3.2 CHANGE OF USE FROM 'WAREHOUSE' TO 'MOTOR VEHICLE REPAIR' AT LOT 144 (UNIT 2, NO.75) CROCKER DRIVE, MALAGA (DA302-18)

Ward: (Whiteman) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

KEY ISSUES

- The application seeks approval for a Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga.
- The subject site is zoned 'General Industrial' under the City's Local Planning Scheme No.17 (LPS17) and 'Industrial' under the Metropolitan Region Scheme (MRS).
- The motor vehicle repair use is a permitted use within the 'General Industrial' zone and can be approved.
- The hours of operation are Monday to Friday between 8am and 5pm and on Saturdays between 8am and 12pm. It will be operated by two employees, one mechanic and one receptionist.
- The business has access to six car parking bays, which is less than the required 10 car parking bays.
- The operations are limited to only one working bay by having only one mechanic and the car parking demand is thus equivalent to four bays for the one working bay. The subject site is located in close proximity to verge parking identified under the Malaga Parking Strategy and a cash-in-lieu payment should be imposed to provide for the shortfall.

It is recommended that the Council approve the application for a Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga subject to conditions.

Local Planning Scheme No.17 (cl.10.3)

Council has discretion in accordance with cl.10.3 of the City's Local Planning Scheme No.17 (LPS17) to approve (with or without conditions) or refuse the application.
2015 Regulations (cl.68(2))

Council has discretion in accordance with cl.68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 to determine an application for development approval by:

- Granting development approval without conditions; or
- Granting development approval with conditions; or
- Refusing to grant development approval.

BACKGROUND

Applicant: Kyaw Hein
Owner: James Benedict Bianchini and Joan Patricia Bianchini
Zoning: LPS17 - General Industrial
        MRS - Industrial
Existing Land Use: Warehouse
Lot Size: 2160m$^2$
Use Class: Motor Vehicle Repair - 'P' Use

Subject Site Details

Lot 144 (No.75) Crocker Drive, Malaga (the subject site) is zoned 'General Industrial' under the City's Local Planning Scheme No.17 (LPS17) and 'Industrial' under the Metropolitan Region Scheme (MRS). The subject site is bound by General Industrial land to the north, south and west; and Crocker Drive to the east.

Proposed development

The proposed development is for a change of use from a Warehouse to a Motor Vehicle Repair business. The business will be operating Monday to Friday between 8am and 5pm and on Saturdays between 8am and 12pm. It will be operated by two employees, one mechanic and one receptionist. The development provides two working bays, but only one car can be worked on at any one time as there is only one mechanic. The development has access to six car parking bays.

CONSULTATION

Public advertising was not required.
DETAILS

Local Planning Scheme No.17

The site is zoned ‘General Industrial’ under the LPS17. The proposed motor vehicle repair use is a permitted use within the ‘General Industrial’ zone, and can therefore be considered.

Local Planning Policy POL-TP-124 - Building Development Standards- Industrial Zones

The application is only for a change of use and does not affect any external aspects of the approved development. As such, the requirements under Local Planning Policy POL-TP-124 - Building Development Standards- Industrial Zones is as per the approved development application.

Local Planning Policy POL-TP-129 Vehicle Parking Standards

The vehicle parking requirement for a motor vehicle repair is as follows:

- 4 spaces for each working bay plus 1 space per employee

The car parking required is as per the below details.

- 2 work bays x 4 bays = 8 bays
- 2 employees x 1 bay = 2 bays
- Total bays: 10 bays

The strata unit is allocated six bays for exclusive use. The development therefore has a car parking shortfall of four car bays. The application indicates that the number of customers will only be two at any one time due to the two work bays available. However, the operations related to the business comprise of only one mechanic, which limits the operations to only one working bay at a time. Given this, the car parking demand is limited by the operation of the business to only one working bay, thus reducing the car parking required by the business to four bays for the one working bay.

The car parking demand for the business as proposed is therefore only six bays, four for the one working bay and two for the employees. Even though this is the case, the area of Crocker Drive identified for verge parking under the Malaga Strategy is close to the subject site and it will be appropriate for the four car bays to be provided within the verge area. Given this, a cash-in-lieu payment for four car bays should be imposed as per POL-TP-129.

