

Policy Number: Local Planning Policy No. 17
Policy Title: Home Based Businesses

1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. 17 – Home Based Businesses.

2. Policy Statement

The Town recognises the economic and social benefits associated with home based businesses, and also acknowledges that working from home is an expanding area of employment.

The facilitation of home based businesses needs to be balanced against the need to protect the amenity and character of residential areas, and any impacts associated with home based businesses such as the scale of the operation, noise, odour, emissions, traffic generation and car parking requirements.

3. Policy Objectives

- (a) To provide guidance for the assessment of applications for home based businesses.
- (b) To ensure that home based businesses will not compromise the character and amenity of the surrounding residential area or nearby residents.
- (c) To provide for economic growth and employment opportunities by facilitating the development of home based businesses.

4. Application

This policy applies to applications for home based businesses including Family Day Cares, Home Businesses and Home Occupations.

This Policy does not apply to applications for a Home Office, which are exempt from requiring Development Approval under Local Planning Scheme No. 10.

5. Definitions

Family Day Care: *means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.*

Home Business: *means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:*

- (a) *does not employ more than 2 people not members of the occupier's household;*
- (b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) *does not occupy an area greater than 50 square metres;*
- (d) *does not involve the retail sale, display or hire of goods of any nature;*
- (e) *in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- (f) *does not involve the use of an essential service of greater capacity than normally required in the zone.*

Home Occupation:

means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- (a) *does not employ any person not a member of the occupier's household;*
- (b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) *does not occupy an area greater than 20 square metres;*
- (d) *does not display a sign exceeding 0.2 square metres;*
- (e) *does not involve the retail sale, display or hire of goods of any nature;*
- (f) *in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
- (g) *does not involve the use of an essential service of greater capacity than normally required in the zone.*

Home Office:

means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- (a) *entail clients or customers travelling to and from the dwelling;*
- (b) *involve any advertising signs on the premises; or*
- (c) *require any external change to the appearance of the dwelling.*

6. Policy Requirements

6.1 Information Requirements

An application for development approval for any Home Based Business is to include the following:

- (a) A written submission detailing:
 - (i) The nature of the home based business;
 - (ii) Confirmation that the home based business will be conducted by an occupier of the dwelling, and the number of persons to be employed and their relationship to the applicant;
 - (iii) Hours and days of operation;
 - (iv) The number of customers/clients and the frequency of visits, or for Family Day Cares, the number of children; and
 - (iv) Details of any signage proposed.
- (b) Scaled plans detailing:
 - (i) The area which the home based business will be occupied;
 - (ii) The location of proposed car parking and access; and
 - (iii) The location of any storage area associated with the home based business.
- (c) Payment of fees in accordance with Council's adopted Schedule of Fees and Charges.

6.2 Consultation

- (a) Applications for a Family Day Care and Home Occupations that comply with the requirements of this Policy will not require advertising. Applications that seek a variation to the policy will require community consultation.
- (b) Applications for Home Businesses (compliant or not) will require community consultation in accordance with clause 64 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

6.3 General

- 6.3.1 All home based businesses must comply with the *Environmental Protection (Noise) Regulations 1997* and Food Safety Standards (if applicable) at all times.
- 6.3.2 Applications for home based businesses on strata lot sites that involve visitations will only be supported where consent from the strata body or all landowners within the strata complex has been received.
- 6.3.3 Advertising signs shall not exceed 0.2m² in area.

6.4 Family Day Care

- (a) A Family Day Care must operate within the requirements of the *Child Care Services Act 2007*.
- (b) A Family Day Care shall only operate between 6am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays unless it can be demonstrated that the use will not impact on the amenity of surrounding properties.
- (c) The maximum number of children accommodated by a Family Day Care operation (including the applicant's children) shall be determined as follows:

Lot Size	Maximum Number of Children
0-350m ²	Proposal not supported
351m ² -500m ²	4
551m ² -649m ²	6
650m ² +	7

- (d) With the exception of member(s) of the occupier's household, employees are not permitted.

6.5 Home Businesses and Home Occupations

6.5.1 Operation

- (a) In determining the appropriateness of a Home Business or Home Occupation, the nature and scale of the business, noise, odour, emissions, traffic generation, car parking requirements and hours of operation will be taken into consideration.
- (b) A Home Business or Home Occupation shall only be permitted to operate between the hours of:
 - (i) 8:00am and 5:00pm Mondays to Saturdays; and
 - (ii) Not at all on Sundays and Public Holidays.
- (c) The retail display, direct in –person sale or hire of goods is not permitted on-site. Retail sales are permitted so long as the goods are ordered by customers via telephone or internet and are dispatched by post.

6.5.2 Customers and Clients

- (a) The number of customers/clients permitted to attend the premises shall be determined having regard to the amenity of the surrounding locality.
- (b) All customer/client visits must be made with 15 minute appointment intervals, unless there is adequate car parking.

6.5.3 Traffic and Car Parking

- (a) In addition to the car parking bays required for the dwelling, a minimum of two car parking bays shall be provided that adequately cater for the expected number of customers/clients and/or employees attending the site at any one time. Car parking in the driveway is not to obstruct footpaths.
- (b) The use of on-street car parking may be considered for the use of customers/clients and/or employees where the safety and functionality of the road network is not compromised.

6.6 Approval Period

- (a) The Town may withdraw approval of a home based business upon the receipt of substantiated complaints from neighbours.
- (b) The Town may grant approval for an initial period of twelve months, where it has concerns regarding the potential operation of the use on the amenity of the locality.

In such cases, the applicant will be required to seek a renewal of approval to continue to operate the home based business after the initial 12 month period.

6.7 Garage Sales

Garage sales generally will not require Development Approval, however, in the event that a property accommodates more than one garage sale in any 30 day period, it shall be considered a Home Store and require Development Approval under Local Planning Scheme No.10.

Document Control

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