

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	F.L Clausen 334 Campersic Road Herne Hill WA 6056	Swan Valley - General	<p>No Position Stated:</p> <ul style="list-style-type: none"> a) There seem to be a number of errors in the documentation – 5.4.1 (a) – last two lines – “provided that it meets the exemption conditions in Schedule 5A of LPS17” – This should refer to Schedule 5 rather than 5A. b) The Requirement for exemption and application for approval along with the discretionary decisions of the Council or delegated authority for special applications are open to interpretation and a situation like what has been allowed to develop in the past will continue and does not resolve the issues of the report to Council 12 December 2007 item 3.2 c) It is not clear in the definition of an individual commercial vehicle, whether it is an individual vehicle as a licensed single vehicle, or a combined unit like, prime mover and trailer or rigid truck and trailer. d) Note that any trailer, convertor dolly or article designed to be attached to the vehicle will require a second vehicle to move the trailer – more than one Type 1 commercial vehicle. e) For the Swan Valley, trailed commercial vehicles, like a convertor dolly should be classified as Type 2, because they are part of a combination of at least three vehicles, more than two is classed as a Transport Depot, not permitted in the Swan Valley f) Similarly Type 1 vehicles includes a maximum 	<ul style="list-style-type: none"> a) Noted. This error should be corrected – it should refer to Schedule 5. b) Noted. It is considered that Council should be given sufficient guidance on discretionary decisions to ensure consistency and appropriateness of planning outcomes. c) Noted. The definition of Commercial Vehicle is to be revised to ensure that it is clearly defined for all stakeholders. d) Noted. This issue is to be addressed as part of the review of the definition of ‘Commercial Vehicle’. e) Noted. Such a vehicle would also likely be limited on the road network within many rural areas, including the Swan Valley. f) Noted. Restricted Access Vehicles are restricted from using the road network and as such will not be permitted to be parked on a property as a single unit. 	

			<p>length of 13 metres, Type 2 should include a maximum length of 19 metres, as beyond that length approval is required from Main Roads for Restricted Access Vehicle permission which is not permitted in the Swan Valley</p> <p>g) The examples of Type 2 vehicles does not include the tandem axle prime mover with tri axle trailer that seem to be the most prolific vehicle on local roads and properties and therefore the potential to do the most damage to the local road network perhaps their size and weight precludes them from this type, that is not clear of an upper load limit in the proposal.</p> <p>h) In recent times there appears to have been an attempt to house these commercial vehicles in large sheds, which is making the area look like an industrial zone in contravention of the Swan Valley Planning Act and the Local Planning Law.</p> <p>i) The City of Swan Information Sheet 'Parking of Commercial Vehicles'; Schedule 15.1 Local Government Act 1995; Consolidated Laws 2002; states for Swan Valley Rural a maximum of 2 exempted commercial vehicles per lot. The proposal for exempted development is for 1 commercial vehicles</p> <p>j) I do not object to an owner/operator parking of a single Type 1 commercial vehicle with the appropriate controls, Type 2 vehicles do require more strict controls because of size if the amenity of the area is to be protected, remember three commercial vehicles represents a Transport Depot. Not permitted in the Swan Valley.</p> <p>k) The conflict with commercial vehicles in the Swan Valley is in upholding the objectives of the Swan Valley Planning Act in retaining the rural character and promoting tourist activity.</p>	<p>g) Noted. These examples were for visual purposes only, and do not demonstrate all vehicles that may fall within the classification.</p> <p>h) Noted. Screening should be nominated by the applicant and assessed by the City as part of an application. A proposal for screening via a shed should consider the visual impact of the shed.</p> <p>i) Noted. City officers are unclear as to the documentation described here, and as such cannot comment on any inconsistency. At present only the Scheme dictates the parking of commercial vehicles.</p> <p>j) Noted. The suitability of the vehicle for the area will be assessed as part of the application.</p> <p>k) Noted. City officers do not consider that the proposed scheme amendments, as they stand, are inconsistent with the Swan Valley Planning Act.</p>	
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2	Ms J.P. Lambert 36 Pilbara Crescent Jane Brook WA 6056		<p>a) The proposed policy must not contravene the Swan Valley Planning Act – When I first moved to the Swan Valley in 1979, it was little more than a country slum in some areas, with decaying buildings, neglected pastures and vineyards, with vague plans for future urbanization as part of the NE corridor. The Swan Valley Planning Act led to renewed investment and activity in the valley; traditional viticultural ventures were upgraded, new wineries developed with associated, related businesses such as café’s, restaurants, art galleries and so on. The valley began to thrive again and became the second most visited tourist destination after Kings Park, according to reports.</p> <p>Trucks have always parked on Swan Valley properties but not in numbers or concentrations that detracted from the rural nature of the area or damaged the tourist industry. In recent years, however, the parking of large commercial vehicles, even illegal road trains, began to become more common. Unfortunately, the CoS did little to curb this growth or even to curtail the activities of long-established ‘truck depots’ as was their responsibility under the Swan Valley Planning Act.</p> <p>Personally, I was much distressed to be able to see parked trucks from both the bedroom and kitchen windows of my cottage on Campersic Road. A huge shed was erected n the Stock Road property, whose road trains were regularly seen entering and leaving, day and night. This was reported to the CoS.</p> <p>The local area seemed to be developing into a light industrial estate. While unpleasant for residents like myself, whose own activities were restricted quite properly under the SVPA, e.g. subdivision, how much worse it was for local</p>	<p>a) Noted. It is not considered that the proposed amendments contravene the Swan Valley Planning Act, as they merely facilitate the parking of owner operated commercial at their place of residence to a reasonable scale. The City is not proposing to permit any industrial development within the Swan Valley area.</p> <p>b) Agreed. The ‘Commercial Vehicle’ parking definition and any other provisions should be revised to ensure that they are clearly understood by all stakeholders.</p> <p>c) Agreed. The City is adequately prepared to enforce the Scheme provisions, and ensure that all landowners are acting in compliance with the Scheme.</p>	
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			<p>businesses trying to attract tourists or consumers of local products.</p> <p>b) Must be clear and easily understood by the general community – The previous CoS parking policy refers in detail to vehicle mass and class of vehicle. For those of us for whom ‘a truck is a truck is a truck’ much clearer examples and illustrations need to be given. How can a lay person estimate tonnage and length of moving vehicles, let alone read registration plates which are small and often dirty, in order to report offenders? Perhaps CoS could lobby Main Roads to ensure that commercial vehicles are more clearly labeled.</p> <p>c) Must be policed and have enforceable sanctions – Reports to CoS by local residents of offending vehicles and inappropriate parking have seldom led to satisfactory outcomes. Does the CoS not have the power to act according to its obligations under the SVPA? No new policy will be an improvement on the previous one if it is not continuously and rigorously policed and infringements acted on promptly and effectively.</p>		
3	David Caddy The Planning Group Level 7, 182 St Georges Terrace, PERTH WA 6000		<p>a) Inadequate rationale for the Rural Transport Depot Use: The proposed scheme amendment seeks to introduce a new variation of the Transport Depot use. The Rural Transport Depot use is intended to represent a small-scale version of the existing Transport Depot use, and is proposed to be a discretionary use in the General Rural zone. We understand that the City of Swan considers the size and scale of these applications to be inappropriate within the General Rural zone. Under the proposed scheme amendment, large-scale Transport Depot operations will still be accommodated but only as a discretionary use and only in the Resource Zone.</p>	<p>a) Noted. It is considered that this proposed land use class should be enveloped within the ‘Commercial Vehicle Parking’ land use provisions, as the land use should be linked to the parking of commercial vehicles on a lot used as a residence.</p> <p>b) Noted. It is considered that this proposed land use class should be enveloped within the ‘Commercial Vehicle Parking’ land use provisions, as the land use should be linked to the parking of</p>	

