

**PLANNING & ECONOMIC COMMITTEE****2****9 OCTOBER 2013**

MATERIAL CHANGE OF USE (IMPACT) HOME BASED BUSINESS  
(BEAUTY SALON) – 3 LANCEWOOD CLOSE MOUNT SHERIDAN –  
DIVISION 3

T Read: 8/8/1294: #4137546 v2

PROPOSAL: HOME BASED BUSINESS (BEAUTY SALON)

APPLICANT: L M TODD  
3 LANCEWOOD CL  
MOUNT SHERIDAN

LOCATION: 3 LANCEWOOD CLOSE MOUNT SHERIDAN

PROPERTY: LOT 1531 ON SP193095

PLANNING DISTRICT: WHITE ROCK EDMONTON

PLANNING AREA: RESIDENTIAL 1 / PART RESIDENTIAL 2

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: NOT APPLICABLE

NUMBER OF SUBMITTERS: TWO (JOINT SUBMISSION)

STATUTORY ASSESSMENT  
DEADLINE: 14 OCTOBER 2013

APPLICATION DATE: 08 AUGUST 2013

DIVISION: 3

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. SUPPORTING INFORMATION TO  
PLANNING REPORT

## LOCALITY PLAN

**RECOMMENDATION:**

That Council approves the Development Application for Home Based Business (Beauty Salon) over land described as Lot 1531 on SP193095 located at 3 Lancewood Close Mount Sheridan, subject to the following:

**APPROVED DRAWING(S) AND / OR DOCUMENT(S)**

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	Council reference #4069697	Received by Council 8 August 2013
Floor Plan	Council reference #4069697	Received by Council 8 August 2013

**ASSESSMENT MANAGER CONDITIONS**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
  - a. The specifications, facts and circumstances as set out in the application submitted to Council;
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

### Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

### Area utilised as Home Based Business

3. The proposed use is limited to a maximum of 32m<sup>2</sup> of floor area of the premises.

### Number of Customers

4. The maximum number of customers/clients visiting the site is restricted to eight (8) per day. There is not to be any group bookings.

### Hours of Operation

5. The use must only be conducted during the following hours which are as f:
  - 8:00am – 8:00pm Monday to Friday
  - 8.00am – 6.00pm Saturday; and
  - Not at all on Sunday or Public Holidays.

### Vehicle Parking

7. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of four (4) spaces, including two (2) for the residents of the House. All spaces are to be accessed from the existing crossover and must be located on the existing driveway and within the double garage.

### Advertising Signage

7. Advertising devices are limited to one device no greater than one (1) metre in length and 0.3m in height and must not be illuminated. Details of all signage associated with the use must be submitted to and approved by the Chief Executive Officer prior to Commencement of Use.

### Public Health Act

8. Premises intended to be used for non-higher risk personal appearance services, such as hairdressing and/or beauty therapy must comply with the requirements of the *Public Health (Infection Control for Personal Appearance Services) Act 2003* and the *Infection Control Guidelines for Personal Appearance Services 2004*.

## Notify Public Health Unit

9. The proprietor of premises used for non-higher risk personal appearance service must notify Council's Public Health Unit within 30 days of commencement of operation.

## FURTHER ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au). To access FNQROC Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

## LAND USE DEFINITIONS

In accordance with CairnsPlan Planning Scheme the approved land use of Home Based Business is defined as:

The use of a house or an ancillary building on the lot containing the house, by the permanent resident/s of the house for the conduct of a business, commercial or professional enterprise which does not involve the manufacture or processing of any product and which may involve the employment of persons other than the residents of the house.

The use includes the provision of accommodation to tourists or travellers, commonly described as bed and breakfast accommodation (no more than 2 bedrooms) or farm-stay accommodation.

\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

## **EXECUTIVE SUMMARY:**

Council is in receipt of an application for a Development Permit for a Material Change of Use for the purpose of a Home Based Business (Beauty Salon) on land located at 3 Lancewood Close, Mt Sheridan.

The business will be operated on low scale level, with the applicant As the sole beautician. The business plan is for no overlapping of appointments. It is not envisaged that the cliental will even reach up to eight sessions a day. The only areas used for the business is a former media room and one bedroom.

