

5.10 1434 DANDENONG ROAD OAKLEIGH – DEVELOPMENT AND USE OF A THREE (3) BAY HAND CARWASH AND DETAILING BUSINESS

(TPA/36505:VS:RMK)

Ward : Oakleigh

Responsible Director: Paul Kearsley

Reason for Council Consideration: Council / Community Interest

Cost of Development : \$10,000

Statutory Processing Date : 9 January 2009

RECOMMENDATION

*The Council having caused notice of planning application No.36505 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit and issue a **Notice of Decision** to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 1434 Dandenong Road, Oakleigh, for the purpose of development and use of a three (3) bay hand car wash and detailing business subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

- 1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.*

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) The relocated car staff parking space to the east of the existing building.*
 - b) An invert or other structure constructed to the north of car parking spaces 11- 13 to reduce the risk of rolling vehicles.*
 - c) The slope between parking space 6 and wash bay 1 shall have a gradient of 1 in 8.*
 - d) The queuing lanes and spaces clearly shown on the ground and marked for the use only by vehicles queuing to be washed.*
 - e) Steps and a clearly marked path with minimum gradient of 1:14 along the east boundary that allow customers to retrieve their vehicles from spaces 11- 13.*
 - f) Details of replacement signage.*
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. The use may operate only between the hours of 9.00am and 6.00pm Monday to Sunday unless the Responsible Authority gives consent in*

writing.

4. *The amenity of the area must not be detrimentally affected by the use or development, through the:*
 - a) *Transport of materials, goods or commodities to or from the land;*
 - b) *Appearance of any building, works or materials;*
 - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *Presence of vermin;*

5. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:*
 - a) *Trench grates (175mm minimum width) located within the property; and/or*
 - b) *Shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) *Another Council approved equivalent*

6. *Direct the entire site's stormwater drainage to the north-east corner of the property where it must be collected and free drained via a pipe to a pit in the road reserve to be constructed to Council Standards. The existing property connection may be used if found to be in a reasonable working order by Council Officers.*

Note:- If the point of discharge can not be located then notify Council's Engineering division immediately.

7. *Any drainage work within the road reserve requires approval from Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine the drainage works will meet all the drainage conditions of the permit. A refundable security deposit of \$1,000 is to be paid prior to the drainage works commencing.*

8. *The plans must show a drainage scheme that prevents wash water entering the stormwater drainage system.*

9. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains/ Council pits and these works are to be inspected by Council (telephone 9518 3690).*

10. *The redundant vehicle crossings must be removed and the area reinstated with appropriate kerbing and channelling and then sown with grass to the satisfaction of the Responsible Authority.*

Multinet Gas Conditions (Reference Number OB/A/08/7500)

11. • *The concrete driveway proposed may be constructed.*
- *Provided the bollards protecting the pit remain untouched.*
 - *Provided the Gatic cover protecting the valve is at the same level and angle as the new concrete driveway.*
 - *Jemena is contacted if any of the above cannot be achieved.*
- *If the Gatic cover and valve require alteration there will be cost involved of approximately \$10,000.00 to relocate it, or adjust the heights.*
- *Cost will be incurred if there is any damage to gas assets during construction.*
12. *The location and size of signs shown on the endorsed plans must not be altered without the written consent of the responsible Authority.*
13. *The sign must not distract drivers due to its colouring, be mistaken for a traffic signal, be able to be mistaken as an instruction to drivers or constitute a road safety hazard in any way.*
14. *Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*

NOTES:-

1. *Building approval must be obtained prior to the commencement of the above-approved works.*
2. *A permit must be obtained from Council for all vehicular crossings.*
3. *Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.*
4. *Consultation should take place with Council in respect of the removal of the vehicular crossing and reinstatement works.*

and directs that the Applicant and each objector be given a notice of the Council's decision to grant the permit.

BACKGROUND

The subject site is located on the south-western corner of the Dandenong Road, Atkinson Street intersection Oakleigh. The land is rectangular in shape with a frontage to Dandenong Road of 15.63 metres, a frontage to Atkinson Street of 46.63 metres, a south boundary of 16.25 metres and a west boundary of 46.54 metres with the total area of the property being approximately 750 square metres. The property is terraced with two 0.6m high steps down towards Dandenong Road; in between these steps the land is relatively flat. The highest point on the property is near the south boundary 102.05 metres (AHD), with the lowest point being near the north boundary where the land is 100.05 metres (AHD).