			<p>Whilst we understand the City’s position, we argue that there is insufficient cause to support the introduction of the Rural Transport Depot use.</p> <p>We take this position because adequate planning tools already exist under LPS17 to control the existing Transport Depot use. The Transport Depot use is a use that is not permitted unless the Council exercises its discretion to approve the use in the General Rural Zone or Resource 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 address the specific issues associated with a Transport Depot use.</p> <p>We note that the issues associated with the Transport Depot use generally relate to the interface of Transport Depots with surrounding land uses. Whilst the surrounding land uses and their specific characteristics may vary, the need for Transport Depots to interface appropriately and remain compatible with surrounding land uses does not vary significantly between the different rural and non-rural land use zones.</p> <p>Whilst we support the creation of a local planning policy to guide Council in considering interfacing issues associated with the discretionary Transport Depot use, we do not support the initiation of a scheme amendment to create a new Rural Transport Depot use.</p>	<p>commercial vehicles on a lot used as a residence.</p> <p>c) Noted. Both definitions should be reviewed to ensure that they adequately reflect the objectives of the amendment and are clearly understood by all stakeholders.</p> <p>d) Noted. The provisions should be reviewed to ensure that a requirement for approval for the parking of a commercial vehicle should be applicable only where it is not already approved ancillary to an existing land use, or is used for ‘work’ on a subject lot. Whilst the City will do its best to ensure that requirements are not onerous or costly, it is the responsibility of all landowners to ensure that their land use is consistent with the provisions of the Scheme.</p> <p>e) Noted. The provisions are to be reviewed to ensure that they are necessary for all applications.</p> <p>f) Noted. The City is actively attempting to co-ordinate and facilitate areas for the development of transport depot precincts. This is not an easy process, however, as the rezoning and development of suitable land for an industrial purpose requires the co-operation and agreement of both the landowners and the State government. The City will continue to work towards the development of these precincts, and welcomes any</p>	
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b) The Rural Transport Depot Use is Impracticable

The scheme amendment seeks to control the scale of Transport Depot uses on rural zoned land, such that large scale Transport Depot uses, being more than three (3) commercial vehicles, will be no longer permitted on rural zoned land. This is despite the suitability of the area for the transfer and temporary storage of goods. A significant portion of land in the City of Swan is both zoned rural and abuts major regional, inter-regional and interstate transport routes. Although once isolated and located at city limits, much of the land within the City of Swan is now becoming valuable for opportunities beyond traditional agriculture activities.

The regional, inter-regional and interstate transport routes provide access to mining activity in the East and in the North West of the State, where there is significant construction and infrastructure demand. The location advantages make the City of Swan extremely attractive for the storage and transfer of large vehicles, machinery and construction materials en-route to other locations in WA and interstate.

The proposed scheme amendment will limit large scale transport depots, of more than 3 commercial vehicles to discretionary approval on the land zoned "Resource."

It is impractical to limit the approval of large scale Transport Depots to Resource zoned land only. Resource zoned land is protected under the State Planning Policy 2.4 Basic Raw Materials (SPP 2.4), and is first and foremost reserved for resource extraction.

proposals from the public for the development of such facilities.

Due to the requirements of SPP 2.4, large scale transport depot operations will only be supported on lots where resources have been exhausted and where remediation has occurred. The completion of extraction activities and the subsequent remediation processes are time consuming and costly – constraints which will effectively delay the development of large transport depots and leave demand unmet.

Furthermore, the majority of the land in the City of Swan located along regional, inter-regional and interstate transport routes is zoned “General Rural,” not “Resource”. Therefore, the limited amount of Resource zoned land will restrict opportunities to achieve the scale of Transport Depot operations that are needed to service construction and mining projects in the North West and East of the state. Limitations on the number of commercial vehicles also reduce the attractiveness of potential transport depot sites as well as the economies of scale needed for the use to be commercially viable.

In addition, most of the Resource zoned land is distributed through land zoned for General Rural purposes, giving rise again to the interfacing issues associated with Transport Depots and rural land.

Consequently, the proposed amendment will not reasonably satisfy demand for the Transport Depot use in the City of Swan, particularly where the greatest location benefits exist, where the use can be approved or where it can operate at an optimal scale.

c) Ineffective Definitions for the Rural

Transport Depot, Transport Depot uses

In keeping with Council's intent to separate the scale of transport depots, the definition of the Transport Depot use has been modified to:

- include a minimum vehicle requirement (3 Commercial Vehicles);
- prohibit the storage or repair of vehicles; and
- restrict the storage of goods to an ancillary activity.

There are several issues with the proposed modification to the definition of the Transport Depot use. Firstly, the minimum vehicle requirement is difficult to regulate, as are the nuances in the change of wording to prohibit the repair of vehicles but allow the maintenance. The regulation of the storage of goods and vehicles as an ancillary use only, is also a complicated matter considering Transport Depots necessitate the coming and going of goods and the parking and storage of vehicles when they are not in use. Aside from the calculation and comparison of the area dedicated to storage sheds or maintenance areas, the way in which the ancillary nature of the storage of goods will be measured and monitored is unclear.

The limitations imposed by the Rural Transport Depot definition are impractical. The definition is driven by the character of the transported goods; the goods transported are to be rural. The requirement for transported goods to be rural based may or may not correspond to local or regional demand. Local industries may require materials other than what may be classified as "rural" goods in order to operate,

which is not catered for under the proposed definition. The local planning policy does not define what are considered "rural" goods.

The requirement for only rural produce or goods to be transported will be difficult to decipher and regulate, as will the 48 hour storage timeframe. The City will become additionally responsible for policing individual activities, which will require additional resources and may be simply impossible to prove or enforce.

There does not appear to be any basis for the minimum number of vehicles that can be parked on site, particularly in respect of the minimum 3 vehicles permitted under the Transport Depot use.

More importantly, the proposed development could still potentially fail to address the main amenity related issues associated with Transport Depots. It is possible that 5 commercial vehicles will still cause amenity impacts because the number of vehicles, produce stored or length of storage are ineffective controls for addressing the central interfacing issues associated with transport depots. As a result the definitions proposed are considered ineffective with respect to addressing the main problems affecting the City of Swan.

d) Additional Development Standards and Requirements are Costly and Onerous:

The scheme amendment proposes that the garaging or parking of up to one commercial vehicle is exempt from requiring development approval in the rural land uses under certain

