed provision to deal with existing Transport Depots and future proposals as it is considered the Discussion paper does not adequately address previous concerns in regards to this matter in relation to modifying or extending existing approved transport depots. It is recommended that each application is assessed on its merits prior to the requirement for existing approved properties being required to submit a Scheme Amendment.</p> <p>c) Object to the proposed Amendment No.40 relating to the permissibility of Transport depots. Recommends developing Local Planning Policies as a more efficient means of addressing the issue, they are of the view that the policy framework alone provides Council with the necessary level of control it needs to ensure desirable development outcomes, whilst still maintaining a degree of flexibility.</p> <p><b>Note:</b> this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>approval for this use within the 'General Rural' zone is not considered to be a relevant matter.</p> <p>b) <b>Disagreed.</b> It is considered entirely appropriate for existing operators of Transport Depots to continue to operate within the conditions of their approval. If they wish to seek further approval they will need to ensure that this can be granted under Local Planning Scheme No. 17 via a scheme amendment for an 'Additional Use' if necessary.</p> <p>c) <b>Disagreed.</b> It is not considered that a Local Planning Policy alone will adequately address the issue of the inconsistency between the land use of 'Transport Depot' and the objectives of the 'General Rural' zone.</p>	

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7.	Tony Pisconeri 95 Lennard St, Herne Hill WA 6056	95 Lennard St, Herne Hill	<p><b>Objection</b></p> <p>a) The proposed 'Rural Transport Depot' is inappropriate, as it only allows storage of rural produce and rural goods for no longer than 48 hours.</p> <p>b) A non-conforming use right should be offered to existing truck operators to ensure that the amendments do not negatively impact on existing businesses.</p> <p><b>Note:</b> this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>a) <b>Noted.</b> The proposed 'Rural Transport Depot' land use class was discontinued in response to public comment received during the first round of public comment.</p> <p>b) <b>Noted.</b> Non-conforming use rights are protected under the 'Non-conforming use' provisions of Local Planning Scheme No. 17, and apply to landowners that have a valid planning approval prior to the Gazettal of a Scheme or amendment. These use rights will apply to such landowners as part of this amendment.</p>	
8.	R.A Netherway 7 Spring Avenue Midland		<p><b>Objection</b></p> <p>a) Most of the commercial vehicles are owner drivers, who usually take care not to upset their neighbours. Their living depends on it.</p> <p>b) Those persons that have been parking vehicles on their property until now should be given the right to continue doing so through a 'Grandfather clause' mechanism. My trucks would not average twice a week movements.</p> <p>c) Owners who have trucks under TPS1</p>	<p>a) <b>Noted.</b> It is the role of planning legislation, and the government authorities that implement it, to ensure that land use conflict is minimized through appropriate land use control.</p> <p>b) <b>Noted.</b> The proposal to automatically approve land uses that have operated illegally within the City of Swan for a significant period</p>	

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			<p>(1974) and TPS9 (1986) should still have those rights to continue under TPS17.</p> <p>d) A lot of truckies would not have time to read these advertisements in the paper. I think a common sense approach is need to allow truckies small businesses to continue on trying to make a living in these hard times.</p>	<p>of time through a 'Grandfather' clause is not supported. This is not only considered to be unachievable, but will undermine the current planning approvals system. Those landowners that cannot comply with the proposed amendments will need to seek alternative arrangements – one of which is to apply to the Council to consider an amendment to the Scheme to permit their land use on their lot. In this application the City will consider the length of time that they have operated for, the likely impact of their forced movement, and any other circumstances relevant to the individuals application. This is considered a more feasible and achievable application of a 'Grandfather' clause, as it allows the City to consider each person's operation on an individual basis, rather than irresponsibly attempting to approve a large group of illegal land uses.</p> <p>c) <b>Noted.</b> The non-conforming use provisions of LPS17 ensure that a landowner with an approval under a previous town planning scheme (TPS1 or TPS9), or evidence that</p>	

