

PLANNING AND ECONOMIC COMMITTEE**11 JUNE 2014****3**

MATERIAL CHANGE OF USE HOME BASED BUSINESS (MASSAGE) – 28
AINSCOW DRIVE, BENTLEY PARK – DIVISION 2

M Rookwood : 8/8/1328 : #4379568v2

PROPOSAL: HOME BASED BUSINESS – MASSAGE

APPLICANT: Y SUZUKI
5 STARR CL
BENTLEY PARK QLD 4868

LOCATION: 28 AINSCOW DRIVE, BENTLEY PARK

PROPERTY: LOT 412 ON SP227609

PLANNING DISTRICT: WHITE ROCK EDMONTON

PLANNING AREA: RESIDENTIAL 2

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: N/A

NUMBER OF SUBMITTERS 14 (3 PETITIONS)

STATUTORY ASSESSMENT
DEADLINE: 17 JUNE 2014

APPLICATION DATE: 22 APRIL 2014

DIVISION: 2

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
4. FNQROC STANDARD CROSSOVER
DRAWING

LOCALITY PLAN



RECOMMENDATION:

That Council approves the development application for a Home Based Business (Massage) in part of a dwelling to be located on Lot 412 SP227609, 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	Marlin Coast Drafting Job No. 142127B, Sheet 1 of 10	February 2014
Floor Plan	Marlin Coast Drafting Job No. 142127B, Sheet 2 of 10	February 2014
Elevations	Marlin Coast Drafting Job No. 142127B, Sheet 4 of 10	February 2014

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.

Note: The use may also not commence until the proposed dwelling has obtained a certificate of classification.

Employees

3. The Home Based Business must only be conducted by a resident or residents of the House.

Hours of Operation

4. The use must only be conducted during the approved hours which are as follows:

- a. 8:00am – 8:00pm Monday to Friday;
- b. 8:00am – 6.00pm Saturday; and
- c. Not conducted on Sunday or Public Holidays.

Number of Clients

5. The Home Based Business client numbers are limited to:
- a. A maximum of eight (8) customer/client visits to the site per day; and
 - b. A maximum of two (2) customers/clients on site at any one time.

External Works

6. Undertake the following external works at no cost to Council:
- a. Provision of a six (6) metre wide residential concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015B. Copy attached as Appendix 2;
 - b. Construct tree guard around the existing tree in the road reserve; and
 - c. Repair any damage to existing roadway (including removal of concrete slurry from roads, stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Vehicle Parking

7. Two (2) imperviously sealed on-site parking spaces (exclusive of two spaces for residents) must be made available during business hours for customers/clients.

Area utilised as Home Based Business

8. The proposed use is limited to a maximum of 40m² of floor area of the premises, as indicated on the approved plan.

Advertising Signage

9. Advertising devices are limited to one device no greater than one metre in length and 0.3 metre 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.

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. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

LAND USE DEFINITIONS*

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

“Means 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 a Development Application for Material Change of Use – Home Based Business (Massage) at 28 Ainscow Drive, Bentley Park. The proposed development complies with the Acceptable Measures of the Residential 2 Planning Area Code and the Home Based Business Code. Approval is recommended, subject to conditions.

PLANNING CONSIDERATIONS:

Site Description

The subject site has an area of 613m² and is located in an emerging residential area dominated by single detached dwellings. The site is of regular shape and is relatively level providing for a suitable building pad.

Proposal

The proposed development involves the construction of a single four (4) bedroom dwelling with an area of 249.78m². The front of the House (40m²) including the fourth bedroom, bathroom and study are the areas proposed to be used for the Home Based Business. This area of the House is accessed through the front entrance but is separated from the rest of the House by another internal door. The House has a double garage with the driveway proposed to be used for client parking.

A small part of the premises will be used for a Hawaiian-style massage business operated by the residents of the house. The business is currently operating as a mobile massage service until approval is granted for a Home Based Business. The service has been operating since January 2014 and provides massage to women and couples only. Given the scale of the business and constraints of the Home Based Business Code it is not anticipated that the business generated will impact on the urban traffic network.