			<p>circumstances. These circumstances require that the vehicle is considered a Class 1 or Class 2 commercial vehicle under the Commercial Vehicle Parking Policy, is parked or garaged solely within the subject lot and is essential to the main occupant of the dwelling or a lawful rural activity conducted on site. Farm machinery, excluding trucks, may also be considered exempt where it is solely used in connection with the production of rural goods or produce and does not leave the lot except for repairs or maintenance.</p> <p>It is unclear whether existing landowners can satisfy the above requirements. It is unclear what is meant by the requirement for vehicles to be parked or garaged within a lot - vehicles are often parked in proximity to driveways and in view of surrounding roads. Similarly, farm machinery is often moved around landholdings, which may not be located contiguously or held on a single title. It is also noted that there are no exemptions proposed for the storage of equipment used by property owners involved with the provision of emergency services.</p> <p>Even in the event that existing landowners satisfy the above circumstances to qualify for an exemption, it is highly likely that the landowners on rural zoned land will have more than 1 vehicle that satisfies the definition of a commercial vehicle. The proposed scheme amendment will therefore require a number of existing landowners to obtain proper planning approval for the commercial vehicles to be parked or garaged on their properties. If they don't, they risk being fined for illegal development. The additional regulations proposed by the scheme amendment are costly</p>		
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			<p>and time consuming, particularly considering the rural environment, which is traditionally synonymous with commercial vehicles as defined in the policy.</p> <p>Existing landowners may also face additional costs, as the scheme amendment requires that lots used for commercial parking have at least one single occupied house and associated outbuildings. If a dwelling doesn't exist, vehicles must be parked in an appropriately sized shed which landowners may be required to construct or otherwise ensure vehicles are screened. It is unclear how the proposed policy's requirements relate to existing restrictions on the size of sheds and whether planning approval can be granted for oversized sheds, necessary to screen large commercial vehicles.</p> <p>Furthermore, as a maximum of 3 Type 1 or 2 Type 2 commercial vehicles are permitted on land zoned "General Rural," "Landscape" and "Resource," some operators may be forced out of the locality due to the proposed scheme amendment and policy provisions as they will have more vehicles than can be approved.</p> <p>e) Additional development standards and requirements are superfluous: The proposed scheme amendment includes a number of new requirements for the preparation of Transport Depot applications.</p> <p>In the Resource Zone applications are to include:</p> <ul style="list-style-type: none">• a plan illustrating all structures, hard stand, access, throughfares, drainage, buffer areas, sensitive environmental features		
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			<p>and site topography;</p> <ul style="list-style-type: none"> • a context map of land uses and road networks; • the type and number of commercial and non commercial vehicles; • the size and scale of the future business; • additional road works; • a traffic impact statement; • information on the streetscape and road network impact; • the visual sensitivity from major transport routes and significant landmarks; • proposed screening; and • proposed wastewater management. <p>In the General Rural Zone the number of requirements are more stringent and include:</p> <ul style="list-style-type: none"> • A report providing the relevant details for the proposal; • A traffic management plan; • An environmental management plan; • A noise management plan; and • A visual management plan. <p>As part of the visual management plan, a 30 metre buffer is required to be provided on all boundaries of a development site. It is unclear as to why a 30 metre buffer has been nominated, and why an alternative but appropriate sized buffer could not be established under the plan having due regard to the particular characteristics of the land in question. It is noted that in some instances, a 30 metre buffer along all boundaries could reduce or eliminate the overall development potential of the land to the extent that the residual land is no longer able to support a Rural Transport Depot.</p>		
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Given the proposed additional standards and requirements associated with the Transport Depot use, it is unclear as to why a new Rural Transport Depot use is required, and why limitations on the number of commercial vehicles are considered necessary. The new definition and the imposition of limits on the number of commercial vehicles is superfluous as the impact associated with any Transport Depot use will be able to be assessed in accordance with the level of detailed information provided with future development applications.

The need to create a new Rural Transport Depot, restrict the number of vehicles and require extensive detailed information at the development application stage especially in the General Rural zone represents a zero risk strategy in terms of minimising adverse amenity impacts.

This strategy is suboptimal because although it may control amenity impacts, it will result in additional costs to existing landowners and potentially stifle unique opportunities in the City of Swan to benefit from regional growth and diversify the local economy. The same outcome can be achieved without the creation of a new Rural Transport Depot or restrictions on the number of vehicles, based on the extent of detailed information provided at the development application stage as this information directly relates to the interfacing issues associated with the Transport Depot uses

f) Resolution of amenity issues related to the Transport Depot use:

We understand that the proposed Scheme Amendment and the Local Planning Policy were introduced by the City of Swan in response to applications for the parking of commercial vehicles within the General Rural and Swan Valley Rural zones, and for large transport depots in the General Rural zone.

We understand that some of the proposals received to date are considered inappropriate within the General Rural zone because they have the potential to cause land use conflicts in respect of surrounding sensitive land uses. Specifically, there are concerns that the number and size of these vehicles, and associated infrastructure and types of activities have the potential to adversely affect the amenity of the surrounding area by way of traffic congestion, safety, noise, fumes, odour, visual appearance and pollution.

We acknowledge that the Transport Depot and Commercial Vehicle Parking uses have the potential to adversely impact surrounding land uses where the interface between adjoining land and these uses is not properly addressed. We therefore acknowledge the need for appropriate direction to guide the approval of such uses, effectively through a Local Planning Policy instrument.

However, we suggest that other options are available to ensure orderly and properly planned development without the need to alter land use permissibility, create a new Rural Transport use, or apply blanket controls with little regard for the particular circumstances of the landholding.

One potential solution available to the City is to

			<p>concentrate the Transport Depot use in certain locations, especially on and around land previously used for resource extraction.</p> <p>The concentration of the Transport Depot use in a nodal development, in and around basic raw material resource areas that have been exhausted, has several benefits:</p> <ul style="list-style-type: none">• Much of the resource endowed land is located along key transport corridors, within ready access to the major highways. Proximity to the major highways enables large vehicle traffic to traverse the municipality efficiently with minimal disturbance to local amenity. Proximity to major thoroughfares also reduces the requirement for road upgrades and propensity for traffic accidents between different road users on poorer quality roads.• Resource extraction activities, which already involve large vehicles and machinery, have been occurring for a long period of time in the City of Swan. Some resource reserves are now approaching exhaustion, leaving the land available for future alternative uses.• Concentrating Transport Depot and Commercial Vehicle Parking uses in a central nodal development helps to avoid these uses being dispersed throughout rural areas and therefore aids the preservation of the rural environment.• Transport Depot and Commercial Vehicle		
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			<p>Parking uses can be better controlled as a nodal development on and around resource areas. There are likely to be fewer interfacing issues and reduced amenity impacts among similar activities and on land already interfacing with resource extraction operations.</p> <ul style="list-style-type: none"> • A Transport Depot nodal facility would provide an opportunity for landowners and the City of Swan to take advantage of existing demand for the transfer of materials and product to the East and North West regions and assist with the achievement of greater economic diversity. 		
4	Ian Ludlow Swanleigh 58 Yule Avenue MIDDLE SWAN WA 6056		<p>a) The Swan Valley Planning Act 1995 created an area that for planning purposes is tightly controlled. Whilst I do not object to the principle of the legislation and what is promoted in the land use in the area, this Act and the LPS17 could impose considerable restrictions on the operation of any long term land holding</p> <p>b) Our operation has included the use of buses to transport people resident on the site. Prior to this time trucks were used in place of buses to transport the orphanage children. We do not hire these buses out or offer them for commercial activities and they are parked on our property when not in use.</p> <p>c) While on review I can see that the current definition of Transport Depot in the LPS17 would apply to our use of the land, I would never have considered that our use of part of the Swanleigh land for parking our buses incidentally to our business would constitute a Transport Depot. As I read the proposal for Transport Depot Policy there is no discretion to allow a transport depot in any area of the Swan Valley Rural zone.</p>	<p>a) Noted. This was not the intention of the amendments proposed.</p> <p>b) Noted. The parking of vehicles described here is likely to be considered ancillary to the approved use of the land, and as such no further approval should be required. The provisions should be revised to ensure that this is clearly stated.</p> <p>c) Noted. It was not intended that facilities such as this should be forced to apply for planning approval for a 'Transport Depot'.</p> <p>d) Noted. The provisions should be revised to ensure that the parking of commercial vehicles in situations such as this are considered to be ancillary to the approved use, and as such do not require any further</p>	