The land is vacant with the entire site being covered in hard surface previously used for carsales. The property has an existing building located in the southwest corner, which measures approximately 80 square metres. The building is 4.2 metres from Atkinson Street and within 1 metre of both the south and the west boundaries. There are four existing crossings accessing the site and one crossing that accesses the right of way to the south. Three of the crossings access Atkinson Street and one crossing that allows access from Dandenong Road. There are also a number of pits along the Atkinson Street nature strip.

The property to the west is currently developed with a building occupying the majority of the site measuring approximately 195 square metres in area. There is a 6.5 metre high wall that runs along the common boundary. This building has a setback of 6 metres from Dandenong Road. There are residential properties to the south separated from the subject site by a 3.7 metre wide right of way. No. 97 Atkinson Street the residential property to the south is currently developed with an existing single storey brick dwelling located near the centre of the property. The dwelling is located 3 metres from the edge of the accessway and 5.2 metres from Atkinson Street. The private open space area of this property is located to the west of the dwelling away from the subject site.

PROPOSAL

The proposal is for buildings and works in association with the use of a car wash on the subject land which is within close proximity to a residential zone. In relation to the construction of the car wash facility, the following is noted:

The proposed car wash requires the construction of a wash pad that involves:

- The construction of a colour bond roof, which will be supported by a steel structure frame. This will accommodate three car wash bays with the steel columns being painted red.
- Reinforce the concreted area which slopes towards a centre pit. This pit will collect and direct water flow to a triple interceptor.
- The installation of two high-pressure units, which will be mounted onto the columns.

- 10.000 litre water tanks will be situated to the rear of the office. These tanks will collect rain water with the car wash also utilising 100% recycled water bought in once a month when necessary.
- The operation of two portable vacuum cleaners.
- It is proposed that all machinery will be located between 25 metres and 30 metres from residential properties.

The office and waiting area will be modified so that:

- There will be tables and chairs for customers located inside the waiting area.
- Self service coffee and drinks.

The proposed signage to be displayed on site:

- Existing signage above the existing building and a pole sign near Dandenong Road, will be utilised.
- The applicant has indicated an additional sign on the wall of the existing building to the west. This will require separate approval.

The operating hours of the car wash are as follows:

- 9.00am to 6.00pm Monday to Sunday

The proposal also requires the following changes to the crossovers on the property:

- A new 3 metre wide crossing is proposed to Atkinson Street. This crossing will be constructed over a gas pit.
- One of the three existing crossings accessing Atkinson Street will be removed.
- The crossover onto Dandenong Road will not be altered.
- Three staff car parking spaces will be provided. One to the rear of the existing building and the other two along side the wash bays.

POLICY IMPLICATIONS

The land is located in an Industrial 1 Zone. Pursuant to Clause 33.01-1 a “*Car Wash*” is a Section 1 Use (included in “*Service Industry*” and “*Industry*” in the nesting diagram in Clause 75), provided that the condition is met. However as the site is located within 30 metres of land (not a road) within a residential zone, the use of the land for the purpose of a car wash requires a planning permit.

A planning permit is also required for buildings and works (Clauses 33.01-4, and 43.02-2.)

The following provisions of the Monash Planning Scheme are relevant to the consideration of the application:

State Planning Policy Framework

Clause 15 – Environment

Clause 17 – Economic Development

Clause 19.03 – Design and Built Form

Municipal Strategic Statement

Clause 21.05 – Economic Development

Clause 21.07 – Industry

Local Planning Policy Framework

Clause 22.03 – Industry and Business Development and Character Policy

Clause 22.04 – Stormwater Management policy

CONSULTATION

EXTERNAL CONSULTATION

Public Notification

Pursuant to Clause 33.01-4 Buildings and Works within an Industrial 1 Zone this application is not exempt from Notice and review as the subject site is within 30 metres of a Residential Zone.