The application is compliant with the relevant codes in CairnsPlan 2009. Given the small scale of the use proposed, minimal impacts on the amenity of neighbouring properties are likely to result. There was a joint submission returned from the Public Notification period.

The application is recommended for Approval subject to conditions.

## **PLANNING CONSIDERATIONS:**

### **Proposal**

The Home Based Business is proposed to be conducted from a former media room and a bedroom within existing Dwelling with a gfa of 32m<sup>2</sup>. There are no structural changes proposed to be made to the existing building.

The two (2) car parking spaces required for the Home Based Business are incorporated within the existing driveway to the front of the double Garage which is accessed from Lancewood Close.

The available hours of operation are Monday to Friday, 8:00am to 8:00pm, and 8.00am to 6.00pm on Saturday, with the business conducted by the resident of the household. The applicant is the sole beautician and there is no intention of employing any additional staff.

### **CairnsPlan Assessment**

<b>CairnsPlan Inner Suburbs Planning District</b>		<b>Code Applicability</b>	<b>Compliance</b>
<b>Planning Area</b>	Part Residential 1/Part Residential 2	✓	Complies
<b>Land Use</b>	Home Based Business (Beauty Salon)	✓	Complies

### **Impact of Proposal**

The application for a Home Based Business submitted would not involve any building works or increase in ground floor area of the House. The applicant recognises that the space used by the Home Based Business is limited to 32m<sup>2</sup> and a condition has been placed on the development to reflect this.

There is sufficient space on the existing driveway to accommodate two (2) additional spaces to at the rate of one space (1) per 25m<sup>2</sup> (two (2) spaces) in addition to two (2) spaces for the existing House use which will utilise the double garage.

The applicant has used the proposed hours of operation on her application which are the same as those suggested in the Acceptable Measures of the Home Based Business Code. By listing the extent of the hours available for the conducting business at a House, the applicant can offer maximum flexibility in the provision of services to clients that are time constrained or that have unique schedules. The applicant does not envisage the cliental will reach up to eight visitations daily. The owner will ensure that there will be no overlapping of appointments to ensure privacy and maximum customer service delivery for each client. The applicant has a school aged child and is intent on managing the business in a manner that is complimentary to the associated needs and requirements of her daughter. Conditions have been added to any approval to ensure the amenity of adjoining residents is retained.

The small personalised nature of the business ensures that impacts on the amenity of neighbouring properties will be minimal. The proposed use is compliant with the Home Based Business Code.

### **Public Notification / Submissions**

Public Notification was undertaken from 26 August 2013 to 16 September 2013 in accordance with the provisions of the *Sustainable Planning Act 2009* and a joint submission was received.

Below is a summary of issues raised in the submission followed by Officer Comments.

**This is a quiet close and an increase in traffic associated with the proposed business will create safety issues particularly with the number of children in this residential catchment. There is inadequate parking on the premises for customers, especially large groups such as wedding parties or formal attendees. The use of the house as a business after standard business hours will generate an unacceptable level of noise. There is adequate commercial space available in the area such as Mt Sheridan Plaza.**

The proponent of the Beauty Salon is not interested in operating at a commercial scale. The applicant is the sole employee and is intent on offering a quality one on one service. There will be no group bookings, and there will be no overlapping of appointments. There is sufficient parking on the site for two additional cars in addition to that of the House. The nature of treatment offered for beauty treatments does not lend to the creation of noise. In fact the procedures rely on calm and tranquil amenity to enhance the benefits of the beauty treatments offered. Conditions have been included to ensure that the scale of operation is conducive to that of a Home Based Business.

**CONCLUSION**

Overall Officers are satisfied that with the inclusion of appropriate conditions the use can occur on the site without an impact on the surrounding area. Officers consider that the primary concerns of submitters have been addressed by way of the Conditions imposed which include restricting the number of clients on site at any one time and total number of visits per day, the hours of operation, and the location of parking.

Given the above, Officers recommend the application be approved subject to conditions.

**HEADWORKS / CONTRIBUTIONS:**

The proposed development does not trigger Developer's Headwork's Contributions.

T Read  
Planning Officer  
Action Officer

Peter Boyd  
Acting General Manager Planning and Environment.