			<p>d) While I can see that an attempt is being made to recognize the rural properties by their larger nature are more likely to be able to accommodate more vehicles than other residential areas, there appears to be no scope in the proposal for exemptions to the proposed planning process. If part of the objective of the Swan Valley Rural zone is to promote the core area of the Swan Valley primarily as a horticultural, recreational, tourism and landscape resource, some of these activities will need to have bus transport associated with recreational activities, and if so is it not reasonable to provide a mechanism to allow this to occur? Under the current proposal, it would not be permitted to park three 14 seater buses on a Swan Valley property of any size, and I cannot see where there is any discretion in the decision process.</p> <p>e) While I appreciate there is currently not sufficient framework to assist in making decisions, I believe these proposals if adopted would close off perfectly reasonable activities in the Swan Valley Rural zone for no obvious reason, and there is no discretion contained in the proposals.</p>	<p>approval.</p> <p>e) Noted. The provisions should be revised to ensure that the parking of commercial vehicles in situations such as this are considered to be ancillary to the approved use, and as such do not require any further approval.</p>	
5	<p>Rosanna Hindmarsh Ellen Brockman Integrated Catchment Group Inc. PO Box 62 MUCHEA WA 6501</p>		<p>a) The text amendments are necessary to allow the scheme to assist good decision making. The text changes are commended.</p> <p>b) Further consideration should be given to the issues as listed below:</p> <ol style="list-style-type: none"> i. Rural Transport Depot – it is presumed some of the reasons for this text change ahs been the many applications by transport companies for depots in the Bullsbrook area. While the proposed Rural Transport Depot definition ‘up to five vehicles associated with the 	<p>a) Noted. No response required.</p> <p>b) Noted. It is considered the ‘Rural Transport Depot’ should be discontinued in favor of reviewing the ‘Commercial Vehicle Parking’ provisions.</p> <p>c) Noted. Any application for planning approval should consider the environmental impact, including the impact on the Ellen Brook.</p>	

			<p>production or transport of rural produce or goods' it does not state within the definition the guidance listed in the paragraph above which refers to the 'surrounding rural area'. It is suggested that this statement – if included in the definition – will solve many of the issues that have frustrated the Council with the applications by large trucking companies associated with state wide transport.</p> <p>ii. Up to five vehicles – is this five motorized vehicles? Clarification may be required because if the depot is a transport yard which uses triple road trains this may lead to 20 large structures on site.</p> <p>iii. May include the storage of rural produce or goods – does this apply to rural stock transport? May be slightly disconcerting for nearby residents. Loud animal noises are not appreciated.</p> <p>c) The Ellen Brockman Group has commented on a number of proposals which have been considered by the Council. The Ellen Brook is a waterway with the highest nutrient load on the Swan Coastal Plain. Any transport depot, where wash-down facilities are provided, which is on the palusplain of the Ellen Brook is a potential threat to the waterway. Any approvals must consider detention ponds and maintenance regimes which will prevent nutrient export. The Group recommends that no development of this type be considered within 500 metres of the waterway.</p>		
6	Diane Bennit The WA Horse Council Inc.		<p>No Position Stated:</p> <p>a) Participants in the many equestrian disciplines require a method of transport to attend a variety</p>	<p>a) Noted.</p> <p>b) Noted. The parking of commercial</p>	

	29 Ashurst Drive LESMURDIE WA 6076		<p>of venues associated with shows, competitions and so on.</p> <p>b) For those equestrian events taking place within the City of Swan, some participants travelling from rural residential and other peri urban living zones utilize commercial vehicles rather than the ubiquitous horse float towed by a private vehicle.</p> <p>c) The WAHC, whilst recognizing the need for a policy revision, requests exemption from the planning policy restrictions when the parameters are exceeded for the purposes of entering and participating in shows, competitions, training and other equestrian activities.</p> <p>d) It is understood from the briefing held on 25th March 2010 that the EWA operating at the State Equestrian centre may be granted such an exemption.</p> <p>e) The WAHC, on behalf of all the other equestrian disciplines and organizations, would be most appreciative of a similar exemption to avoid the stresses and strains to both your staff and the equestrian fraternity which would inevitably arise from the imposition of the need for planning permission after decades of event organization without that need.</p>	<p>vehicles in the situation described is likely to be considered 'ancillary' to the approved use of the land, and as such should not require further planning approval.</p> <p>c) Noted. Where such parking of commercial vehicles is ancillary to an existing approval, City officers agree that it should not require any further planning approval.</p> <p>d) Agreed. The parking of commercial vehicles necessary for the approved land use at the State Equestrian Centre do not require further planning approval.</p> <p>e) Noted. If the WAHC is proposing an event they should liaise with the City beforehand to ensure that all necessary approvals are attained.</p>	
7	Walter and Gaylin Murphy 5 Woodward Avenue CAVERSHAM WA 6055		<p>Objection</p> <p>a) Definition of Transport Depot is inappropriate: I live in Caversham and we have a family owner-operated business. We transport mainly limestone blocks to stonemasons, local shires and the public. We own 2 truck and trailer combinations as my son often drives one for us who lives at home. Our property is not used as a depot only to park the vehicles.</p> <p>b) Existing Operations Should be Granted</p>	<p>a) Noted. The definition of 'Transport Depot' and the provisions for 'Commercial Vehicle Parking' should be revised to ensure that they adequately describe land uses that are taking place, and adequately control the parking of commercial vehicles within a residential or rural area.</p>	

			<p>Approval: We attended the meeting at the Midland Town Hall and we wish to submit this application to discuss being exempt from not parking commercial vehicles at your place of residence.</p>	<p>b) Disagreed. The automatic approval of land uses en masse is not supported by the City of Swan. Each individual landowner must ensure that they are consistent with the Scheme provisions, and if they are not they must submit an application and justify their operation. This application will then be considered on its own merit.</p>	
8	<p>Peter Webb & Associates PO Box 920 SUBIACO WA 6904</p>		<p>No Position Stated:</p> <p>a) Commercial Vehicle Parking Ancillary to an Approved Use: The proposed scheme amendments and policies do not exclude those properties that park commercial vehicles ancillary to an approved land use. This is considered to be inappropriate, as the parking will have been considered as part of this use and no further approval should be required.</p> <p>b) Commercial Vehicle Parking across Numerous Lots: The proposed scheme amendment and policies identify that approval of commercial vehicle parking will be specific to 'a lot'. In many cases the parking may be required across numerous lots that are operated by one landowner, and as such applicants should be given the opportunity to apply for parking across multiple lots.</p> <p>Note: 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) Agreed. The parking of commercial vehicles ancillary to an approved use should be exempt from the requirement to seek any further approval. This should be clearly stated in the Scheme provisions.</p> <p>b) Noted. The number of vehicles permitted applies to a single lot – there is no restriction for a landholder to apply for approval across multiple lots.</p>	
9	<p>Claire Richards Greg Rowe &</p>		<p>Objection:</p>		