The application was advertised to the abutting and opposite property owners and occupiers pursuant to Section 52 of the Planning and Environment Act. Three public notices were erected and maintained on the land for a period of 14 days. One objection was received which is summarised below.

Traffic

- The car wash will generate a high level of vehicle movements
- With the lack of parking available on site it will result in additional vehicles being placed onto the road network outside 97 Atkinson Ave.
- The location of the car wash, being on the corner of Dandenong Road, is inappropriate as vehicles accessing and egressing onto a major road is unsafe.

Parking

- The proposed application has insufficient car parking for the activity. This will cause a spill over of vehicles onto Atkinson Street turning the street into a car park limiting parking opportunities for residents and their visitors.
- There is very little space on site for the storage of vehicles.

Residential Amenity

- The proposed operating hours of 9.00am to 6.00pm Monday to Sunday is unacceptable and impact upon residential amenity especially on Sundays.

- There will be an unacceptable increase in noise generated by the vacuum cleaners, running water, loud music and the gathering of patrons and their vehicles.

INTERNAL CONSULTATION

Pre-Application

The application was the subject of a pre-application meeting.

Internal Referrals

The application was referred to the Council's Drainage and traffic Engineers who advised that they have no objections subject to conditions being included on any permit that is to issue.

Multinet Gas

The application was referred to Multinet Gas, as the proposed new crossing from Atkinson Street will be constructed over a Multinet Gas pit. Correspondence was received which stated, *"from the information provided the works will cross the gas main but shall not affect them"*.

Multinet Gas have provided condition for inclusions should the application be approved.

ASSESSMENT

There were a number of issues raised by the objector with regards to car parking, traffic and amenity issues. The following will address the concerns of the objector and ensure that the proposal does not contravene Council's Objectives and Policies.

High Level of Vehicle Movements

One of the issues raised was that the proposed car wash would create a high level of vehicle movements. There was no requirement for the applicant to undertake a traffic survey of the amount of vehicle movements the activity will generate. It is considered that the amount of vehicle movements would solely be determined by the capacity of the car wash. The more cars that can be washed the more vehicles there will be accessing the site. With a three bay car wash it is considered that the vehicle movements will not be unacceptable to the surrounding area especially as the site adjoins Dandenong Road, a major arterial road and Atkinson Street a local collector.

Car Parking

A car wash does not have a specified car-parking rate in the Monash Planning Scheme, instead relying on the rate for *industry* of 2.9 spaces per 100m² of floor area. It is considered this would probably not really reflect the operation of a carwash, where the floor area predominantly caters to car parking.

Nevertheless, the area of the property used for the car wash measures approximately 500m² requiring 15 car parking spaces (once rounded to the nearest number).

The proposal provides 3 car wash bays, 3 vacuum cleaner bays, room for an additional 6 cars waiting to be washed (at the least), 3 spaces for cars after being washed and 3 dedicated staff car spaces. The provision for 18 car parks at least meets the Monash Planning Scheme requirements. There will be no issue with the amount of car parking spaces associated with the activity.

Inappropriate Location

The objector has mentioned that the location on the corner of Dandenong Road and Atkinson Street is inappropriate the type of activity proposed. With the Monash Planning Scheme a car wash is defined as an industrial activity with the most appropriate location being within an industrial zone.

The State Planning Policy Framework Economic Development states that the objective of industrial areas is to “*ensure availability of land for industry and to facilitate the sustainable development and operation of industry and research and development activity*”. As the car wash is an industrial activity an industrially zoned site is considered the most appropriate for the operation of this activity.

The State Planning Policy framework continues and also states “*Responsible Authorities should, where possible, minimise inter-industry conflict and encourage like industries to locate within the same area*”. When assessing the other activities within the area especially along Dandenong Road a car wash would be compatible and compliment the other industrial type activities.

It is considered that the proposed car wash meets the objectives as identified in the State Planning Policy Framework. The car wash, an industrial activity, will be located within an industrial zone grouped with other similar types of activities. The location that has been chosen for the car wash is an appropriate location within the City of Monash for a car wash.

The car wash has been designed to be sympathetic to the site, the residential interface and surrounding area.