The business will utilise the front portion of the house for massage facility including the entry foyer, saloon, toilet and shower, and office. It is anticipated that when the business grows, the front of the house can revert back to living space while the business relocates to a commercial tenancy elsewhere.

CairnsPlan Assessment

The proposed development satisfies the Desired Environmental Outcomes prescribed by the CairnsPlan 2009. An assessment of the proposal has been completed as follows:

CairnsPlan White Rock Edmonton Planning District		Code Applicability	Compliance
Planning Area	Residential 2	✓	Complies – The proposed business will be located within a single storey dwelling which complies with the setbacks of adjacent properties. The frontage of the business will be in keeping with the residential character of the neighbourhood and appear as a typical residential dwelling.
Land Use	Home Based Business	✓	Conditioned to Comply – conditions have been recommended to limit the extent of the Home Based Business to comply with the Code requirements. That is: <ul style="list-style-type: none"> • Limiting the hours of operation; • Limiting the number of clients on-site to two (2) at any point in time; • Limiting the employees of the business to the occupants of the house; and • Limiting the maximum number of clients to eight (8) per day.

PUBLIC NOTIFICATION / SUBMISSIONS:

The proposed development was placed on Public Notification from the 29 April 2014 to 19 May 2014, during which time fourteen (14) properly made submissions were received including three (3) petitions all objecting to the proposed development. The objections are summarised and commented on as follows:

1. Nature of the Business – limitations on expansion

“The Applicant states that she will relocate to a commercial tenancy elsewhere if the business grows. There is no guarantee that this will happen and how does the Applicant make a determination of how many clients she will accept before she relocates her business”... “As the business expands there is the possibility of additional staff being employed to assist with the business. Trading hours will be extended and the amount of vehicular traffic will increase as will the demand for additional parking for clients as well as staff.”

Officer Comments

Specific limitations have been recommended in order to comply with the Home Based Business Code and to ensure the use will have minimal impact on the residential neighbourhood. The operation is limited in trading hours, staffing, number of clients at any time and maximum clients per day. These provisions are considered the Acceptable Measures under the Code as the threshold for impacts of the use in the residential area. If the business expands beyond these limitations without approval, the use becomes unlawful.

2. Parking and Vehicle Access

The submitters contend that the proposed business will *“impact on the urban traffic network as it would create additional vehicular traffic on this street in addition to the already large number of vehicular traffic already utilising this road.”*

Additionally, concerns have been raised customer parking arrangements as Ainscow Drive is a *“narrow street”* and there is *“no provision for parking on the verges of Ainscow Drive and this road is not wide enough for parking bays to be installed.”*

“If traffic is parked on either side of the road, traffic will not be able to get through safely, and as Ainscow Drive appears to be the main thoroughfare for this area and the extra traffic could cause problems for residents and families. To say the residents will have their cars in the carport and customers out on their driveway, how will they get out when they need to, this will still cause a traffic problem.”

Submitters also raised concerns about vehicles leaving the business premises. *“Depending on the type of parking being supplied it may be necessary for the customers vehicles to reverse out of the property. This will be unacceptable and dangerous due to the vehicular traffic utilising Ainscow Drive. Even if the customers vehicles can turn around on the property and exit the property without reversing there are still issues with the vehicles entering Ainscow Drive.”*

Officer Comment

The proposed development complies with the Acceptable Measures of the Home Based Business Code as there is the provision of two (2) car parking spaces on-site. The limitations on the use minimise the perceived traffic impacts as there is no reason for clients to park on the street. Additionally, the people occupying the house will be operating the business, therefore will not be leaving the premises if a client is present.

It is considered reasonable that clients parking on the driveway exit the site in reverse as this is the case for all residential premises in the street. These vehicles do not pose an ‘unacceptable’ and/or ‘dangerous’ risk to the neighbourhood as the scale of development is consistent with other vehicular movements allowable in a residential area.