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				<p>planning approval was not previously required, may continue to use their land for that purpose provided that they comply with the provisions of the clause 4.8 to 4.10.</p> <p>d) <b>Noted.</b> The City not only advertised the proposed amendments in the local and State newspapers, but also advertised them via the City of Swan website, and held a formal public meeting in addition to attending a number of other public meetings. City officers were also available at all times throughout the advertising period to answer any and all questions from concerned landowners.</p>	
9.	<p>Sally Block on behalf of the Gidgegannup Progress Association</p> <p>PO Box 66 Gidgegannup 6083</p>		<p><b>Objection:</b></p> <p>Following comments provided:</p> <p>a) We note that tractors and earthmoving machines used for work on a subject lot should not require a separate approval as part of the 'Commercial Vehicle Parking' provisions and support this. We would query 'together with any trailer or similar article designed to be an attachment to</p>	<p>a) <b>Agreed.</b> If tractors and earthmoving equipment are used for work on the subject property they will not require further planning approval, as outlined in Section 5.10.3 a).</p> <p>The proposed definition of 'Commercial Vehicle' should be reconsidered to ensure that smaller trailers not designed to be attached to a commercial vehicle should not be captured within this definition.</p>	

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			<p>either i) or ii), whether rated at a gross vehicle mass of greater than 4.5 tonnes or not. Surely any attachment under 4.5 tonnes should not require an approval.</p> <p>b) We support most of the amendments proposed but are disappointed that the 'Grandfather' clause was not included. It is going to be extremely difficult for landowners to find alternative parking for their vehicles and this could result in landowners having to sell and move from their properties. This also poses the question where would they move? Some landowners have moved from 'suburbia' to rural blocks specifically to be able to park vehicles.</p> <p>c) What provision is being made for emergency vehicles parked on landowners blocks such as Volunteer Bush Fire Brigade vehicles and firefighting vehicles for use by the landowners on their property and surrounding to combat bush fire?</p> <p>d) There is no doubt that the impact of several vehicles being parked on a Rural Residential or relatively small acreage has a much more significant impact than on a property of over 20ha. We would query the 'Rural Transport Depot' land use class being discontinued as this tends to create a 'one size fits all' and this is not correct. The</p>	<p>b) <b>Noted.</b> The proposal to automatically approve land uses that have operated illegally within the City of Swan for a significant period of time through a 'Grandfather' clause is not supported. This is not only considered to be unachievable, but will undermine the current planning approvals system. Those landowners that cannot comply with the proposed amendments will need to seek alternative arrangements – one of which is to apply to the Council to consider an amendment to the Scheme to permit their land use on their lot. In this application the City will consider the length of time that they have operated for, the likely impact of their forced movement, and any other circumstances relevant to the individuals application. This is considered a more feasible and achievable application of a 'Grandfather' clause, as it allows the City to consider each person's operation on an individual basis, rather than irresponsibly attempting to approve a large group of illegal land uses.</p> <p>c) <b>Agreed.</b> Emergency vehicles would</p>	

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			<p>City of Swan is a diverse area and consideration ends to be given to this.</p> <p>e) We would also query the omission of 'Agricultural' zoned land and the larger lots of 'Landscape' zoned land that exists in Gidgegannup.</p> <p>f) Properties are being considered as one entity even though they might be on several titles. Some of these multi titled properties are held in Family Trusts and/or several members of a family may be living on the property. Also a separate title on a property could contain a rental. If the property is treated as a single entity for the purpose of this amendment, this severely limits the number of vehicles permitted on that property, thus impacting on people's ability to carry on a business with such vehicles or to use them for the business of running the title on which they live.</p> <p>g) Again no reference has been made to the 'Agricultural' zone within the permissibility of the 'Transport Depot' land use class, or to the 'Landscape' zoned properties that are of a significant size in rural areas. Some 'General Rural' zoned properties are 40ha and above and proposals are being made for quarrying of materials such as Bauxite. This is going to have a considerable impact on neighbouring properties and possibly</p>	<p>be considered exempt under section 5.10.3 a), as they would be considered to be undertaking 'work' on the subject property. As such no further approval would be required.</p> <p>d) <b>Disagreed.</b> The 'Rural Transport Depot' was discontinued in response to the first round of public comment. The City is proposing that properties zoned 'General Rural' or 'Resource' with an area of greater than 60,000m<sup>2</sup> may park up to five commercial vehicles on the property with approval. It is considered that the parking of more than five vehicles on a property where the zoning does not permit represents a substantial business that should require separate approval via an individual scheme amendment for that property.</p> <p>e) <b>Disagreed.</b> There is no 'Agricultural' zone under Local Planning Scheme No. 17, and as such no reference to such a zone has been made. The <i>'larger lots of 'Landscape' zoned land'</i> within Gidgegannup would fall under the same classification as 'Landscape' zoned land in other parts of the City, and the proposed</p>	

