

Technical Report			
TRIM Number:	PA21/64	Synergy Number:	PA21/64
Lodgement Date:	18 Jan 2021	DAU Date:	
Address:	Lot 1285, 4 Cattach Way, Byford		
Proposal:	Home Business – Beauty Salon		
Land Use:	Home Business	Permissibility:	Refer to land use section
Owner:			
Applicant:			
Zoning:	Urban Dev	Density Code:	R40
Delegation Type:	12.1.1	Officer:	Ryan Fleming
Site Inspection:	No		
Advertising:	Yes – From 25 Jan 2021 – 15 Feb 2021		
Outstanding Internal Referrals:	Yes		
External Referrals:	No		
Within a Bushfire Prone Area:	No		

Introduction:

A planning application has been received on 18 January 2021 for proposed Beauty Salon Home Business at Lot 1285, 4 Cattach Way, Byford.

The application is presented to Council as two objections were received during the consultation period. Officers do not have delegated authority to determine development applications where objections cannot be satisfied by way of amendments or conditions, in accordance with Delegated Authority 12.1.1 – Determination of Development Applications.

Officers consider that the proposal is consistent with the planning framework and is not considered to adversely impact upon the amenity of the locality which is a key consideration when assessing such applications. The report therefore recommends that the application is approved subject to conditions.

Background:

Existing Development:

The subject property is located within a residential area of Byford, in the residential cell between Veterans Parade and Mead Street. The subject site is currently developed with a single dwelling.



Figure 1: Aerial context

Proposed Development

The application seeks approval for a beauty salon home business to be undertaken within the 9m² study of the dwelling. The applicant has indicated that operating hours would normally be:

- 4:30pm to 9:00pm on Monday to Friday, and
- 7:00am to 5:00pm on Saturday and Sunday.

However, the applicant also proposes that at busy times, the applicant proposes to operate between:

- 7:00am to 9:00pm on Monday to Friday, and
- 7:00am to 7:00pm on Saturday and Sunday.

The applicant also proposes between two and six customers per day, and with only one customer attending the site at any given time. The applicant, who is an occupier of the dwelling, will be the sole operator with no other staff members proposed. The proposal is to have customer parking provided for through the street bays within the locality of the site, due to the inability for customer parking to be accommodated on the land.

Community / Stakeholder Consultation:

Advertising was carried out for a period of 21 days, between 25 January 2021 and 15 February 2021, whereby two submissions were received objecting to the proposal. The key concerns of the submissions are listed below:

- Parking concerns;
- Noise impacts.

The concerns of the submitters are discussed under the relevant headings of the report.

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3);
- Byford Main Precinct (The Glades) Local Structure Plan; and
- The Glades at Byford (DAP 10) Local Development Plan.

Planning Assessment:

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015, the assessment can be viewed as part of the attachment.

Land Use:

The proposal falls within the land use of 'Home Business', which is defined under TPS2 as follows:

"Home Business – means a business, service, trade or similar activity carried on in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, no more than two persons but which -

- (a) does not entail the retail sale, display or hire of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) does not entail employment of any person not a member of the occupier's household;
- (e) does not occupy an area greater than 50m²;
- (f) will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking;
- (g) will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and
- (h) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight."

The proposal aligns with this definition.

The subject property is zoned 'Urban Development' under TPS2 where a 'Home Business' is an 'SA' use meaning that "Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions". Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* relates to advertising requirements. As seen in the Community / Stakeholder Consultation section of this report the application has been advertised and the concerns raised addressed further in this report. Therefore, in relation to land use the application can be considered for approval.

Shire of Serpentine Jarrahdale Draft Local Planning Scheme No.3 (LPS3)

Further to the classification under TPS2, Officers consider that the proposal would align with the definition of a 'Home Business' under LPS3. The definition of a 'Home Business' in LPS3 is as follows:

“A dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, services or profession –

- (a) Does not involve employing more than two (2) people who are not members of the occupier’s household; and*
- (b) Will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) Does not occupy and are greater than 50m²; and*
- (d) Does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
- (e) Does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*
- (f) Does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and*
- (g) Does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.”*

The subject property is identified as 'Residential' under LPS3. As the proposal is considered to fall within the definition of a 'Home Business' in LPS3, it constitutes a permitted land use, as the property will be rezoned to 'Residential'. Therefore, Officers consider that the proposal would align with the expected level of amenity for the area under the draft LPS3 and not prejudice its implementation.