3. Residential Character

“Kingfisher Creek Estate is not an Industrial Area and was never designed to be an industrial estate. The residents purchased land and built their homes with the understanding that the subdivision was a residential area and there would be no business premises built around them”

“Also the extra noise that it will bring to our peaceful neighbourhood is not what we want”... “losing our quiet, peaceful estate and street privacy”.

Officer Comment

Council Officers acknowledge that the proposed location for the Home Based Business is not an Industrial area and Council would not support an industrial use in the Residential Planning Area. However, the proposed use is considered consistent with the residential character and noise generated from premises will not exceed that expected in a residential area. Additionally, the proposed development presents as a typical house to the street frontage with the exception of a small sign allowable at the front of the property which is in keeping with the character of the residential neighbourhood.

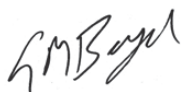
SUMMARY

The proposal is not in conflict with the CairnsPlan 2009, Residential 2 and Home Based Business Codes and does not require additional assessment under any other codes. The proposal is therefore recommended for approval subject to conditions that reinforce the Home Based Business Code provisions.

HEADWORKS / CONTRIBUTIONS:

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

M Rookwood
Planning Officer
Action Officer



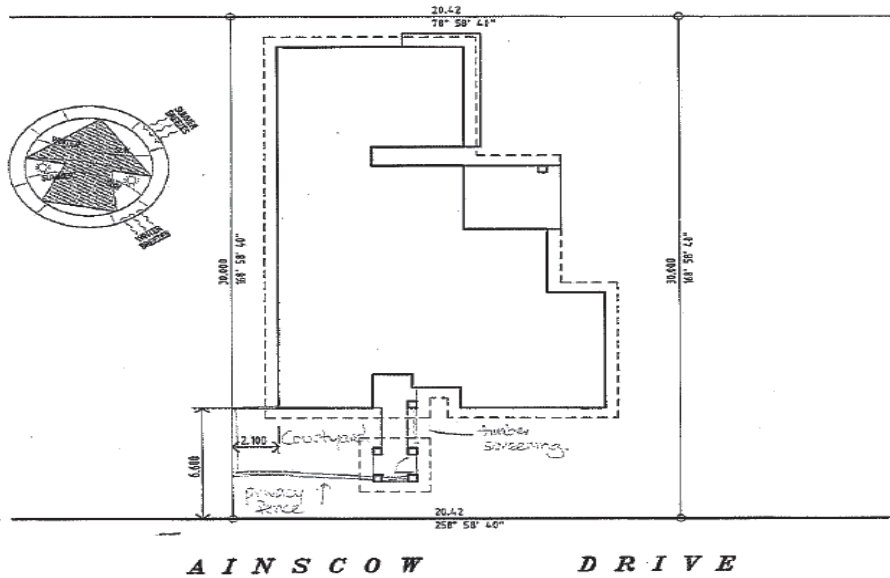
Graham Boyd
Manager Development & Regulatory Services



Peter Boyd
Acting General Manager, Planning and Environment

APPENDIX 1 EXECUTIVE PLAN

R.P.D.
 LOT 412 SP227609
 AREA = 613 M²
 parish of GRAFTON
 county of NARES



SITE PLAN
 1:200

SITE PREPARATION NOTES

ALL EARTHWORKS TO BE CARRIED OUT IN ACCORDANCE WITH AS3799 AND LOCAL AUTHORITY REQUIREMENTS.
 ALL TOP SOIL AND VEGETABLE MATTER TO BE REMOVED FROM BUILDING SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 APPROVED NON-PLASTIC FILL MATERIAL TO BE COMPACTED TO 95% SDD.

SETOUT NOTES

ALL DIMENSIONS AND BEARINGS TO BE VERIFIED ON SITE PRIOR TO ANY SETOUT AND CONSTRUCTION. BUILDER TO ARRANGE FOR ANY MISSING BOUNDARY PEGS TO BE REINSTATED.
 LOCATION OF RESIDENCE ON SITE PLAN IS APPROXIMATE ONLY. BUILDER TO CONFIRM LOCATION ON SITE.
 MARLIN COAST DRAFTING TO BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES IN BOUNDARY DIMENSIONS AND BEARINGS OR SETOUT DIMENSIONS.