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			<p>generate a large number of heavy vehicles. Would this be seen as vehicles needed for the furtherance of an occupation on the property?</p> <p>h) The City of Swan is reviewing a number of proposals for dedicated transport precincts, particularly in the localities of Upper Swan and Bullsbrook – is any investigation being made in the Gidgegannup area?</p> <p>i) The fee of \$6,600 for an application for a scheme amendment appears to be prohibitive.</p> <p><b>Note:</b> this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>Scheme provisions would apply.</p> <p>f) <b>Noted.</b> The use of the term 'property' and 'lot' is intended to be interchangeable, in that the maximum number of commercial vehicles stipulated under Clause 5.10 and Schedule 14 will apply to the subject lot as defined by the Certificate of Title.</p> <p>g) <b>Disagreed.</b> There is no 'Agricultural' zone under Local Planning Scheme No. 17, and as such no reference to such a zone has been made. The <i>'larger lots of 'Landscape' zoned land'</i> within Gidgegannup would fall under the same classification as 'Landscape' zoned land in other parts of the City, and the proposed Scheme provisions would apply.</p> <p>A proposal for mining of resources will be subject to a development application, and it is likely that the parking or use of associated vehicles will be considered ancillary to such an application. If this is the case, no further planning approval will be required. All relevant planning issues, including impact on surrounding neighbours and traffic management, would be considered</p>	

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				<p>as part of such an application.</p> <p>h) <b>Noted.</b> The City of Swan is reviewing proposals submitted by landowners within Upper Swan and Bullsbrook for the development of transport precincts. As yet no formal proposals have been received within the Gidgegannup area, but the City is willing and able to consider any proposals received from this locality.</p> <p>i) <b>Noted.</b> The scheme amendment fee of \$6,600 is determined by the WA State Government under the <i>Planning and Development Regulations 2009</i>. This is an estimated cost of the City's time and resource requirements in the assessment of a scheme amendment, as such a proposal is required by law to be publicly advertised and considered by both Council and the Minister for Planning. It is noted that the scheme amendment option is only for those landowners that cannot comply with the proposed scheme amendments – this is considered to be a relatively small proportion of those landowners currently parking commercial vehicles within the City of Swan.</p>	

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10.	<p>Sandra Wallis on behalf of Swan Chamber of Commerce</p> <p>PO Box 166 Midland WA 6936</p>		<p><b>No Objection</b></p> <p>Note that:</p> <ul style="list-style-type: none"> <li>a) The SCC is concerned that there may be limited 'alternative solutions' for those landowners that are no longer able to park their trucks on their property. Whilst industrial land may become available within Hazelmere and Bullsbrook in the near future, this land may not be suitable due to distance and/or significant costs associated.</li> <li>b) The Swan Chamber of Commerce urges the City of Swan to identify land that is readily available in suitable locations and carry out the necessary processes without delay.</li> <li>c) With regard to the banishment of truck parking from other municipalities, we are concerned that this could lead to more truck owners applying to park their trucks within the City of Swan. We encourage the City of Swan to take a more strategic approach to the parking of commercial vehicles, and ensure that suitable locations for existing operators within the City of Swan have been found.</li> <li>d) Object to Rural Transport Depots being given automatic approval, believe attenuation measures and traffic management process' should be</li> </ul>	<ul style="list-style-type: none"> <li>a) <b>Noted.</b> The City of Swan notes that there may be limited solutions for some existing landowners who are operating transport depot businesses without planning approval. The City will work with these landowners on an individual basis to the best of its ability, but cannot guarantee that suitable land will be made available, as this is a function of the property market that the City has very little control over.</li> <li>b) <b>Noted.</b> The City of Swan is actively seeking the further availability of industrial land within its municipality, most notably within Hazelmere, Malaga, Bullsbrook and Upper Swan. The City cannot create suitable land in isolation, however, as the support of the WA State Government and the associated landowners is critical to any rezoning or development proposal. The City will continue to work on finding suitable land for long term industrial development that may alleviate the shortage of such land within the Perth metropolitan area, and consequently increase the affordability of such land.</li> </ul>	

