

3.3 PROPOSED HOME BUSINESS (BEAUTY THERAPIST) - LOT 179 ASHMERE DRIVE, BULLSBROOK

(North) (Development Services)

KEY ISSUES

- The applicant is seeking to establish a home business entailing a Beauty Therapist at Lot 179 (120) Ashmere Drive, Bullsbrook. The business is proposed to be operated within a 12m² bedroom.
- The application was referred to surrounding owners for comment for a period of 21 days. Seven submissions were received, two objecting to the proposal and five letters in support. The grounds for objection are that the business will result in an increase in noise and traffic to the area.
- The applicant expects a maximum of 2 cars to access the site each hour. The applicant is the sole operator of the business. The increase in traffic to the area is considered to be minimal and is not anticipated to result in any negative impact on the adjoining property owners amenity.

It is recommended that the Council approve a home business (Beauty Therapy) at Lot 179 (120) Ashmere Drive, Bullsbrook.

AUTHORITY/DISCRETION

The Council may approve (with or without conditions) or refuse the application. If the applicant is aggrieved with the decision of the Council a right of review may exist in accordance with Part 3 of the State Administrative Tribunal Act 2004 and Part 14 of the Planning and Development Act 2005 (as amended).

BACKGROUND

Applicant:	Jo-Anne McPhee-Steward
Owner:	Jo-Anne McPhee-Steward
Zoning:	TPS - Rural
	MRS - Rural Residential
Strategy/Policy:	Pol-C-079 Home based Business Policy
Development Scheme:	Ashmere Drive Estate (No. 53)
Existing Land Use:	Residential
Lot Size:	2.0043 ha
Area:	9 m ²
Use Class:	Home Business "AA"

DETAILS OF THE PROPOSAL

The applicant is seeking approval to conduct a home business from the subject site. The business will entail beauty therapy. The applicant does not intend to employ anyone in the business.

DESCRIPTION OF SITE

The subject lot is 2.0043 ha in area and is located on Ashmere Drive in Bullsbrook. There is ample parking space on the site. The subject property contains a dwelling which will be used to operate the business.

SITE HISTORY/PREVIOUS APPROVALS

Nil

OTHER RELEVANT PREVIOUS DECISIONS OF COUNCIL

Nil

APPLICANT'S SUBMISSION

- The applicant intends to use bedroom 2 for Beauty Therapy.
- There will be a maximum of two cars accessing the site each hour.
- The applicant will be the sole operator of the business.

PUBLIC CONSULTATION

The application was referred to surrounding residents, with a 21 day period in which to make comment, commencing 3rd October 2006 and being completed on 24th October 2006. A total of Seven submissions were received with five supporting the application and two objecting. The grounds for objection are as follows:

- Concerns that the business will compromise the rural character of the locality.
- The business will result in an increase in noise and traffic in the area.

These issues are discussed later in the report.

CONSULTATION WITH OTHER AGENCIES AND/OR CONSULTANTS

Nil

REPORT

Home Business Policy:

The application is required to conform to the City's policy (Pol-C-079) relating to home-based businesses. The policy aims to promote and support home based business as a viable working option for residents of the City of Swan. A home-based business is described as a business, service, trade or similar activity carried on in a dwelling, in an approved building on the land or on land around a dwelling by a resident of the dwelling which:

- (a) does not entail the retail sale of any goods produced, other than goods manufactured, serviced or repaired in the business;
- (b) does not entail employment of more than two persons, who are not members of the occupier's household;
- (c) in a residential zone, does not occupy an area greater than 50 square metres and in any other zone does not occupy an area greater than 150 square metres, providing that no more than 50 square metres is within a dwelling, no more than 100 square metres is within another approved building and no more than 100 square metres is used for outdoor storage;
- (d) will not result in traffic conflict as a result of the inadequacy of on-site and off-site parking;
- (e) will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (f) does not display more than one sign and that sign not exceeding 0.2 square metres in area in a residential zone or 0.6 square metres in an area in any other zone;
- (g) does not entail the presence, parking or garaging of a commercial vehicle contrary to the provisions of the Scheme;
- (h) will not adversely affect the amenity of the neighbourhood in any way including:
 - i) the appearance of any building, works or materials used;
 - ii) the transporting of materials or goods to or from the dwelling;
 - iii) the hours of operation;
 - iv) electrical interference;
 - v) the storage of chemicals, gases or other hazardous material; or

- (i) does not detract from the residential appearance of the dwelling or domestic outbuilding.