PLUMBING NOTES

PLUMBING/DRAINAGE LAYOUT DIAGRAMMATIC ONLY. LICENSED PLUMBING CONTRACTOR TO CONFIRM ALL PLUMBING AND VENTING ON SITE.
 ALL PLUMBING AND DRAINAGE TO BE IN ACCORDANCE WITH QUEENSLAND SEWERAGE AND WATER SUPPLY ACT 1991 AND ON LOCAL COUNCIL BY-LAWS.

TERMITE CONTROL (TO COMPLY WITH AS3600.1)

PROVIDE TERMESH TO ALL CONCRETE SLAB PENETRATIONS OR ENSURE THAT ALL STRUCTURAL FRAMEWORK AND ROOF TRUSSES ARE CONSTRUCTED USING STEEL OR TIMBER TREATED FOR TERMITE RESISTANCE (H2 INTERNAL AND H3 EXTERNAL HAZARD LEVEL).
 OWNER TO CARRY OUT A VISUAL INSPECTION OF RESIDENCE EVERY 12 MONTHS (MIN) AND REPORT ANY TERMITE INFESTATION TO QUALIFIED PERSONS.
 BUILDER TO PROVIDE 2 DURABLE NOTICES (LOCATED IN PROMINENT POSITIONS eg IN METER BOX, UNDER SINK OR ON INSIDE PANTRY DOOR) OUTLINING METHOD OF PROTECTION USED.

SUSTAINABLE BUILDING REQUIREMENTS

WATER CONSERVATION
 SHOWER ROSES TO HAVE AN AAA RATING WHEN ASSESSED AGAINST AS/ANZ 6400 OR A 3 STAR RATING UNDER THE WATER EFFICIENCY LABELLING SCHEME (WELS).
 TAP WARE TO KITCHEN SINKS, BATHROOM BASINS AND LAUNDRY TROUGHS TO BE 3 STAR RATING.
 WATER PRESSURE IS NOT TO EXCEED WATER PRESSURE LEVELS SET OUT IN AS/ANZ 3500.
 IF MAINS WATER PRESSURE EXCEEDS (OR COULD EXCEED) 500kPa A WATER PRESSURE LIMITING DEVICE MUST BE INSTALLED TO ENSURE THAT THE MAX OPERATING PRESSURE AT ANY OUTLET WITHIN THE BOUNDARIES OF THE PROPERTY DOES NOT EXCEED 500kPa.
 ALL TOILETS TO BE FITTED WITH DUAL FLUSH CISTERNS (4 STAR RATING).
 FULL FLUSH MUST NOT EXCEED 6 LITRES AND HALF FLUSH MUST NOT EXCEED 3 LITRES.

LIGHTING
 AT LEAST 90% OF TOTAL LIGHTING MUST BE FLUORESCENT LIGHTS, COMPACT FLUORESCENT LIGHTS (CFL'S) OR ENERGY EFFICIENT LED LIGHTS.

A CERTIFICATE SHALL BE PROVIDED BY THE PLUMBING CONTRACTOR STATING THAT THE ABOVE REQUIREMENTS HAVE BEEN COMPLIED WITH.
 A CERTIFICATE SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR STATING THAT THE ABOVE LIGHTING REQUIREMENTS HAVE BEEN COMPLIED WITH.

Ashlee Jones HOMES
 OBSSA 1147412 Ph: 4056 3089 Mob: 0406 962322

DO NOT SCALE FROM DRAWING. USE DIMENSIONS PROVIDED ONLY.
 ALL DIMENSIONS TO BE GIVEN BY THE BUILDER AND UNDERSTANDING PRIOR TO THE COMMENCEMENT OF WORK.
 ANY DISCREPANCIES ARE TO BE BRANCHED TO THE NOTICE OF MARLIN COAST DRAFTING.