OPTIONS AND IMPLICATIONS

Option 1: Council may resolve to approve the proposed Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga with the requirement of cash-in-lieu for four car parking bays and subject to appropriate conditions.

Implications: The development may proceed.

This is the recommended option.
Option 2: Council may resolve to approve the Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga with no requirement for cash-in-lieu for four car parking bays and subject to appropriate conditions.

Implications: The development may proceed.

Option 3: Council may resolve to refuse the proposed Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga, for the following reason:

1. The proposed facility will detract from the amenity and character of surrounding properties and the broader locality.

Implications: The applicant would have a right of appeal to the State Administrative Tribunal.

This is not the recommended option.

CONCLUSION

The application is for a Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga. The land is zoned 'Industrial' under the MRS and 'General Industrial' under LPS17 where the use is capable of approval.

The business will be operating Monday to Friday between 8am and 5pm and on Saturdays between 8am and 12pm. It will be operated by two employees, one mechanic and one receptionist. The development provides two working bays, but only one car can be worked on at any one time as there is only one mechanic. The development has access to six car parking bays. The parking short fall of four bays should be required as a cash-in-lieu payment to provide verge parking. Approval subject to conditions is recommended.

ATTACHMENTS

Location Plan
Plans

STRATEGIC IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Planning Scheme No. 17
Local Planning Policy POL-TP-124 - Building Development Standards- Industrial Zones
Local Planning Policy POL--TP-129 Vehicle Parking Standards
Malaga Parking Strategy
FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Council resolve to:

1) Approve the Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga, subject to the following conditions:

1. A maximum of two (2) staff members are permitted on the site in association with the 'Motor Vehicle Repair' use at any one time, being one mechanic and one administration employee.

2. The operation hours shall be limited to Monday to Friday between 8am and 5pm and on Saturdays between 8am and 12pm.

3. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the City.

4. Car parking bays and areas designated for landscaping, shall not be used for the storage, display or selling of any goods or vehicles whatsoever.

5. The applicant to pay the City of Swan the cost of construction for four at-grade parking bays in the verge of Crocker Drive. This has been calculated as $3500 per bay.

6. No fluid, other than uncontaminated stormwater is to enter any stormwater drain without prior approval from the City and the Environmental Protection Authority.

7. Wash down bays where petrol, other hydrocarbons or similar matter is likely to be discharged must be constructed in accordance with Water Corporation guidelines. In particular bays should be bunded and graded to trap all waste which then passes through and approved petrol and oil separator before being discharged to sewer. External wash down bays greater than 20m$^2$ are to be roofed.

Where sewer is not available treated liquid wastes shall be disposed of onsite in a manner outlined in the Department of Water's Water Quality Protection Note WQPN 68 (Mechanical Equipment Washdown) dated March 2006.

No contaminated stormwater is permitted to enter the stormwater drains.

All fuels, oils and other liquids shall be appropriately stored within a bunded and covered area capable of trapping all wastes.
8. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.

**ADVICE NOTES**  
Standard advice notes apply.

2) Advise the applicant/landowner of the resolution of Council and relevant advice notes pertaining to the approval.

3) Advise all those who made a submission of Council’s decision accordingly.

**MOTION** that the Council resolve to:

1) Approve the Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga, subject to the following conditions:

   1. A maximum of two (2) staff members are permitted on the site in association with the 'Motor Vehicle Repair' use at any one time, being one mechanic and one administration employee.

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Standard advice notes apply.

2) Advise the applicant/landowner of the resolution of Council and relevant advice notes pertaining to the approval.

3) Advise all those who made a submission of Council’s decision accordingly.

4) Note that the reason for the change is to reflect the extremely low level of employment at the premises.

(Cr McNamara – Cr Haynes)

RESOLVED UNANIMOUSLY TO:

1) Approve the Change of Use from 'Warehouse' to 'Motor Vehicle Repair' at Lot 144 (Unit 2, No.75) Crocker Drive, Malaga, subject to the following conditions:

1. A maximum of two (2) staff members are permitted on the site in association with the 'Motor Vehicle Repair' use at any one time, being one mechanic and one administration employee.

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Location Plan

24/07/2018

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