


# MOTOR VEHICLE REPAIRS

## DEVELOPMENT ASSESSMENT SHEET

| APPLICATION DETAILS           |                           |  |                    |
|-------------------------------|---------------------------|--|--------------------|
| <b>OFFICER NAME</b>           | David Quelch              | <b>APPLICATION NO.</b>   | PA23/421           |
| <b>PROPOSAL</b>               | Motor Vehicle Repairs     |  |                    |
| <b>LOCATION</b>               | 54 Walters Report, Byford |  |                    |
| <b>APPLICANT</b>              | Benjamin Offringa         |  |                    |
| <b>OWNER</b>                  | Remelt Offringa           |  |                    |
| <b>APPLICATION RECEIVED</b>   | 12/07/2023                | <b>LOT AREA</b>  | 4265m <sup>2</sup> |
| <b>ZONING</b>                 | Urban Development         | <b>DESIGNATION</b>   | Residential        |
| REFERRALS                     |                           |  |                    |
|                               | <b>Y / N</b>              | <b>Comment</b>   |                    |
| <b>DAU Comments</b>           | N                         |  |                    |
| <b>Heritage Precinct</b>      | N                         |  |                    |
| <b>WAPC</b>                   | N                         |  |                    |
| <b>Main Roads</b>             | N                         |  |                    |
| <b>Heritage Council</b>       | N                         |  |                    |
| <b>Scheme Heritage Listed</b> | N                         |  |                    |
| <b>Internal</b>               | Y                         | <p><u>Building</u>: The Mechanical workshop is considered a class 8 building and will require an Occupancy permit application for the change of use from a class 10a non-habitable shed to a class 8 commercial mechanical workshop.</p> <p>As part of the process the owner must engage an independent building surveyor to issue a Certificate of Building Compliance (BA18) to verify the building complies as a class 8.</p> |                    |

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|---------------------|--|
|                     | <p><b>Health:</b></p>  <p>As there is no industry in the area the assigned levels apply. Applicant must be able to demonstrate that the work they conduct does not exceed the limits.</p> <p>Prior to approval an acoustic report must be submitted to the satisfaction of the Shires Health Services.</p> |
| <p><b>Other</b></p> | <p>N/A</p>   |