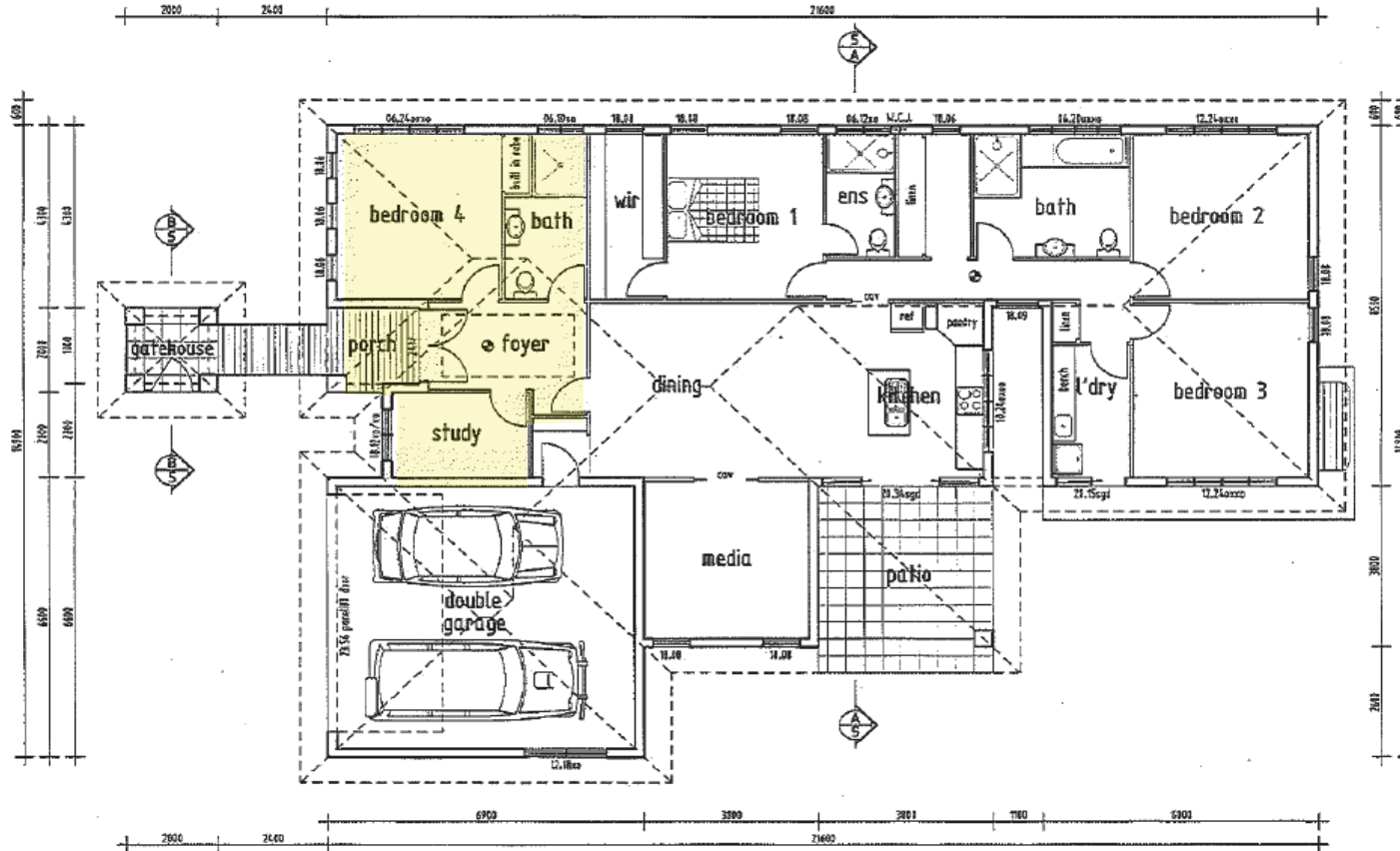
PROPOSED CONCRETE MASONRY RESIDENCE
 FOR THE WONG FAMILY
 AT LOT 412 AINSCOW DRIVE BENTLEY PARK

drawn G W
 date FEB 2014

sheet 1 of 10
 job no. 14-2127B

MARLIN COAST DRAFTING
 P.O. Box 590, Gordonvale 4855
 Ph/Fax 40566960 9470 661 443

