



Offices: 102 North Road
Postal Address: PO Box 484, ALBANY WA 6331
Phone: (08) 9841 9383
Fax: (08) 9841 4099
Email: planning@albany.wa.gov.au
Synergy Reference No: NIS072909

APPLYING FOR APPROVAL TO DEVELOP A PERSONAL BODY CARE BUSINESS

What is a Personal Body Care Business?

A Personal Body Care business includes activities such as hairdressing, beauty therapy, body piercing, massage, and alternative therapies such as reiki and reflexology.

What do Council's Town Planning Schemes Permit?

Within neighbourhood shopping centres and the Central Business District, there are numerous businesses where the owners have committed their personal funds and taken a considerable risk to open and operate their Personal Body Care business. Those land uses are required to provide parking facilities and commercial infrastructure, they are subjected to regular inspections to ensure appropriate health standards are maintained and they usually employ staff to run the business.

Approved Personal Body Care Businesses are constantly facing competition from individuals who operate from a residential environment with considerable cost savings attached to their business operations. It is not the role of the City of Albany to remove competition amongst businesses. However, the Council of the City of Albany is required to ensure that all land use activities operate within the laws governing that use, that land use conflicts do not arise between neighbouring land uses and that comparable businesses operate under the same health and building standards.

In the former Town area (TPS1A) a home-based personal body care business is a "prohibited" activity and there is no discretion available for Council to consider an application from a landowner to operate in a residential area. Within the former Shire area (TPS3) personal body care businesses are a "discretionary" land use, however these uses are generally not supported in residential areas due to increased local traffic generation and the modifications that are usually required to a conventional house to meet health regulations. Mobile hairdressing and beauty therapy, where the business travels to the client's residence (particularly for elderly clients), is generally accepted.

Planning Considerations:

Some Personal Body Care Businesses can be considered under the "home occupation" provisions of TPS3 where a number of conditions (following is not the complete list) can be met:

- No person other than the owner or the occupier of the household is employed in the business;
- No more than 20m² of the house is to be used for the business;

- There is safe access onto and out of the site and sufficient space to accommodate customer parking;
- Customer visits are few and can be regulated by staggered appointments (i.e. no more than one customer is on the site at any one time); and
- Neighbours have been consulted and no objections are raised.
- All health requirements can be met.

Consulting Rooms (Massage Therapy only):

Businesses providing medical related services have historically been allowed to operate in residential areas. The types of medical services has increased as the range of alternate treatment options grows. Body massage, reiki and reflexology are assessed in a similar way to a doctor, dentist or physiotherapist under the City's town planning schemes and may fall within the definition of a Consulting Rooms.

The land use of 'Consulting Rooms' is applicable only where the therapist is qualified and the practice involves the treatment of physical injuries or ailments. Consulting Rooms are discretionary land uses in all residential areas within the City of Albany, and the applicant will need, as a minimum, to demonstrate that:

- The lot is at least 900m² in area (applies to Scheme 1A area only);
- There is the ability to provide sufficient parking on site (5 bays per practitioner);
- The business does not involve more than two practitioners; and
- The site is safely accessible from a "local distributor" road (such as Middleton Road, Campbell Road, Landcaster Road, Lower King Road, Ulster Road etc).

Process To Gain Approval

The following information would need to be provided (minimum requirements) to City of Albany staff when applying to operate a Personal Body Care business from a building that was constructed originally and then occupied as a house:

- A completed Application for Planning Scheme Consent form (available from North Road Council Offices or online at www.albany.wa.gov.au);
- 2 copies of a site plan showing the location of the house on the property (inclusive of details of the setbacks from boundaries) and the location of existing and proposed car parking bays and access driveway;
- 2 copies of a floor plan of the residence showing which rooms are to be used;
- A letter explaining the reasons for the Personal Body Care application, a reason why the business should not operate from an appropriately zoned lot / building, the anticipated hours of operation of the business, the expected frequency of attendance of clients to the site and details on the proposed modifications anticipated to the building to accommodate the business (where possible also detailing how the building can be converted back to a residence upon the cessation of the use); and
- Where possible, a letter from the owners of the neighbouring properties stating that they raise no objections to the Personal Body Care business operating from your property.

Assessment Process

Once an application has been lodged with the City of Albany (inclusive of appropriate fee) it will be referred to a planning officer for processing. The application will generally be advertised to provide surrounding landowners and members of the public the opportunity to comment on the proposal.

All applications to operate a business from home are generally referred to Council's Environmental Health and Works and Services (engineering) teams for comment on issues such as hygiene standards, suitability of local roads to accommodate additional traffic and capacity to provide parking.

Depending on the comments made in any letters that are received, and the feedback from internal teams, the application may then be either processed by City staff under the delegated authority of Council or it will be referred to the next available meeting of Council for a decision.

More Information

Should you have any questions or require any further information, please contact a member of the Development Services Team by either phoning 9841 9383, by email planning@albany.wa.gov.au or in person at the City's North Road office.

**** DISCLAIMER ****

This information sheet is a guide only. Verification with original Local Laws, Acts, Planning Schemes, and other relevant documents is recommended for detailed references. The City of Albany accepts no responsibility for errors or omissions.