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			demonstrated if objections are received.	<p>c) <b>Noted.</b> The City will be required to apply the new scheme provisions to all landowners, regardless of the length of time they have operated within or owned land within the municipal area. The City recognizes that demand for land suitable for the parking of commercial vehicles is increasing, and this is one of the key reasons that it is important to ensure that the Scheme is suitably catered to deal with this demand.</p> <p>d) <b>Noted.</b> The 'Rural Transport Depot' land use was discontinued in response to public comment received during the first round of public comment. The parking of up to five commercial vehicles is proposed to be permitted on a 'General Rural' or 'Resource' zoned lot if it has an area of greater than 60,000m<sup>2</sup>. The parking of greater than two commercial vehicles on such a lot will require prior planning approval from the City of Swan, at which time the City will take into consideration all relevant planning concerns, including traffic management and noise/dust issues.</p>	
			<b>Objection:</b>		

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11.	F.L Clausen 334 Campersic rd, Herne Hill 6056	334 Campersic Rd Herne Hill	<p>a) Believe the revised discussion paper does not address the issues raised previously relating to the objectives of the Swan Valley Planning Act. The parking of commercial vehicles within the Swan Valley Planning Act area is inconsistent with the Objectives of the Act which recognise the area as having potential for rural, horticultural and tourism pursuits.</p> <p>b) Objects to section 1.1.3a) &amp; b) believes the impact of larger than 4.5T vehicles is considerably more with a prime mover and tri-axle trailer and should be considered separately on the upper limit of size and on an individual approval basis.</p> <p>c) Objects to section 1.1.3c) trailers have a detrimental impact particularly those of lengths up to 14m and require adequate screening. Increasing the number of trailers has the ability to change a small home business to a commercial/industrial business. Question the number of prime movers a property can have before it is considered a commercial enterprise.</p>	<p>a) <b>Disagreed.</b> It is considered that the parking of owner operated commercial vehicles, to a reasonable scale, is consistent with the objectives of the Swan Valley Planning Act, and do not detract from the area as a viticulture and tourism hub.</p> <p>b) <b>Noted.</b> The size and scale of vehicles will be assessed on a site specific basis in the context of the scheme provisions and the characteristics of the local area. It is considered that the proposed scheme provisions adequately address the parking of both smaller and larger commercial vehicles.</p> <p>c) <b>Noted.</b> The aim of the commercial vehicle parking provisions is to accommodate owner operators parking their commercial vehicles at their residence at a reasonable scale. Screening measures, and the appropriateness of the vehicle on the subject lot, will be assessed as part of an application.</p> <p>d) <b>Noted.</b> Any vehicle with a gross vehicle mass of greater than 4.5</p>	

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			<p>d) Objects to section 1.1.4 'Commercial Vehicle' definition. Believes this is still confusing and provides no clarity to understanding what falls under this definition.</p> <p>e) Support section 1.2 'commercial vehicle parking' land use class, believes it should be conditional on appropriate approvals of what is reasonable to surrounding land owners.</p> <p>f) Section 1.2.1 'definition of commercial vehicle parking under LPS17' has created confusion as previous information from the City on 'Parking Commercial vehicles' quotes Schedule 15.1 of the LG Act 1995, Consolidated Local Laws 2002.</p> <p>g) Object to Swan Valley Rural lots being permitted multiple commercial vehicles as this is regarded as a commercial/industrial activity and conflicts with the SVP Act also objects to Schedule 14 believes the outlined size and vehicle permissibility is inconsistent with the objectives of the Act.</p>	<p>tonnes falls under this definition.</p> <p>e) <b>Noted.</b> The 'Commercial Vehicle Parking' land use class was discontinued in response to public comment received as part of the first round of advertising.</p> <p>f) <b>Noted.</b> The most recently advertised documentation refers to the relevant definition of commercial vehicle parking. This documentation supersedes any previous documentation.</p> <p>g) <b>Noted.</b> The City considers that the maximum number of vehicles permitted under Schedule 14 is appropriate for the lot sizes proposed and the objectives of the relevant zones. City officers do not consider that the maximum number of vehicles permitted as part of Schedule 14 is inconsistent with the objectives of the Swan Valley Planning Act.</p> <p>h) <b>Noted.</b> Screening measures are to be proposed by an applicant, and will be assessed by the City as part of an application for the parking of commercial vehicles. The length of time required for vegetation</p>	