	<p>Associates Level 3, 369 Newcastle Street NORTHBRIDGE WA 6003</p>		<p>a) Existing Approved Transport Depots: The modification to the use classification of a Transport Depot to an 'X' Use will impact upon existing approved Transport Depots within the General Rural zone. If landowners wish to expand their operation beyond the scope of their existing approval, they will be forced to request a scheme amendment for an 'Additional Use' of 'Transport Depot' before they can lodge the application for expansion. This is considered to be an onerous requirement on the landowner.</p> <p>b) Permissibility Transport Depot in General Rural Zone: The existing permissibility of Transport Depot as a 'D' use (discretionary) within the General Rural zone is considered entirely appropriate, as this allows Council to consider applications on their merit. The proposed amendment to this permissibility is not supported.</p> <p>c) Protection of Existing Businesses: It is requested that Council ensures that any proposed amendments accommodate the needs of existing businesses, particularly where expansion may be required.</p> <p>Note: 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) Disagreed. The 'Transport Depot' land use is considered to be inconsistent with the objectives of the 'General Rural' zone. An existing approval will be protected under the non-conforming use provisions – if they wish to exceed this approval they must seek a new approval, and if necessary apply for a scheme amendment. This is considered to be an entirely reasonable approach to addressing the issue.</p> <p>b) Disagreed. The 'Transport Depot' land use is considered to be inconsistent with the objectives of the 'General Rural' zone. It is not considered appropriate for the use to be listed as a 'D' class (discretionary) use within the 'General Rural' zone.</p> <p>c) Disagreed. Existing businesses are protected through the non-conforming use provisions, in that they may continue to operate under their existing approval. If the business wishes to expand beyond its approval, it must ensure that all required approvals are sought, including a scheme amendment if necessary.</p>	
10	<p>Sally Block Gidgegannup Progress Association PO Box 66 GIDGEGANNUP WA</p>		<p>Objection:</p> <p>a) Commercial Vehicle Parking may form a component of the 'Rural Lifestyle': Many</p>	<p>a) Noted. Vehicles used for work purposes, or ancillary to an</p>	

	6083		<p>people living on rural properties purchased them with the direct intention of parking vehicles necessary for their work or maintenance on their properties. The larger lot size will often ensure that this can occur without negatively impacting on surrounding neighbours.</p> <p>It is considered that land use conflicts that are occurring in rural areas due to commercial vehicle parking may be addressed through a 'pre-existing use right that will lapse upon sale of the property or retirement of the person with whom the approval has been granted.</p> <p>b) Definition of Rural Transport Depot and Transport Depot: The classification of 'less than 5' and 'greater than 3' for these two definitions results in an overlap that is inconsistent. This should be clarified.</p> <p>c) Limited time period for storage of goods in a 'Rural Transport Depot': The 48 hour period for storage of goods is considered to be inappropriate and impossible for the City to police. This should be clarified.</p> <p>d) Definition of 'Commercial Vehicle': This definition should not include vehicles that are used for maintenance of rural properties, as these vehicles are no nuisance to anyone. This is also considered difficult for the City to police, and an unfair and unnecessary burden upon rural landowners. The definition should also exclude the term 'implement' and ensure that it does not include the temporary parking of commercial vehicles for events or the collection of cars/machinery by a landowner.</p>	<p>approved use on the land, should not require any further approval. This should be clearly identified within the scheme provisions. Lot size should be a factor determining the number of vehicles permitted – as larger lot sizes will allow better screening and buffer distances. The proposed 'pre-existing use right' only applies to those operations acting under an existing approval (non-conforming use). Unapproved (illegal) land uses are not protected under these provisions, and their status as an unapproved (illegal) land use will not be impacted by Amendment No. 40. These landowners will still require approval.</p> <p>b) Noted. Though there is not considered to be an overlap in this case, due to the differing nature and permissibility of the land uses, it is proposed to discontinue the Rural Transport Depot land use class and amend the proposed definition of Transport Depot.</p> <p>c) Noted. The proposed Rural Transport Depot land use class is considered to be better catered for as 'Commercial Vehicle Parking' provisions. As a result it is proposed that the Rural Transport Depot land use class be discontinued.</p> <p>d) Noted. The Commercial Vehicle definition should be revised to</p>	
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			<p>e) Application Requirements are Onerous: The application requirements are considered to be onerous and expensive for a farmer that wishes to park his equipment on his property. These should be removed.</p> <p>f) Exemption of Farm Equipment on Specific Property: The exemption of farm equipment if the equipment is used solely on that property is unrealistic, as this equipment will be required to be moved to other properties for maintenance, repairs and assistance of surrounding landowners. This should be reconsidered.</p> <p>g) Annual Review: The policy is to be reviewed on an annual basis – will this review be open to the public?</p> <p>h) Permitted number of vehicles on rural properties: It is considered that the blanket application of a maximum number of vehicles across all rural properties is inappropriate and unfair. A larger rural property will have the ability to accommodate a greater number of vehicles than a smaller property – this should be reflected in the policy and currently is not. This should be reconsidered.</p> <p>i) Requirement for Vehicle to be in an Approved Shed: The requirement for the vehicle to be parked in an approved shed if there is no dwelling on the property is unclear – does this mean that if there is a dwelling, the vehicle does not have to be in a shed?</p> <p>j) Unlicensed Vehicles: It is not considered that unlicensed or vehicles that are not self propelled should be included within the definition of commercial vehicles. It is also considered that</p>	<p>ensure that it suitably identifies vehicles that may cause an impact on visual amenity, traffic safety and local character.</p> <p>e) Noted. Equipment used on a property (e.g. farming equipment) should not require any further approval. The provisions should be revised to ensure that this is clear.</p> <p>f) Agreed. Equipment should be permitted to be moved to surrounding properties. Provisions should be revised to ensure that this is clear.</p> <p>g) Noted. A review of a local planning policy requires public advertising under the Scheme, and will be presented to Council at a meeting open to the public. It is proposed that the subject policies be discontinued in favor of stronger provisions being incorporated within the Scheme text.</p> <p>h) Agreed. The lot size should determine the maximum number of vehicles within rural areas. Provisions should be revised to ensure that this is clear.</p> <p>i) Noted. Screening measures should be proposed by the applicant and considered as part of the application – this will allow an applicant to choose if they wish to park their vehicles in a shed or find some other visual screening solution.</p>	
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			<p>implements attached to any commercial vehicle should be excluded from this definition.</p> <p>Note: this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>j) Disagreed. It is not considered that the parking of vehicles should be exempt merely because they happen to be unlicensed. Vehicles that are not 'self propelled' related to trailers and attachments to a vehicle, as described.</p>	
11	<p>Wayne & Carmelina Grigson 92 Hyem Road HERNE HILL WA 6056</p>		<p>Objection:</p> <p>a) Minimum number of vehicles for commercial vehicle parking: The proposed scheme amendments and policies would categorize our current land use as a 'Transport Depot' which is not accurate. The parking of our vehicles, although greater than the maximum of 2, is done as a component of our work, and the reason we have multiple vehicles is due to the seasonality of the work available. Our property is neat and tidy and does not have a negative impact on the surrounding area, and we do not support the categorization of this as an industrial land use such as a 'Transport Depot'.</p> <p>b) Approval for owner/operators should only be granted for landowners: The approval granted for commercial vehicle parking should be specific to those vehicles owned by the landowner being granted approval – this is to ensure that properties are not leased for the parking of multiple commercial vehicles not associated with the occupation of the landowner.</p> <p>Note: 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) Noted. The definitions of 'Transport Depot' and 'Commercial Vehicle Parking' should be revised to ensure that they accurately describe the land uses as proposed.</p> <p>b) Disagreed. The ownership of the land is not considered to be a relevant factor – an owner/operator of a commercial vehicle should still be able to park that vehicle at a rented property if they are a resident at that property. It is agreed that landowners should not be permitted to lease out space at their residence for the parking of commercial vehicles not operated by residents to the lot.</p>	