No Provisions for Vehicle Storage

The objector had an issue with the lack of car parking on the site, which also directly refers to the amount of space for vehicle storage. As mentioned above the proposal can comply with the car parking requirements of the Monash Planning Scheme. The Monash Planning Scheme Clause 52.13 Car Wash has requirements for queuing lanes. The Scheme states:

- A queuing lane on the site must be able to accommodate at least 10 vehicles before entry to a car wash.
- The lane must be clearly shown on the ground and marked for use only by vehicles queuing to be washed.

- The area between the exit to the car wash and the nearest crossover must be able to accommodate at least 2 vehicles in single file.

The proposal does not have a queuing lane that can accommodate 10 vehicles before entry to the car wash. The car wash can, at the least accommodate 6 cars before entering the car wash and if the vacuum bays are included within this 9 cars could be accommodated before entering the car wash.

It is considered that the proposal, which only allows at least 2 vehicles to queue before each car wash bay is acceptable in this instance. There are 3 car wash bays proposed, each with room to queue in front of, so there will be minimal chance of vehicles spilling out onto Atkinson Street whilst waiting for a bay. Adding to this it is unlikely that customers would be willing to join a queue where they would have to wait for at least 6 other customers to have their cars washed first. Although the car wash cannot comply with the queuing lane provisions of the scheme, it is believed that the proposal as submitted has sufficient queuing space.

Residential Amenity

The objector believes that the hours of operation between 9.00am and 6.00pm 7 days a week is unacceptable and will impact upon the amenity of the residential area. The majority of the hours in which the car wash will be open are within normal business hours.

The only reason that the use of the property as a car wash requires a planning permit is because the property is within 30 metres of a Residential Zone. The Monash Planning Scheme has threshold distances that limit the how close an industrial activity can be located to a residential property. For a car wash the threshold distance is 30 metres, as it is not mentioned within Clause 52.10. The scheme also states “*the activity must not adversely affect the amenity of the neighbourhood, including through the:*

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil”.

It is considered that the car wash will not cause any effect upon the amenity of the area from the above sources. However a condition will be placed on the permit to ensure that the amenity of the residential properties to the south will not be significantly impacted upon.

The objector has specific concerns with the noise emitted from vacuum cleaners, running water and loud music. The majority of the plant material and the wash and vacuum bays will be between 25 and 30 metres from the boundary of the residential properties. The scheme has a threshold distance of 30 metres from a residential property therefore the scheme suggests that at this distance the effects of the activity upon the residential properties will be minimal. The plant material will be located between 25 metres and 30 metres from the

residential property. This distance is sufficient to mitigate the majority of the noise from the car wash.

Also there is a right of way, measuring 3.7 metres wide, between No. 1434 Dandenong Road and the residential property at No. 91 Atkinson Street. There are two fences a 2 metre high fence on the south boundary of the subject site and a 2.5 metre high paling fence on the north boundary of the residential property. The distance between the main car wash plant equipment and residential property is considered to be sufficient to mitigate the potential noise amenity issues on the residential properties to the south.

As the car wash will only open to 6.00pm there will be no light spill, the activity will not result in air borne emissions. It is considered that the hours of operation are acceptable and there are mitigating measures that will minimise the impact upon the residential amenity of the properties to the south.

Design and Built Form

It is considered that the proposal is generally consistent with the setback of the abutting developments. The property to the west has a front setback from Dandenong Road of 5.5 metres with a car parking area located within this area. This setback is consistent with the other industrial properties to the west with some of the buildings being located on the front boundary.

The proposal is deemed to be consistent in character with the existing built form.

Signage

There is an existing pole sign 3 metres from the front Dandenong Road boundary. This sign measures approximately 4.4 metres from the existing ground level and has an area of 2.7 square metres. There will also be a sign attached to the top of the existing building which measures approximately 6.6 metres wide and 1.2 metres high with a total area of 7.92 metres. As these signs already exist no additional detriment will be caused to the surrounding area.

A new sign is proposed on the boundary wall on the west site of the property. This sign is 3.4 metres by 2 metres a total area of 6.8 square metres and requires a separate permit.

CONCLUSION

The proposal is generally consistent with the relevant planning policies. With appropriately worded conditions the car wash will not cause any material detriment and should be approved by Council.