In addition, Clause 6.3.12 of TPS No.9 deals with approval being granted to an individual and can be revoked in the event that the home business is causing a nuisance to the amenity of the area.

The application complies with all provisions of the policy outlined above. The applicant has advised that no retail sales will be undertaken. The business will be operated solely by the resident occupier of the dwelling. The applicant has indicated that there will be a maximum of two cars accessing the site each hour. The proposed home business is not considered to prejudice the rural character of the area.

Noise and Traffic Issues:

The public consultation period raised the issue of an increase in noise and traffic in the area if the proposal proceeds. The increase in vehicles accessing the site is considered to be of a scale that is not dissimilar to a normal Rural Residential zoned property. The proposed use will be undertaken within a dwelling and is not anticipated to cause a nuisance to the area in terms of noise and traffic conflicts. Approval of the home business is not considered to compromise the amenity of the surrounding landowners.

OPTIONS AND IMPLICATIONS

Option 1: Council may resolve to refuse the application on the basis that the business will have negative effects on the amenity of adjoining neighbours and residential character of the area. This is not the recommended option.

Implications: In refusing the application, Council proposes that a home business with a maximum of 2 customer vehicle visits per hour constitutes an unacceptable impact on the neighbouring properties amenity. This would contravene the objectives of the City of Swan's Home Based Business Policy (Pol-C-79) to support and encourage home based businesses. The applicant may lodge a review with the State Administrative Tribunal.

Option 2: Council may resolve to approve the application on the basis that the proposal would not have any substantial adverse impacts on the residential amenity of the area. This is the recommended option.

Implications: In accordance with Clause 6.3.12 Council has the ability to rescind the approval granted should the home business cause a nuisance or annoyance to neighbours.

CONCLUSION

The applicant is seeking approval to operate a business from home entailing beauty therapy. The applicant will be the sole employee and the business is proposed to be conducted within the confines of a bedroom within the dwelling.

The application was referred to the surrounding landowners for comment - seven submissions were received, two objecting to the proposal on the grounds of increased noise and traffic in the area.

It is considered that approval of the home business will result in a minimal increase in vehicles accessing the subject property. The proposal conforms to all aspects of the City's Home Business policy and Scheme provisions and as such approval is recommended.

ATTACHMENTS

- Location Plan
- Schedule of Submissions

STRATEGIC IMPLICATIONS

Council Policy Pol-C-079 Home Based Business

STATUTORY ENVIRONMENT

Town Planning Scheme No.9

FINANCIAL IMPLICATIONS

Nil

RECOMMENDATION

That the Council resolve to:

- 1) Approve the application for a home business (Bowen Beauty Therapy) at Lot 179 Ashmere Drive, Bullsbrook, subject to the following conditions:
 - a) This approval is for "Home Business" as defined in the City of Swan Town Planning Scheme No. 9 and the subject land may not be used for any other use without the prior approval of the City.
 - b) Compliance with Clause 6.3.12 of TPS No.9 which states:
 - The approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
 - The approval shall not run with the land in respect of which it was granted;

- The person to whom approval is given by the Council to carry on a home business shall not before or after the granting of that approval carry on that home business at any premises other than the land in respect of which the Council's approval was granted; and;
 - If a home business has been carried on with the approval of the Council and if in the opinion of the Council such home business is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it and after such rescission, no person shall upon the subject land carry on a home business unless a further approval to do so is granted by the Council."
- c) 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.
- 2) Advise those that made a submission of the Council's decision accordingly.

CARRIED