

# Home Based Business

The Shire's *Local Planning Scheme No. 7* (LPS No. 7) provides use classes of Home Office, Home Occupation and Home Business, collectively known as Home Based Business, which allows low impact occupations or hobbies to be conducted from a person's own home in many of the zones within the Shire.

It also enables the Shire to maintain sufficient controls to ensure that no disturbance or nuisance is created for neighbours.

## Home Office

A Home Office is defined in LPS No. 7 as:

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

- Entail clients or customers travelling to and from the dwelling;
- Involve any advertising signs on the premises; or
- Require any external change to the appearance of the dwelling

A Home Office is a permitted land use under Clause 61.(2)(c) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015* and a planning application is therefore not required where it satisfies and strictly complies with the abovementioned definition.

By way of clarification, a Home Office is considered to be the use of the premises by a person who conducts the activity off site (e.g. mobile mechanic) and only conducts the administration component of the enterprise at their residence.

## Home Occupation

A Home Occupation is defined in LPS No. 7 as:

“ A dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that:

- Does not involve employing a person not a member of the occupier's household;
- Will not cause injury to or adversely affect the amenity of the neighbourhood;
- Does not occupy an area greater than 20m<sup>2</sup>;
- Does not display a sign exceeding 0.2m<sup>2</sup> in area;
- 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;
- Does not –
  - Require a greater number of parking spaces than normally required for a single dwelling; or
  - Results in an increase in traffic volume in the neighborhood ; and
- Does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight, and
- Does not include the provision for the fueling, repair or maintenance of motor vehicles; and
- 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.

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## Home Office, Occupation or Business *(continued)*

### Home Business

The Shire's Scheme defines a Home Business as:

- “ *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 50m<sup>2</sup>;*
  - 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.*
- ”

### Health Requirements

Applications involving hairdressing, beauty therapy and food preparation require additional approval from the Shires Health Services. A separate application and fee will need to be submitted to the Shire's Health Services Department for consideration. The Shire's Health Department should be consulted in this regard on 9733 7800.

### Application

An application is necessary if any part of your home or property is being used in association with a business. For example, using a study as an office contact point, or conducting work for profit in a shed. It is noted that depending on scale, noise, dust and fumes, work that could potentially disturb neighbouring properties may not be permitted. Such uses are more appropriate to an Industrial zoning.

An application for Planning Consent for a Home Occupation or Home Business is to include:

- A completed Application for Planning Consent (P1) form signed by all land owners;
- A floor plan and/or site plan showing the proposed location and area designated for use for the Home Occupation or Home Business; and
- A non-redeemable application fee, as per the Schedule of Fees and Charges.

*NB: Additional information may be required.*

### Assessment Process

When an application is lodged, the Shire's Planning Services staff will assess the information provided by the applicant and give consideration to what effect the home use may have upon the general locality.

If the home based business is considered to have a local impact or a non-compliance, the application will be subject to a process of public advertising in accordance with Clause 64 of the Deemed Provisions and Local Planning Policy 1 – Community Consultation. Local residents will be given the opportunity to comment, for which a 14 day period is allowed for submissions to be received.

The Shire has a statutory time frame of 60 days in which to make a decision (or 90 days if advertised).

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## Home Office, Occupation or Business *(continued)*

### Annual Renewal

If the application is approved, the application fee will cover the first 12 months of operation. Approvals for Home Based Business are valid for one year and must be renewed annually. Applications for renewal need to be lodged with the Shire prior to the current approval expiring and application fees are payable. The Shire may approve, approve with conditions or refuse a renewal application.

An application for annual renewal is to include:

- A completed Application for Planning Consent (P1) form signed by all land owners;
- A non-redeemable annual renewal fee, as per the Schedule of Fees and Charges.

### Where Council grants approval to carry on a Home Occupation or Home Business

- The approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
- The approval shall not run with the land in respect of which it was granted;
- The person to whom approval is granted by the to carry on a Home Based Business shall not carry on a Home Occupation or Home Business at any premises other than the land in respect of which the approval is granted; and
- If a Home Based Business has been carried on with the approval of the Shire and if in the opinion of the Shire is causing a nuisance or annoyance to owners of occupiers of land in the neighbourhood, the Shire may withdraw the approval granted by it and after such withdrawal, no person shall upon the subject land carry on a Home Based Business unless a further approval to do so is granted by the Shire.

### Further Information

For further information please refer to the Planning section of the Shire's website where the following information is available:

- Local Planning Scheme No. 7
- Local Planning Policies
- Information Sheets
- Shire's Schedule of Fees and Charges
- Application for Planning Consent form

Contact the Shire's Planning Services Department for further information.

*Please Note: The information contained within this brochure is intended as a guide only. It is recommended that the advice and assistance of Shire's Planning Services staff be sought prior to lodgement of a planning application. The Shire of Waroona disclaims any liability for any damages sustained by a person acting on the basis of this information.*

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