**Deemed Provisions – Cl 67 Matters to be considered by Local Government**

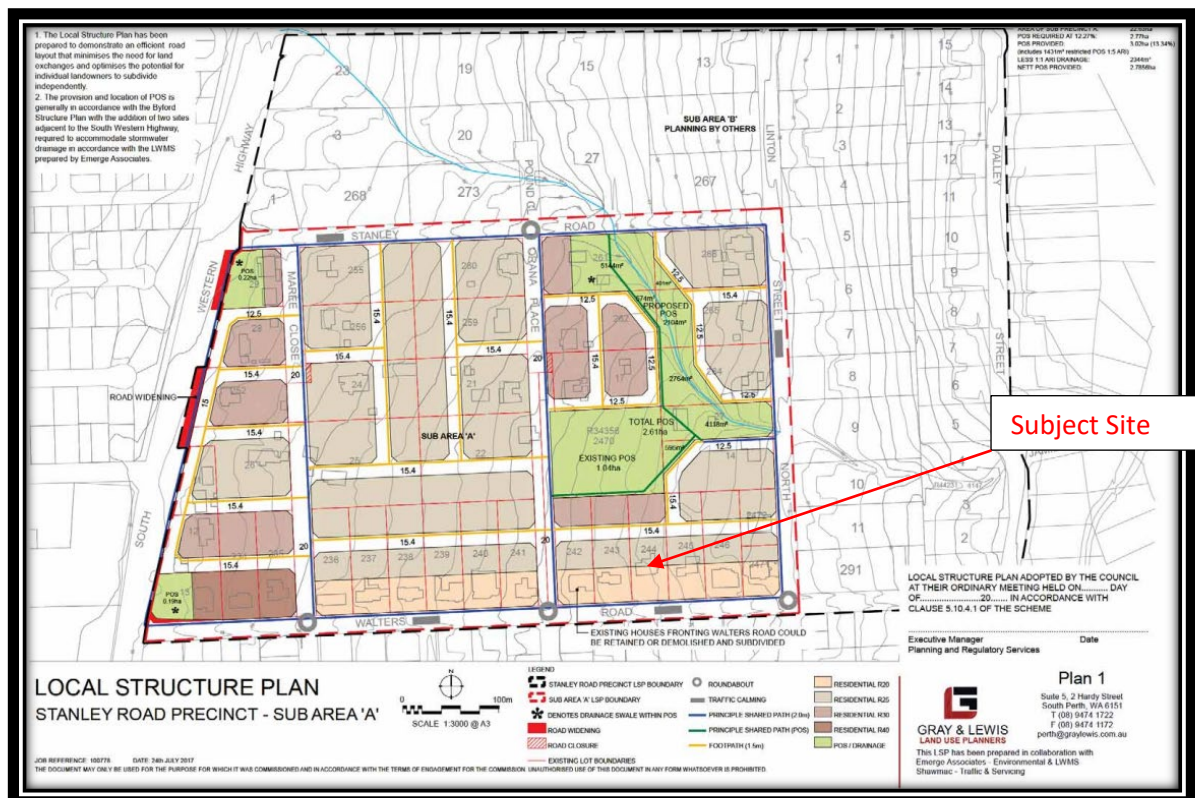
|   |   |   |   |
|---|---|---|---|
| <p>a) The aims and provisions of this Scheme and any other local planning scheme operating within the area</p>  | <p><b>YES</b><br/><input checked="" type="checkbox"/></p> | <p><b>NO</b><br/><input type="checkbox"/></p> | <p><b>N/A</b><br/><input type="checkbox"/></p>            |
| <p><b>Comment:</b> Land Use Permissibility- pursuant to the ‘Shire of Serpentine Jarrahdale Local Planning Scheme NO. 3’, the subject site is located within the ‘Urban Development Zone’ and designation ‘Residential Zone’ and the use of ‘Motor Vehicle Repair’ is Repair’ is an ‘A’ use in the ‘Urban Development’ zone which means “that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions.” Therefore, Council has discretion to permit the use.</p> |   |   |   |
| <p>b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving</p>  | <p><b>YES</b><br/><input type="checkbox"/></p>            | <p><b>NO</b><br/><input type="checkbox"/></p> | <p><b>N/A</b><br/><input checked="" type="checkbox"/></p> |
| <p><b>Comment:</b> No planning scheme amendments relevant to the site and / or proposal are proposed.</p>   |   |   |   |
| <p>c) any approved State planning policy</p>  | <p><b>YES</b><br/><input checked="" type="checkbox"/></p> | <p><b>NO</b><br/><input type="checkbox"/></p> | <p><b>N/A</b><br/><input type="checkbox"/></p>            |
| <p><b>Comment:</b> State Planning Policy 3.0 Urban Growth and Settlement</p>  |   |   |   |

|   |  |                                |  |
|---|--|--------------------------------|--|
| d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)                            | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                |  |
| e) any policy of the Commission   | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                |  |
| f) any policy of the State  | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                |  |
| g) any local planning policy for the Scheme area- the following Local Planning Policies are relevant to the assessment of this application. | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b> Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)   |  |                                |  |
| h) any structure plan, activity centre plan or local development plan that relates to the development                                       | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | N/A<br><input type="checkbox"/>            |

**Comment:**

Stanley Road Precinct Local Structure Plan

Under the Local Structure Plan (LSP), the subject site has a ‘Residential’ designation (R20, R25 and R30) as shown in Figure 4 below.



**Stanley Road Precinct Local Structure Plan**

Pursuant to 'Table 3- Zoning Table' of LPS3, 'Motor Vehicle Repair' in the 'Residential' zone is an 'X' use which means that upon completion of the structure plan and integration of zones into the Scheme, there would be no discretion available to permit the use. The proposal is therefore inconsistent with the LSP in the long term, and would not be considered appropriate to support without carefully considering the merits of a time limited approval.

Given the indicative road layout on the LSP, it is likely that subdivision would need to occur in a coordinated manner and unlikely to occur on an individual basis per lot. It is therefore anticipated that there will be no increase in residential development in the LSP area in the foreseeable future. Subsequently, it is considered appropriate to support the proposal subject to a time limited approval of five years.

This period would allow the operator sufficient time to arrange a more suitable premise to relocate to and continue their business, whilst the area remains in transition. Alternatively, the applicant may choose to reapply in five years time for a further approval, which would need to be assessed at that point in terms of the extent (or otherwise) of implementation of the LSP that has occurred.