12	<p>Tony Pisconeri 95 Lennard Street HERNE HILL WA 6056</p>		<p>Objection:</p> <ul style="list-style-type: none"> a) Amendments will not encourage the appropriate development of Transport Depots: The limitation on storage of goods will ensure that all trucking operations within the Swan Valley are no longer viable. This should be reconsidered. b) Definition of ‘Rural Produce’ is unclear: The definition of a ‘Rural Transport Depot’ utilizes the term ‘Rural Produce’ which is not clearly defined in the documentation. This should be clarified. c) The Swan Valley Planning Act requires review: The Swan Valley, particularly east of the railway, is primarily used for horses, poultry farms and other rural land uses, along with the trucking industry. This should be reflected in the Swan Valley Planning Act. d) Protection of Existing Businesses: Those properties currently operating should be granted approval based on the current ownership and business arrangements, and this approval should lapse with the sale of the business or the discontinuance of the land use. <p>Note: this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<ul style="list-style-type: none"> a) Noted. The storage of goods falls under a separate land use class (Storage) within the Swan Valley. b) Noted. The intention was to ensure that the land use class was consistent with the objectives of the relevant rural zone. It is proposed that this land use class be discontinued in favor of expanding the ‘Commercial Vehicle Parking’ provisions. c) Noted. A review of the Swan Valley Planning Act is not able to be undertaken by the City of Swan, and is not the subject of this amendment. d) Disagreed. The automatic approval of land uses en masse is not supported by the City of Swan. Each individual landowner must ensure that they are consistent with the Scheme provisions, and if they are not they must submit an application and justify their operation. This application will then be considered on its own merit. 	
13	<p>Sue Hurt Swan Valley Progress Association Inc.</p>		<p>Objection:</p> <ul style="list-style-type: none"> a) Commercial Vehicle Parking provision does 	<ul style="list-style-type: none"> a) Noted. The parking of such 	

	<p>Lot 55 Saunders Street HENLEY BROOK WA 6055</p>		<p>not meet needs of residents: It is not considered that the policies assist small family businesses who may require two trucks and trailing equipment.</p> <p>b) Protection of Existing Businesses: It is considered that those existing businesses should be supported by a special permit, special exemption, an additional planning use or some other planning action to create a 'pre-existing use right' that will lapse with the sale of the property or retirement of the person to whom the right is vested.</p> <p>c) Permitted number of vehicles on rural properties: It is considered that the blanket application of a maximum number of vehicles across all rural properties is inappropriate and unfair. A larger rural property will have the ability to accommodate a greater number of vehicles than a smaller property – this should be reflected in the policy and currently is not. This should be reconsidered.</p> <p>d) Promotion of rural activities: We consider that the policies are conflicting and do not promote rural activity or business opportunities.</p> <p>e) Application Requirements are Onerous: The application requirements are considered to be onerous and expensive for landowners. They are also considered to be conflicting and hard to understand.</p> <p>f) The buffer zone requirement is inappropriate: A 30m buffer zone on all boundaries of the site is considered to be unnecessary – this should perhaps be 3m or as an alternative, should be a minimum of 1 metre</p>	<p>vehicles should either be considered as ancillary to an existing approval, or be compliant with the scheme provisions for the parking of commercial vehicles.</p> <p>b) Noted. Such a proposal needs to be undertaken on a case by case basis, as it would be irresponsible for the City to grant approval for a group of landholders undertaking such activities illegally.</p> <p>c) Agreed. The lot size should determine the maximum number of vehicles within rural areas. Provisions should be revised to ensure that this is clear.</p> <p>d) Noted. The City is aiming to ensure that the land uses proposed within rural areas do not cause conflict. The provisions should be reviewed to ensure that they do not significantly impact on business opportunities that enhance and foster the rural character of the area.</p> <p>e) Noted. The City is aiming to ensure that the land uses proposed within rural areas do not cause conflict. The provisions should be reviewed to ensure that they do not unfairly or unreasonably impose costs or onerous requirements on landowners.</p> <p>f) Agreed. Buffer zone requirements and screening methods should be proposed by the landowners as part</p>	
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			<p>from fire breaks on properties.</p> <p>g) Rural Transport Depot land use: It is considered that the Rural Transport Depot classification may not be required, as the requirements of 'rural goods' and storage for a limited period make this land use unviable and unnecessary.</p> <p>h) Requirement for Vehicle to be in an Approved Shed: The requirement for the vehicle to be parked in an approved shed if there is no dwelling on the property is unclear – this will impact on the land available for dwellings or other infrastructure, will require very large sheds and will also require fast tracking of any shed applications lodged. This should be considered in tandem with the commercial vehicle parking policy. The requirement for sheds is also objected to as it will be expensive for the landowners and will detrimentally impact the visual amenity of the Swan Valley.</p> <p>i) Definition of a Transport Depot: A transport depot involves the unloading, loading, dispatching and storage of goods. It is not considered that a property that has trucks parked on it is a transport depot unless the loading, unloading, dispatching or storage of goods is also occurring. Only commercial vehicles owned by the property owner should be permitted to apply for the parking on their property.</p> <p>j) Terminology should be clear: the terms 'rural goods', 'repair and maintenance' 'commercial vehicle' (with respect to emergency vehicles, school buses, machinery for property maintenance) and 'parked or garaged within the</p>	<p>of an application.</p> <p>g) Agreed. This land use class is recommended to be incorporated within the 'Commercial Vehicle Parking' provisions.</p> <p>h) Noted. Screening measures should be proposed by the applicant and considered as part of the application – this will allow an applicant to choose if they wish to park their vehicles in a shed or find some other visual screening solution.</p> <p>i) Disagreed. The ownership of the land is not considered to be a relevant factor – an owner/operator of a commercial vehicle should still be able to park that vehicle at a rented property if they are a resident at that property. It is agreed that landowners should not be permitted to lease out space at their residence for the parking of commercial vehicles not operated by residents to the lot. The definition of a Transport Depot is to be reviewed to ensure that it is adequate.</p> <p>j) Noted. These terms are to be reviewed to ensure that they are clear.</p> <p>k) Noted. The City undertakes regular monitoring and enforcement procedures throughout the City's municipal area. No changes to this regime are proposed.</p>	
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			<p>lot' should be clearly defined.</p> <p>k) Monitoring and Auditing of vehicle parking: Clarification is required on how the parking and storage of vehicles is to be monitored and audited.</p> <p>l) Policy Review: It is noted that an annual review of the policies will take place – this should include public consultation as part of the review.</p> <p>Note: this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>l) Noted. Public consultation is always a part of the review of the City's policies/strategies. The proposed policies are recommended to be discontinued in favor of expanded Scheme provisions.</p>	
14	<p>Wally Campbell 210 Guger Road HERNE HILL WA 6056</p>		<p>Objection:</p> <p>a) Truck drivers make a valuable input to the Swan Valley and the City of Swan: We have operated our existing business within the Swan Valley for many years and believe that we make a valuable contribution to the area. This contribution is not reflected in the objectives of the policy and scheme amendments, and we believe that they may be causing much of the angst in the trucking community.</p> <p>b) There is a significant shortage of industrial land available: The lack of forward planning has resulted in a shortage of industrial land metropolitan wide. Locations that have been identified are either too expensive or too far out of the metropolitan area to be viable to move too.</p> <p>c) The definition of Commercial Vehicle is inappropriate: To us a commercial vehicle is Prime Mover with its trailers as a single</p>	<p>a) Noted. The City is only attempting to address issues of land use conflict. There has been no attempt or objective to marginalize any group of people – City officers respect and recognize the contribution that truck drivers make to the area and to the economy. This amendment is aimed at ensuring that the parking of these vehicles does not have a negative impact on the visual amenity, traffic safety or character of a locality.</p> <p>b) Noted. The City is actively working towards facilitating the development of more industrial land within the municipal area. This is not an easy process, however, as it requires the assistance and co-operation of landowners and the State</p>	