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			<p>h) Acknowledge screening is a requirement for the parking of commercial vehicles but vegetation is often a lengthy process and therefore site selection for parking vehicles is necessary in the approval process.</p> <p>i) I am confused about the relationship between Schedule 5 and Schedule 14 they seem to be conflicting.</p> <p>j) The requirements of CI5.10.5 are not capable of variation by cl 5.5. of the Scheme. What are the implications of this clause?</p> <p>k) In relation to section 5.10 I believe people are still in breach of these rules and believe a more stringent approach is required to stop this activity.</p> <p>l) Appendix 11: Commercial vehicle parking info sheet- 3 (c) vehicle type category under Section 6 of this policy; where is Section 6 information?</p>	<p>screening to become effective will be taken into account if this is proposed by the applicant.</p> <p>i) <b>Noted.</b> Schedule 5 relates to the parking of commercial vehicles that are exempt from requiring planning approval under Local Planning Scheme 17, if they meet the exemption conditions. If they do not meet these conditions, the maximum number of vehicles stipulated under Schedule 14 will apply to an application. In any event it is proposed that the exemptions outlined in Schedule 5 be discontinued.</p> <p>j) <b>Noted.</b> The implication is that Council cannot vary the maximum number of commercial vehicles stipulated in Schedule 14 in response to site specific characteristics.</p> <p>k) <b>Noted.</b> The City recognizes that existing landowners are operating businesses that will not be in compliance with the proposed provisions outlined as 5.10. These businesses will be required to seek approval if necessary upon gazettal of the proposed scheme</p>	

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				<p>amendments.</p> <p>l) <b>Noted.</b> The vehicle type classification was proposed as part of the previous 'Commercial Vehicle Parking' policy, which has been discontinued. These provisions have now been replaced by the scheme amendment provisions outlined within the Discussion Paper, as advertised.</p>	
12.	<p>M S Barrett-Lennard &amp; Co on behalf of Composite Land Users Group</p> <p>15 Edward Street West Swan WA 6055</p>		<p><b>Objection:</b></p> <p>a) The Commercial Vehicle definition is inappropriate as the threshold of a GVM of 4.5 tonne will restrict landowners from parking common commuter vehicles, including an F250, F350, F450 and some mobile homes, camper vans and caravans. It is recommended that the GVM should be increased to a more practical limit such as 7T as this will not inadvertently catch the larger 4WD's, horse floats, trade vans, boats, caravans and mobile homes yet will still largely regulate what is mainly the commercial activity operations.</p> <p>b) The inclusion of attachments (rotary hoe, trailers) under the definition of a commercial vehicle is inappropriate. It is recommended that either i) All the exemption numbers</p>	<p>a) <b>Disagreed.</b> The threshold of 4.5 tonnes gross vehicle mass is the current threshold applied in the definition of 'Commercial Vehicle' under Local Planning Scheme No. 17. This threshold was established to reflect the definition of 'heavy vehicle' for licensing purposes under the Road Traffic (Licensing) Regulations 1975, which includes any vehicle with a gross vehicle mass equal to or greater than 4.5 tonnes. The 4.5 tonne threshold is considered to be a suitable indicator of those vehicles that have the potential to impact upon traffic</p>	

