

<b>Policy Name:</b>	<b>LOCAL PLANNING POLICY NO: HOME BASED BUSINESSES</b>
<b>Objective:</b>	To promote the economic and lifestyle importance of home based businesses in the Shire of Esperance whilst protecting the amenity of residential areas.
<b>Key Words:</b>	Home Based Business; Home Occupation; Home Office; Home Business
<b>Statutory Compliance:</b>	Local Planning Scheme No. 23

### **Policy Aims:**

To promote the economic and lifestyle importance of home based businesses in the Shire of Esperance whilst protecting the amenity of residential areas.

### **Policy Provisions:**

#### Definitions

In accordance with the provisions of Local Planning Scheme No. 23, there are four categories of home based businesses, being home office; home occupation; home business and home business – rural.

- **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.
  
- **Home Occupation:** means an occupation carried out in a dwelling (or associated outbuilding) 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 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 Business – Rural:** 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 200 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 more than 3 vehicles, with vehicles not being more than 25 tonnes gross weight; and
  - f) does not involve the use of an essential service of greater capacity than normally required in the zone.

Note: Notwithstanding that Family Day Care proposals are home based businesses in the sense that they are operations conducted in the home, in accordance with the provisions of Local Planning Scheme No. 23 they are referenced as a land use in their right and are assessed as such having regard to the provisions of Local Planning Scheme No. 23, including any relevant Local Planning Policies and the applicable legislation provisions pertaining to Family Day Care premises.

### Application Information

#### ➤ *New Applications*

The following information is required to be submitted to enable an assessment of the home based business to be undertaken:

- Completed ‘Application for Planning Approval’ form;
- Payment of application fee in accordance with Council’s Fees & Charges Schedule;
- Three (3) copies of the following:



- Site plan showing house/outbuilding in relation to the lot boundaries and location of on-site car parking for use by employees and/or clientele (where permissible);
- Floor plan of premises delineating area that home based business is to occupy.
- Accompanying letter detailing the nature of home based business and compliance with the provisions contained in the relevant definition category.

In relation to a home office, as per Clause 8.2 (c) of Local Planning Scheme No. 23, home based businesses determined to be a 'home office' are exempt from planning approval.

In this regard, a letter detailing the nature of the home office and compliance with the relevant provisions contained in the 'home office' category should still be submitted to the Shire of Esperance. An assessment of the information provided will be undertaken and where it is determined that the 'home office' category is applicable, the applicant shall be notified in writing that planning approval is not required to be obtained subject to the operations complying with the relevant provisions of Local Planning Scheme No. 23.

A notation is to be placed on the correspondence to the applicant advising that should the home office operations escalate beyond the provisions of a 'home office' and/or a complaint is received about the impacts of the operations, the applicant will be required to demonstrate compliance with the 'home office' provisions or make an application for a home based business as per the provisions of Local Planning Scheme No. 23 and this Local Planning Policy.

#### ➤ *Renewal Applications*

- Completed 'Application for Planning Approval' form;
- Payment of renewal application fee in accordance with Council's Fees & Charges Schedule;
- Accompanying letter detailing compliance with the provisions contained in the relevant definition category and/or detailing changes to the home based business operations that have occurred over the preceding twelve (12) months.

#### Policy Application Area

##### ➤ Home Office

In accordance with Table No. 1 – Zoning and Land Use Table of Local Planning Scheme No. 23, a 'home office' is a "P" use (that is the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme) in the following zones:

- Residential;
- Tourist Residential;
- Central Area;
- Country Town;
- Rural-Residential;



- Rural Smallholdings;
- Agriculture – General; and
- Rural Unsettled.

➤ Home Occupation

In accordance with Table No. 1 – Zoning and Land Use Table of Local Planning Scheme No. 23, a ‘home occupation’ is able to be considered in the following zones:

- Agriculture-General – “P” use: the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- Residential, Tourist Residential, Central Area, Country Town, Rural-Residential, Rural Smallholdings and Rural Unsettled – “D” use: the use is not permitted unless the local government has exercised its discretion by granting planning approval.

➤ Home Business

In accordance with Table No. 1 – Zoning and Land Use Table of Local Planning Scheme No. 23, a ‘home business’ is able to be considered in the following zones:

- Agriculture-General – “P” use: the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- Tourist Residential, Central Area, Shops & Offices, Country Town, Rural-Residential, Rural Smallholdings and Rural Unsettled – “D” use: the use is not permitted unless the local government has exercised its discretion by granting planning approval.
- Residential – “A” use: the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

➤ Home Business - Rural

In accordance with Table No. 1 – Zoning and Land Use Table of Local Planning Scheme No. 23, a ‘home business - rural’ is able to be considered in the following zones:

- Country Town, Rural Smallholdings, Agriculture-General and Rural Unsettled – “D” use: the use is not permitted unless the local government has exercised its discretion by granting planning approval.
- Rural-Residential – “A” use: the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

### Development Requirements

Generally the relevant development requirements for home based businesses are as per the definitions for each category.



Other relevant development requirements are as follows:

- An approval of a home based business is valid until the next 31st day of August after the approval and shall be subject to an annual renewal.
- Approvals are not capable of being transferred or assigned to a different property or person.
- Proposals that are categorised as Home Business or Home Business – Rural require the provision of 1 car parking bay per employee being provided on-site in addition to the residential parking requirements.
- Signage for proposals that are categorised as Home Business or Home Business – Rural to not exceed 0.2 square metres.
- Depending on the nature of the home based business, there may be Health requirements pertaining to the business operations (e.g. hairdressers, services involving skin penetration etc).