			<p>component – these are not separate pieces. This definition needs to be revised.</p> <p>Note: this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>government.</p> <p>c) Noted. Whilst this may be a commonly used definition, City officers consider that it is important to differentiate between a vehicle and its trailers, as both are capable of causing a concern from a planning perspective. The permissibility should be reviewed to ensure that the number of vehicles parked is not unreasonable, given that truck drivers will require both a truck and a trailer to operate.</p>	
15	<p>John Rex 571 Great Northern Highway HERNE HILL WA 6056</p>		<p>Objection:</p> <p>a) Commercial Vehicle Parking should be restricted in the Swan Valley area: There should be no commercial vehicle parking in the Swan Valley area permitted with the exception of those properties that are currently operating as a vineyard and require the vehicles for this purpose. A strong stance on this issue should be taken to protect existing vineyards and encourage others, or the Swan Valley will disappear.</p> <p>Note: 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) Agreed. It is agreed that the objectives of the Swan Valley Planning Act should be taken into account in determining the permissibility of commercial vehicle parking. It is considered that the parking of owner-operated commercial vehicles as a component of a residential land use is appropriate within the Swan Valley, and is consistent with the objectives of the Act. It is not considered that a 'Transport Depot' is appropriate or consistent with the Swan Valley Planning Act.</p>	
16	<p>Roslyn O'Halloran and Daniel Carter 118 Lefroy Avenue HERNE HILL WA 6056</p>		<p>Objection:</p> <p>a) The maximum number of commercial vehicles permissible is too low: Many small businesses located in the Swan Valley with commercial vehicles have up to 5 commercial</p>	<p>a) Noted. The permissibility of commercial vehicle parking should be reviewed to ensure that the provisions are fair and reasonable</p>	

			<p>vehicles to conduct their business efficiently. The current proposed changes limit the number of commercial vehicles to two. In many cases this will not be a sufficient number to conduct a profitable business. Small business owners who run their business from home are generally profitable as they are not bearing large overheads. The cost of commercial vehicle rental premises is significant and bearing this cost would very likely cause many small business owners financial stress.</p> <p>b) Permitted number of vehicles on rural properties: It seems illogical that properties of 500 acres are limited to the same number of commercial vehicles to those one hundredth of their size – i.e. 5 acres. We would support the inclusion of a scale whereby larger land holdings are permitted more commercial vehicles than their smaller counterparts.</p> <p>c) Protection of Existing Businesses: Given the many varying numbers of commercial vehicles currently in the City of Swan, we would support the introduction of a Grandfather clause of 10-20 years, allowing current non-complying properties sufficient time to find suitable accommodation for their vehicles.</p>	<p>to both commercial vehicle operators and residents within the locality.</p> <p>b) Agreed. The relevant lot size should be taken into account when determining the permissibility of commercial vehicle parking.</p> <p>c) Disagreed. The automatic approval of land uses en masse is not supported by the City of Swan. Each individual landowner must ensure that they are consistent with the Scheme provisions, and if they are not they must submit an application and justify their operation. This application will then be considered on its own merit.</p>	
17	John Stefanelli PO Box 266 MIDLAND WA 6936		<p>Objection:</p> <p>a) The maximum number of commercial vehicles permissible is too low: In relation to the owner driver that wants to park his vehicle at his home to earn a living, he typically needs either one truck and 2 trailers, or a truck, dog trailer and bobcat combination. These operators</p>	<p>a) Noted. The maximum number of vehicles is to be reviewed to ensure it sufficiently meets the needs of owner-operators at a reasonable scale.</p>	

			<p>do not fit within the 'Rural Transport Depot' or the 'Transport Depot' classification, and as such will not be permitted in rural areas.</p> <p>b) The Rural Transport Depot definition is too restrictive: There are a number of owner-drivers parking their trucks at their homes at the moment in the City of Swan area, particularly in the Swan Valley. The parking of these vehicles is rarely associated with the transport of rural produce or rural goods, as there is very little money in this type of transport. It is suggested that this should be replaced with a 'Resident Rural Transport Depot' that enables people that live on their land to earn a living associated with transport and be able to work from home.</p> <p>c) The requirements for commercial vehicle parking in Commercial and Industrial zones are too restrictive: Industrial and commercial businesses that require commercial vehicles as a part of their business should not be required to apply separately for commercial vehicle parking as a land use. This is time consuming for the landowner and considered to be unnecessary.</p> <p>d) The requirement for screening is too restrictive: A landowner should not be required to screen an entire vehicle from view – this is considered to be unnecessary and unfair to the applicant. Screening should not be required in commercial and industrial areas unless the lot borders a residential area. Screening in rural or residential areas should be on the side of the property that the vehicle is parked on, and even then not be required to screen the entire vehicle. A more flexible approach should be made available, including the method of screening and extent of the vehicle being screened.</p>	<p>b) Noted. The proposed 'Rural Transport Depot' should be reconsidered and incorporated within the 'Commercial Vehicle Parking' provisions.</p> <p>c) Agreed. The commercial vehicle parking provisions should be revised to ensure that they apply only to rural and residential properties used as a residence.</p> <p>d) Noted. The requirement for screening should be reviewed to ensure that it is sufficiently flexible and can be proposed by the applicant and considered by Council as part of the application assessment.</p>	
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			<p>Note: this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>		
18	<p>Mike Barrett-Lennard 15 Edward Street WEST SWAN WA 6055</p>		<p>a) The definition of Commercial Vehicles requires review: This definition currently refers to any vehicle of greater than 4.5 tonne (G.V.M) – this mass is considered too low and will inadvertently capture vehicles not intended to be controlled to this extent (caravans, boats, large commuter vehicles, etc.). It is considered that 7 tonnes GVM is more appropriate. Reference to aggregate mass should also be excluded in favour of gross vehicle mass (GVM). The reference to attachment also needs to be reviewed as this is confusing – attachments should either be permitted to be parked in greater numbers, or should be excluded as separate commercial vehicles.</p> <p>b) The size of a rural lot should be a factor in the permissibility of commercial vehicle parking: It is considered inappropriate to identify a specific maximum number of commercial vehicles and applying this to all rural zones without considering the relative lot size. It is considered that larger lot sizes have a greater ability to screen commercial vehicles and as such should be permitted to have a greater number of vehicles parked on them.</p> <p>c) The definition of Commercial Vehicle Parking requires review: The 2-hour time limit is insufficient for temporary parking of commercial vehicles and should be extended to a more appropriate time period. It is considered that this should be set at more than 2 consecutive days.</p>	<p>a) Noted. The City will review the proposed threshold of 4.5 tonne, but this is considered an appropriate threshold for those vehicles that may cause land use conflict, and is the current threshold for commercial vehicles under LPS17. The reference to attachments should be reviewed to ensure that there is sufficient ability to park trailers and attachments where considered acceptable.</p> <p>b) Agreed. The provisions should be reviewed to ensure that the property area is considered in the permissibility of commercial vehicle parking.</p> <p>c) Noted. The 2 hour time limit has been established to allow visitors and delivery/pick-ups without requiring planning approval. This is considered to be an acceptable limit.</p> <p>d) Noted. The definition should be reviewed in light of the proposed ‘Commercial Vehicle Parking’ provisions to ensure that it is adequately distinguished.</p> <p>e) Disagreed. Such a provision would result in the City granting approval to a group of landowners currently</p>	