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			<p>need increasing or ii) the attachment provision should expressly exclude those commercial vehicles not intended to be caught (car trailer, boats, horse floats etc.). It is also unclear whether the attachments are considered to be separate vehicles, as it is understood, or whether these attachments are considered as a component of the vehicle, due to the use of the words 'together with' as part of the commercial vehicle definition.</p> <p>c) The proposed provision 5.10.3 (d) stipulates that the parking of a commercial vehicle that is 'part of an approved use' is too vague, as an approval for a land use does not stipulate what activities are considered to be ancillary to that approval.</p> <p>d) Clause 5.10.4 is unclear as to what situations it should be applied to.</p> <p>e) Clause 5.10.6 are each objectionable, possibly ultra-vires to the power of the City, and should not be included in the proposed provisions. An approval for the parking of commercial vehicles should be applied to the subject lot based on the zoning, and not on the current ownership or subject to a time limit.</p> <p>f) The restrictions proposed in relation to the size of a property and the number of</p>	<p>management, visual amenity and character of rural and residential areas, and as such should require separate planning approval.</p> <p>b) <b>Noted.</b> It is agreed that the proposed definition of 'Commercial Vehicle' should be revised to clarify i) that an attachment to a vehicle is a separate commercial vehicle that requires approval; and ii) that only attachments specifically designed to be attached to a vehicle with a GVM of greater than 4.5 tonnes are to be included. This will automatically exclude standard trailers, horse floats, etc. that can be towed by a standard sized vehicle (GVM less than 4.5 tonne).</p> <p>c) <b>Noted.</b> It is agreed that the proposed provision 5.10.3 should be revised to stipulate that the parking of a commercial vehicle does not require approval if <i>'it is considered to be ancillary to an approved use'</i> as it is the current practice of the City of Swan to advise on what uses are considered to be ancillary to any approval.</p> <p>d) <b>Noted.</b> It is agreed that the wording of clause 5.10.4 may cause</p>	

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			<p>vehicles permitted is inappropriate, particularly as a ½ acre lot and 20 acre lot have the same exemption level. This is too restrictive particularly to owners of vehicles such as F350 or trailers that may fall under the definition of a 'Commercial Vehicle'. The following is proposed:</p> <table border="1" data-bbox="663 584 1290 842"> <thead> <tr> <th data-bbox="663 584 781 671">Zone</th> <th data-bbox="781 584 969 671">Lot size</th> <th data-bbox="969 584 1160 671">Number of vehicles</th> <th data-bbox="1160 584 1290 671">trailers</th> </tr> </thead> <tbody> <tr> <td data-bbox="663 671 781 754">3rd</td> <td data-bbox="781 671 969 754">4000m<sup>2</sup>-4.5acres</td> <td data-bbox="969 671 1160 754">3</td> <td data-bbox="1160 671 1290 754">7</td> </tr> <tr> <td data-bbox="663 754 781 842">4th</td> <td data-bbox="781 754 969 842">&gt;4.5 acres</td> <td colspan="2" data-bbox="969 754 1290 842">15 commercial vehicles (incl. trailers)</td> </tr> </tbody> </table> <p>g) d) The group is opposed to amendments that would have the effect of prohibiting the continued operation of many businesses that have been operating for a number of years. It is recommended that if a business has operated for at least 10 years and is of the nature of a family business and does not exceed 10 commercial vehicles then it should be eligible to the 'grandfather clause' enabling its continuation until its active participants sell, retire or decease.</p> <p>h) The group is opposed to the two hour restriction proposed for commercial vehicles visiting a property, as this is considered too</p>				Zone	Lot size	Number of vehicles	trailers	3rd	4000m <sup>2</sup> -4.5acres	3	7	4th	>4.5 acres	15 commercial vehicles (incl. trailers)		<p>confusion and as such it is proposed to be modified as follows: <i>'The maximum number of commercial vehicles which may be parked or garaged on any lot within a particular zone as part of an approval under clause 5.10.1 is set out in Schedule 14.'</i></p> <p>e) <b>Disagreed.</b> The City's legal advisors have reviewed the proposed clause 5.10.6 and found them to be appropriate. The City considers it both appropriate and necessary to reserve the right to apply conditions to an approval for the parking of commercial vehicles on a residential or rural lot.</p> <p>f) <b>Disagreed.</b> The proposed maximum number of commercial vehicles suggested is so large that it would negate the purpose of the proposed amendments. It is considered that the parking of an increased number of vehicles above that stipulated in the proposed Schedule 14 represents a more significant business operation than a simple owner operator of a commercial vehicle, and as such does not comply with the intent of the</p>	
Zone	Lot size	Number of vehicles	trailers																	
3rd	4000m <sup>2</sup> -4.5acres	3	7																	
4th	>4.5 acres	15 commercial vehicles (incl. trailers)																		