WIND CLASSIFICATION C1



LIVING AREA = 183.86 M ²
GARAGE AREA = 43.64 M ²
PATIO AREA = 14.44 M ²
G'HOUSE AREA = 4.00 M ²
PORCH AREA = 3.84 M ²
TOTAL AREA = 249.78 M²

ALL CONSTRUCTION, MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH THE CURRENT REGIONAL CODE REQUIREMENTS AND AS'884-3 1999 RESIDENTIAL TIMBER FRAMED CONSTRUCTION - CYCLONE AREAS

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION _____

C.M.G. CONSULTING ENGINEERS PTY LTD.
AULC 971 847 378

308 BUCHAN ST.
 CAIRNS QLD. 4878
 PH. 4932735
 FAX. 4932765

⊙ DENOTES APPROVED SELF-CONTAINED SMOKE ALARMS. SMOKE ALARMS TO COMBINE BOTH SMOKE DETECTION & ALARM FACILITIES & BE CONNECTED DIRECTLY TO 240V MAINS POWER SUPPLY (WITH BATTERY BACK-UP). SMOKE ALARM UNITS & INSTALLATION TO COMPLY WITH AS3786

FLOOR PLAN
 1:100

Ashlee Jones HOMES
 GBSA 1147412 Ph 4054 3089 Mob 0408 662322

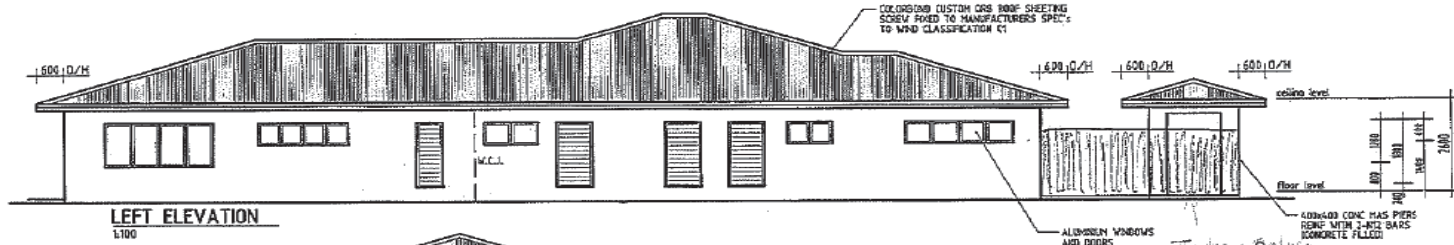
DO NOT SCALE FROM ORIGINAL. SEE EXPLANED DIMENSIONS ONLY.
 ALL DIMENSIONS TO BE VERIFIED BY THE BUILDER AND CONTRACTORS AHEAD TO THE COMMENCEMENT OF WORK.
 ANY DISCREPANCIES FOUND TO BE CORRECTED TO THE NOTICE OF THE ARCHITECT'S OFFICE.

PROPOSED CONCRETE MASONRY RESIDENCE FOR THE WONG FAMILY AT LOT 412 AINSCOW DRIVE BENTLEY PARK

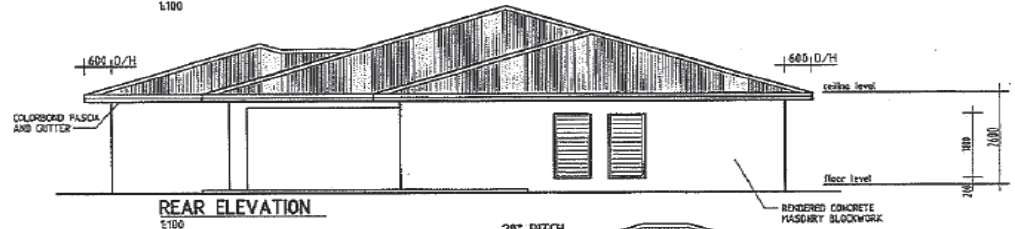
drawn G W
 date FEB 2014
 sheet 2 of 10
 job no. 142127C