			<p>d) The Transport Depot Definition requires review: The definition should ensure that it captures only commercial transport depot operations and is set at an appropriate threshold for the number of vehicles.</p> <p>e) A ‘Grandfather’ provision should be introduced to protect existing businesses: Properties that have operated in their current form for 10 years or more should be granted approval under a ‘grandfather provision’ that ensures that their approval will lapse if the current owner/operator sells, retires or becomes deceased.</p> <p>Note: this submission has been paraphrased for the purposes of analysis and reporting. A full copy of the submission is available upon request.</p>	<p>operating illegally, irrespective of any detailed planning consideration of their existing operation. This is considered to be an irresponsible and unreasonable response to the issue of compliance, and an alternative solution that requires site specific consideration of land uses must be found.</p>	
19	Main Roads WA PO Box 6202 EAST PERTH WA 6892		No Objection	Noted.	
20	Department of Water 7 Ellam Street VICTORIA PARK WA 6100		No Objection	Noted.	
21	Raymond and Christine Lewis 3 Mary Street HAZELMERE WA 6055		<p>No Objection</p> <p>a) Advertising of properties as ‘suitable for truckies’ within Hazlemere: It should be noted that many properties within the Hazlemere townsite are advertised by real estate agents as ‘suitable for truckies’ – will the City take action against those agents who are ignoring the City’s planning regulations?</p>	<p>a) Noted. The City has no significant control over the description of a property that is being marketed by real estate agents. The City can and will take action against those that are non-compliant with the provisions of Local Planning</p>	

			<p>b) Time limits should be placed on the movement of commercial vehicles: Often commercial operators work extended hours and as such commercial vehicles come and go at all times of the day and night. This should be regulated by the City.</p> <p>c) Policing of parking: It is requested that the City police the parking of commercial vehicles to ensure that they are not parked in unsuitable locations (e.g. on the street or verge).</p> <p>d) Commercial vehicles should not be permitted to be parked on smaller properties: It is considered that many residential properties will be too small to meet screening and access requirements, and should not be permitted to have commercial vehicles parked on them.</p> <p>e) Commercial vehicles carrying ‘an offensive trade’: commercial vehicles which are used to carry an ‘offensive trade’ (abattoir waste, septic tank contents, etc) should not be permitted to be parked in a residential area.</p> <p>Note: 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 No. 17 if necessary.</p> <p>b) Noted. It is agreed that the Scheme provisions should reflect the requirement for time limits on vehicle movements to ensure amenity of the surrounding area.</p> <p>c) Noted. The City will continue to enforce compliance measures – if any landowner wishes to lodge a complaint regarding an inappropriate land use they may do so, and the City will investigate and enforce the relevant regulations if necessary.</p> <p>d) Noted. It is agreed that the permissibility of commercial vehicle parking should be linked to the size of the subject lot.</p> <p>e) Noted. This is an environmental health issue that will be considered as part of an application for the parking of commercial vehicles.</p>	
22	Swan Valley Ratepayers and Residents Association Inc. PO Box 89 HERNE HILL WA 6056	Swan Valley area	<p>No Objection</p> <p>a) The SVRRA supports the City of Swan’s attempts to stop new transport depots and reduce the number of transport depots currently operating in the Swan Valley. The SVRRA believes that the current Swan Valley Planning Act which covers land use (types A, B and C) clearly demonstrates that there should be no</p>	<p>a) Noted. The City considers that the parking of commercial vehicles as owner-operators within the Swan Valley is appropriate at a reasonable scale, but the development of Transport Depots is an industrial scale land use that should not be permitted within the</p>	

			<p>provision for truck depots in policies developed for the Swan Valley.</p> <p>b) It was stated at a recent public meeting about this draft policy that trucks do not damage the roads in the Swan Valley. This is incorrect. Two examples of damage can be seen on Hardwick Road half way between Campersic Road and Range Road where a trucks regular access to a property has destroyed half the road. Also on the corner of Haddrill Road and Campersic Road, trucks have destroyed the corner and verge turning from Campersic into Haddrill Road.</p> <p>c) We support the City of Swan continuing to implement policies that support the rural use and enhance the tourist potential of the Swan Valley.</p>	<p>Swan Valley.</p> <p>b) Noted.</p> <p>c) Noted.</p>	
23	David Vernon 4 Manila Way AVELEY WA	Aveley area	<p>Objection</p> <p>a) I live in a private estate of Aveley. I paid higher prices for land and had to build a specific sized home. Part of my contract states that no commercial vehicles be parked after 6PM and none is permitted on weekends. I expect this to be upheld as this is one reason we moved here.</p> <p>b) Last year I contacted the Council to report a near fatal accident involving 3 children riding from behind a large white van parked on a residential property. At 50km/hr they would have been killed had I not anticipated for some reason that this may be a good time to keep an extra eye open. The children emerged right in front of my car from behind this van. I tore strips off the children and then went to the property to tell the van owner this was not on and had better move the van before an accident did happen. He saw what took place by the way. He no</p>	<p>a) Noted. It is unclear as to how the proposed scheme amendments will operate in conjunction with any private legal agreement regarding use of such a lot. The impact can be investigated if you provide the Council with further information regarding the nature of the 'contract' referred to in this submission.</p> <p>b) Noted. The City is aiming to ensure that the parking of commercial vehicles is assessed on a case by case basis so that site specific factors can be considered. Such an assessment would ensure that the parking of a commercial vehicle, if permitted, would be restricted to a</p>	

			<p>longer parks the van there.</p> <p>c) If you allow commercial vehicles the right to be parked in residential areas that is akin to allowing children to wander around a factory. They don't mix and you risk being sued if you don't uphold some rational laws on this. If my child was injured or killed as a result of a commercial vehicle being parked in a residential street I'd be coming after the owner of said vehicle and the council for negligence.</p> <p>d) Once again a vocal minority, in this case commercial vehicle owners are ranting on about their rights. Well 90% don't want to see this happen to the lovely estates and developments we all hope will stay commercial vehicle free. We don't want to see this area become another Kewdale.</p>	<p>location on the lot that did not impact on traffic safety or visual amenity.</p> <p>c) Noted. The objective of this review is to ensure that the regulations proposed for commercial vehicle parking are fair and reasonable to all members of the community.</p> <p>d) Noted. The City is attempting to ensure that the amenity of residential and rural areas is protected by regulating the parking of commercial vehicles.</p>	
24	<p>Steve Leppard lepelect@iinet.net.au</p>	Municipal area	<p>No Position Stated:</p> <p>a) Consideration must be given to land owners parking one commercial vehicle on large lots in the Valley. As I drove around Middle Swan, Midland and Midvale I counted 17 commercial vehicles parked on suburban lots. Does your policy cover these areas or has the practice just been over looked by the City?</p> <p>b) It would seem fair and reasonable to allow the land owner in the Valley the same privilege as their suburban counterparts, with concessions given with this sunset clause spoken about at the meeting.</p> <p>c) Will the operators working within the law and in industrial areas be reimbursed as they are subsidizing those who choose to work from home?</p> <p>d) Also you have an environmental plan in place</p>	<p>a) Noted. The proposed policy and scheme provisions do address the parking of commercial vehicles within residential areas.</p> <p>b) Noted. It is agreed that landowners within the Swan Valley should be permitted to park owner operator vehicles at a reasonable scale.</p> <p>c) Noted. No – there is not considered to be any grounds for compensation of landowners operating within the law.</p> <p>d) Noted. The City is uncertain as to the 'environmental plan' referred to in the submission. Further clarification is required prior to any response. The saw mill referred to</p>	

			<p>for those who obtain permission to park commercial vehicles – does this include the old saw mill which has become home to a huge amount of truck and buses with only oil plate separator. With the swamp at the rear and eventually the Swan River, you can't possibly ask the land owner to accept this plan when the entrance to the Valley has a converted saw mill come truck haven.</p>	<p>in this submission is operating under a planning approval.</p>	
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