Orderly and Proper Planning:

Clause 67 of the regulations, specifically A – J, considers state and local planning policy frameworks including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning.

Traffic and Parking

The main concern raised in the objections was in relation to the potential for the proposal to impact on traffic within the locality. Officers consider that due to only a single customer attending the site at any one time, there would be no adverse traffic impacts. The road network in the locality is considered capable of accommodating the additional vehicles associated with the proposal. The design of laneway lots includes the addition of visitor parking, with this to support the range of uses possible within the residential zone. Street parking anticipates residential areas evolving over time, and anticipate uses such as home business to occur. Thus, while the subject land cannot accommodate customer parking on site, the intensity and scale of the proposed home business can be well catered for by the existing street bays. There is also no planning requirement to restrict parking to private property, which is an important point to also identify.

There are approximately 42 parking bays within a radius of 100m of the subject site (seen in figure 2 below), and this presents evidence that the proposal will not result in traffic difficulties, due to the adequacy of off-site parking;



Figure 2: There are 42 parking bays within a 100m radius of the subject site.

Noise

A concern raised in an objection was in relation to potential noise impacts of customers visiting the locality, particularly with the late night 9:00pm proposed finish time. The objection raised concerns over the potential for the applicant's dogs to bark late at night with the additional movements.

The business itself is not a noise generating activity and is contained within the dwelling. Officers consider that as the proposal would only result in a single customer attending the site at any one time, noise generated by an additional vehicle within the locality would not result in adverse amenity impacts or experiences not unusual in a residential area. It is considered that a condition restricting the business to six customers per day would assist in managing any potential impacts.

It is acknowledged that home businesses generally do not occur after 7:00pm on a weekday, and if all six customers visited the site between 7:00pm and 9:00pm on a weekday, there is the potential to adversely impact on the amenity of nearby residents. Officers therefore recommend a further condition that restricts the business to having no more than two customers between the hours of 7:00pm and 9:00pm on a weekday. Also, weekend and public holidays are recommended to be limited to between 9:00am and 7:00pm, as reasonable expectations of weekend and public holiday activity (rather than allowing a 7am start on a weekend or public holiday). Taking these issues in to account, the recommended restriction pertaining to operating hours and number of clients would be as follows:

- No more than one client attending the premises at any one time;
- A maximum of six clients per day;
- The hours of operation for the home business being between 7:00am to 9:00pm on weekdays, and 9:00am to 7:00pm on weekends and public holidays;

- Not more than two customers attending the site between the hours of 7:00pm to 9:00pm on any given weekday.

Options and Implications:

Option 1

That Council APPROVES the application subject to conditions.

Option 2

That Council APPROVES the application however with the restriction that no clients will be permitted on a Sunday or on a public holiday.

Option 3

That Council REFUSES the application giving reasons.

Option 1 is recommended.

Conclusion:

The application seeks approval for a proposed beauty salon home business. The application is presented to Council for determination as objections were received during the consultation period in relation to noise, traffic and parking.

Officers consider that the proposed home business is consistent with the planning framework and any potential amenity impacts can be managed through the imposition of conditions.

Attachments:

Deemed Provisions – Cl 67 Matters to be considered by local Government

Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to TPS2 section			

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
---	---	---------------------------------------	--

proposed planning instrument that the local government is seriously considering adopting or approving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: Refer to LPS3 section			
c) any approved State planning policy	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
g) any local planning policy for the Scheme area	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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 <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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 <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Development:

k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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 <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposal for a home business is consistent with the intent for the residential area. The proposal is small in scale, only resulting in one customer at any one time. Officers limiting the after hours visitors would assure Council that the proposal is consistent with the residential character.			

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 <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
--	---------------------------------	--------------------------------	--

Comment:

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
--	--	---------------------------------------	---

Comment:

s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			

Comment: Street parking to be utilised.
--

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
---	---	---------------------------------------	--

Comment: Only a single customer would ensure no overall impact on the locality.
--

u) the availability and adequacy for the development of the following –	YES	NO	N/A
I. Public transport services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. Public utility services			
III. Storage, management and collection of waste			
IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)			
V. Access by older people and people with disability			

Comment:

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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
--	--	---------------------------------------	---

Comment:

w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
---	--	---------------------------------------	---

Comment:

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
--	--	---------------------------------------	---

Comment:

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: 2 objections received.			

Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			