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			<p>restrictive and would be impractical in a number of situations. i.e. family visiting who drive a F350 or caravan and invited for dinner or intend to spend the night. This should be expanded to permit a duration that allows consecutive or at least repeated use.</p> <p>i) The group is opposed to the removal of the 'D' class to be replaced with a 'Z' class for 'transport depot's' within the General Rural zoning. This is considered unreasonable and unnecessary as it limits the City's ability to approve such an application, even when the City would otherwise consider it appropriate to do so.</p> <p>j) The group believes the proposed amendments are seriously deficient and unworkable in their present form, and in several critical respects. The primary reason being this is the broad scope of definitions and failure to focus on the actual identified issue.</p> <p><b>Note:</b> this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>amendments as proposed. If a landowner wishes to park a greater number of vehicles on such a property they must seek approval for that 'industrial scale' land use via an individual scheme amendment.</p> <p>g) <b>Disagreed.</b> Whilst it is recognised that the length of time that a business has operated may be a relevant planning consideration, it is considered entirely inappropriate for the City to consider granting an amnesty to a large group of landowners who have been operating illegally without consideration of their individual circumstances. Such a decision would be inconsistent with the requirement for all landowners to ensure that they are compliant with the provisions of <i>Local Planning Scheme No. 17</i>, and would undermine the WA planning system as a whole.</p> <p>It is noted that the Scheme specifically accommodates those landowners that are operating legally prior to the introduction of an amendment that results in their land use no longer being permitted within</p>	

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				<p>that zone. This is achieved through the 'Non-Conforming Use' provisions of <i>Local Planning Scheme 17</i>, outlined as clauses 4.8 to 4.11. If a landowner can demonstrate that they are consistent with the 'non-conforming use' provisions of <i>Local Planning Scheme No. 17</i> they may not be required to seek any further planning approval for their existing land use.</p> <p>City officers consider that it is entirely appropriate that those landowners who are parking numerous commercial vehicles on a property without any valid planning approval should be required to request retrospective planning approval. If they are not able to conform with the amended provisions of <i>Local Planning Scheme 17</i> relating to the parking of commercial vehicles, they may request a scheme amendment for an 'Additional Use'. As part of the application for this scheme amendment they may outline the length of time that their business has been operating for, and this will be taken into consideration by Council in their decision on the proposed</p>	

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				<p>amendment.</p> <p>h) <b>Noted.</b> In order to cater for the parking of commercial vehicles on a property being visited, it is proposed that the time limit be increased to a maximum of 5 hours in any 24 hour period. It is not considered that overnight visitors should be accommodated for within this provision, as exempting overnight stays provides a loophole for those that do not wish to seek planning approval for the parking of commercial vehicles. If a landowner wishes to have a commercial vehicle parked on the property for longer than the time limit they should seek planning approval prior to permitting the vehicle to be parked.</p> <p>The proposed provision 5.10.3 b) is recommended to be modified as follows: <i>is solely for the purpose of visiting the subject lot, delivery or receiving of goods and is for a duration of no longer than 5 hours in any 24 hour period;</i></p> <p>i) <b>Disagreed.</b> The Scheme does not contain a 'Z' class use, but it is assumed that this was a typographical error and it was</p>	

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				<p>intended to be an 'X' class use. It is considered that the 'Transport Depot' land use class, which includes the parking of commercial vehicles on a non-residential property, and may include maintenance of vehicles and storage of goods, is an industrial scale land use that is inconsistent with the objectives of the 'General Rural' zone.</p> <p>As a result, it is not considered appropriate for this use to be permitted within the 'General Rural' zone via a 'D' classification (discretionary use). It is considered entirely appropriate that an 'X' classification be applied for the 'Transport Depot' use class within the 'General Rural' zone.</p> <p>j) <b>Disagreed.</b> The City considers that its approach to addressing this complex and serious issue has been entirely appropriate. The City has undertaken a wide range of consultation with regard to Amendment No. 40 over a period of almost two years. This has included two formal public comment periods of six weeks each, advertising in</p>	