MARLIN COAST DRAFTING
 P.O. Box 500, Gordonvale 4865
 Ph/Fax 40566960 0419 661 448

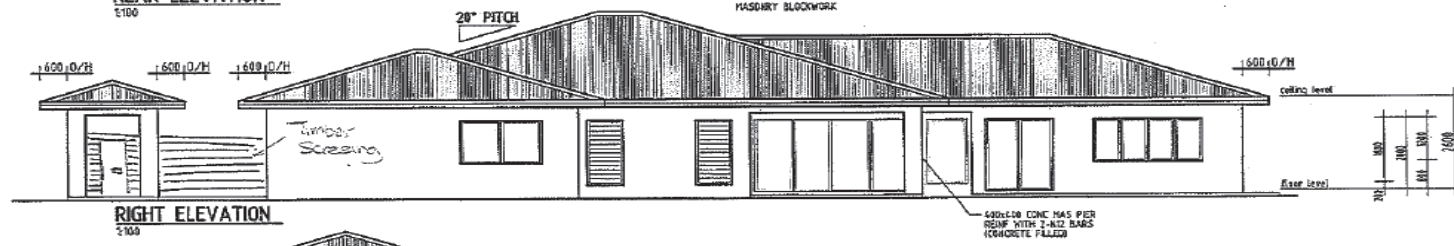
WIND CLASSIFICATION C1



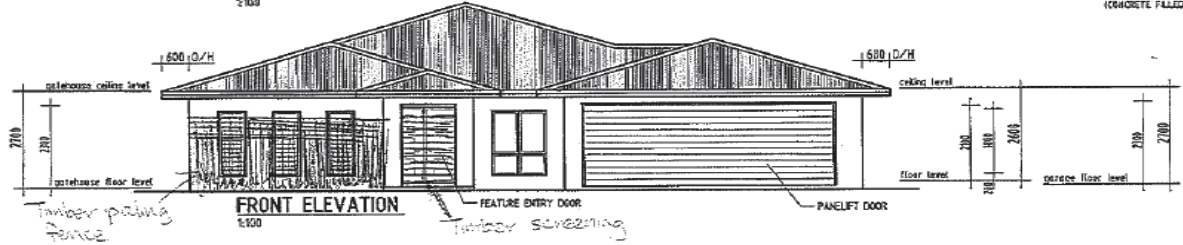
LEFT ELEVATION
1:100



REAR ELEVATION
1:100



RIGHT ELEVATION
1:100



FRONT ELEVATION
1:100

ALL CONSTRUCTION MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH THE CARNS REGIONAL COUNCIL REQUIREMENTS AND AS1584.3 1999 RESIDENTIAL TIMBER FRAMED CONSTRUCTION - CYCLONE AREAS

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION

C.M.G. CONSULTING ENGINEERS PTY.LTD.
308 BUCKHAM ST. CARNS QLD. 4875
PH. 48322775 FAX. 4839663

Ashlee Jones HOMES
085A 147472 Ph 4056 3085 Mob 0408 062322

DO NOT SCALE FROM DRAWING. USE COPIERIES IN PREVIOUS SHEETS. ALL CONSTRUCTION TO BE VERIFIED BY THE BUILDER AND HOMEOWNER. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF MARLIN COAST DRAFTING.

PROPOSED CONCRETE MASONRY RESIDENCE FOR THE WONG FAMILY AT LOT 412 AINSCOW DRIVE BENTLEY PARK

drawn G W date FEB 2014

sheet 4 of 10 job no. 142127C

MARLIN COAST DRAFTING P.O. Box 500, Gordonvale 4855 Ph/Fax 40566960 0410 661 148

WIND CLASSIFICATION **C1**

APPENDIX 2 FNQROC STANDARD CROSSOVER DRAWING