This time limited approach will also allow time for further development of the Shire's light industrial areas which are currently limited. Officers consider it important to the support these types of businesses during transitional periods so long as amenity impacts can be managed.

|   |  |                                |  |
|---|--|--------------------------------|--|
| i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>  | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                |  |
| j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve   | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                |  |
| k) the built heritage conservation of any place that is of cultural significance  | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                |  |
| l) the effect of the proposal on the cultural heritage significance of the area in which the development is located   | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                |  |
| m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | N/A<br><input type="checkbox"/>            |
| <b>Comment:</b> Refer to assessment.  |  |                                |  |
| n) the amenity of the locality including the following –<br>I. Environmental impacts of the development<br>II. The character of the locality<br>III. Social impacts of the development  | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | N/A<br><input type="checkbox"/>            |
| <b>Comment:</b> Refer to assessment.  |  |                                |  |
| o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource  | YES<br><input type="checkbox"/>            | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |

|   |   |                                       |   |
|---|---|---------------------------------------|---|
| <b>Comment:</b>   |   |                                       |   |
| p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved  | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/>            |
| <b>Comment:</b> No vegetation removal required.   |   |                                       |   |
| q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk  | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/>            |
| <b>Comment:</b> No new development proposed.  |   |                                       |   |
| r) the suitability of the land for the development taking into account the possible risk to human health or safety  | <b>YES</b><br><input type="checkbox"/>            | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |   |                                       |   |
| s) the adequacy of –<br>I. The proposed means of access to and egress from the site; and<br>II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles  | <b>YES</b><br><input type="checkbox"/>            | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |   |                                       |   |
| t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety   | <b>YES</b><br><input type="checkbox"/>            | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |   |                                       |   |
| u) the availability and adequacy for the development of the following –<br>I. Public transport services<br>II. Public utility services<br>III. Storage, management and collection of waste<br>IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)<br>V. Access by older people and people with disability   | <b>YES</b><br><input type="checkbox"/>            | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |   |                                       |   |
| v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses  | <b>YES</b><br><input type="checkbox"/>            | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |   |                                       |   |
| w) the history of the site where the development is to be located   | <b>YES</b><br><input type="checkbox"/>            | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |   |                                       |   |
| Development approval was granted for a 'Home Business' (Mobile Mechanic) on the subject site on 9 May 2014 under delegated authority. This approval was enacted and has been in operation since. However, the operations have expanded beyond what was initially approved and beyond what is permitted under the land use definition of 'Home Business'. The table following describes the changes between the Conditions of that approval and what is currently being undertaken according to the applicant: |   |                                       |   |
| Condition   |   | Currently Occurring                   |   |
| <i>A maximum of 3 customers are permitted to attend the premise per day.</i>  |   | Estimate of 8 customers per day.      |   |

|   |  |                                       |   |
|---|--|---------------------------------------|---|
| <i>Not more than 1 customer to attend the premise at any one time.</i>  | No restriction on how many customers are allowed to attend at any one time.  |                                       |   |
| <i>Not more than 136sqm of the dwelling or an outbuilding is permitted to be used for the purpose of the home business</i>  | The outbuilding to be used for motor vehicle repairs has a floor area of 262sqm and does not qualify as a home business. |                                       |   |
| x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals  | <b>YES</b><br><input type="checkbox"/>   | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                       |   |
| y) any submissions received on the application  | <b>YES</b><br><input checked="" type="checkbox"/>  | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/>            |
| <p><b>Comment:</b> Advertising was carried out for a period of 21 days from 4 August 2023 to 25 August 2023 whereby five submissions were received either objecting to or raising concerns with the proposal. The key concerns of the submissions are listed below.</p> <ul style="list-style-type: none"> <li>- This type of business should be located in a commercial / light industrial area (with proper washdown bays and oil collection facilities) and not a residential area; and</li> <li>- The streets are used as a test track and speed limits are being exceeded.</li> </ul> <p>The concerns of the submitters are discussed and addressed under the relevant headings of the report.</p> |  |                                       |   |
| Za) the comments or submissions received from any authority consulted under clause 66   | <b>YES</b><br><input type="checkbox"/>   | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                       |   |
| Zb) any other planning consideration the local government considers appropriate   | <b>YES</b><br><input type="checkbox"/>   | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>   |  |                                       |   |