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				<p>local and State government newspapers, publication on the City of Swan's website and a formal public meeting held at the Midland Town Hall. City officers also attended and presented at a number of community workshops and events, and were available to answer any and all questions from the public throughout the two year period.</p>	
13	<p>Wayne and Camelina Grigson 92 Hyem Road, Herne Hill WA 6056</p>	<p>92 Hyem Road Herne Hill</p>	<p><b>Objection:</b></p> <p>a) We are primarily based around agriculture. We have two Prime Movers and its associated trailing equipment, with some of our equipment only parked on our property, as it is utilized only 8 weeks of the year during the harvest season. Aesthetically, our property is our home and as such we are very proud of where we live.</p> <p>b) We provide an excellent example of a small business living in a community, supporting a viable economy to the Swan Valley. These amendments, if passed, will have a devastating effect on our livelihood.</p>	<p>a) <b>Noted.</b> Under the proposed amendments, if it can be demonstrated that the subject vehicles are used as ancillary to an approved use of the subject lot, further approval may not be required. If it is required, the applicant will need to either ensure that they comply with the proposed maximum number of vehicles or seek an individual amendment to LPS17 for an 'Additional Use'.</p> <p>b) <b>Noted.</b> The City is willing to work with any applicant that cannot meet the requirements of the Scheme by finding an alternative solution.</p>	

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14	Ellen Brockman Integrated Catchment Group	PO Box 62 MUCHEA WA 6501	<p><b>No Objection</b></p> <p>a) The Ellen Brook is an environmentally sensitive area. Any parking of commercial vehicles within the catchment boundary should consider environment issues such as nutrient and hydrocarbon off site impacts during the decision making process. The new definition allows maintenance and refueling on site. This will need to be monitored to ensure that off site impacts are not experienced.</p> <p>b) The five commercial vehicle limit for Transport Depots within the rural zone will create a visual impact. Screening from major roads should be considered. The previous D class use did allow some comment to be made at the time of consideration.</p>	<p>a) <b>Noted.</b> Any application for the parking of commercial vehicles should consider potential environmental impacts, including impacts on the Ellen Brook.</p> <p>b) <b>Noted.</b> Screening and visual impact is to be addressed by the applicant via the application, and will be assessed by the officer and considered as part of a decision.</p>	
15	Andrew Pawluk on behalf of Georgiou Capital	Lot 7 Talbot Road, Hazelmere	<p><b>Objection</b></p> <p>a) The application of the X use in the General Rural zone has been applied in a broad brush manner and fails to take into account that land zoned General Rural within the Hazelmere Enterprise Area Draft Structure Plan which has been identified as General Industrial.</p> <p>b) As the HEA Structure Plan has now been</p>	<p>a) <b>Noted.</b> The proposed application of 'X' use is on the basis that the 'Transport Depot' land use is considered to be inconsistent with the objectives of the 'General Rural' zone. It is noted that this zone does incorporate some parts of</p>	

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			<p>adopted by Council for advertising the City should acknowledge that Precinct 7 currently zoned General Rural will soon be zoned General Industrial as a follow on from the HEA Structure Plan. Accordingly, the City should recognize the need to provide special consideration to such land as Precinct 7 and accommodate this by modifying amendment 40.</p> <p>c) In this regard we suggest that Amendment 40 be modified to effect the proposed use in the Use Class Table for transport depot in a General Rural zone be split as follows: D/X with a footnote which reads: A transport depot will be considered a 'D' use within the HEA Structure Plan area and in all other General Rural zoned areas a Transport Depot is an X use.</p> <p>d) We note that there are already a number of transport depots operating within Precinct 7. The above suggested modification will assist in the ongoing operation of those transport depots without having to endure any non-conforming use right issues.</p>	<p>Hazelmere that have been flagged for future industrial development.</p> <p>b) <b>Disagreed.</b> The HEA structure plan includes proposed rezoning under both the MRS and LPS17 to ensure that industrial development can be facilitated. It is not considered to be appropriate to modify Amendment 40 merely to facilitate the development of Transport Depots within Hazelmere in an ad-hoc manner.</p> <p>c) <b>Disagreed.</b> This is not considered to be an appropriate inclusion to Amendment 40. If an applicant seeks to develop a Transport Depot on a lot that is not suitably zoned they should seek alternative solutions.</p> <p>d) <b>Noted.</b> The non-conforming use provisions protect landowners that are operating within their existing approval, and it is considered that these provisions suitably protect existing Transport Depot operators within Hazelmere that may be impacted by the proposed Amendment 40.</p>	

# SCHEDULE OF SUBMISSIONS