

# HOME OCCUPATIONS AND HOME BUSINESS

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## 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 DP-04: Home Occupation and Home Business.

## 1.2. OBJECTIVES

The objectives of this Policy are to:

- a) **Provide** guidelines in respect of applications for Home Occupations and Home Business approvals.
- b) Provide for and encourage small businesses, services or professions that are able to operate within residential areas;
- c) Encourage the establishment and growth of local businesses, services and professions.
- b)d) Protect the amenity and character of residential neighbourhoods; and
- e)e) Maintain an appropriate level of safety in residential streets.

## 2.3. PRINCIPLES APPLICATION OF THIS POLICY

Commercial activity undertaken at a dwelling is generally classified as either a 'Home Occupation', 'Home Business' or, for very small operations, a 'Home Office'. Development approval is not required for a 'Home Office' use. Permissibility for 'Home Occupation' and 'Home Business' is specified in the Scheme.

This Policy provides guidance on the matters that will be considered when assessing applications for a Home Occupation or Home Business, and when deciding whether a use falls within the definition for Home Office.

This Policy applies across the City's municipal area and should be read in conjunction with the Scheme and any other relevant local planning policy. To the extent of any inconsistency between the policy and the Scheme, the Scheme prevails.

This Local Planning Policy (the Policy) is made pursuant to Part V, Clause 5.1 of City of Karratha Town Planning Scheme No. 8 (the Scheme).

### 2.1 Application of Policy

- This Policy applies to applications for Planning Approval for Home Occupations and Home Business made on land in all zones within the Council.
- The Policy is to be read in conjunction with the Scheme and any other relevant local planning policy.
- If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.
- The Scheme requires all home occupations and home businesses to obtain Planning Approval.
- An Application for Planning Approval is required to be lodged in accordance with Scheme requirements and scheduled fees.

### 2.2 Application and Exemptions

All business operations from a residential property/dwelling are classified as a 'Home Office', 'Home Occupation' or a 'Home Business'.

~~When assessing an application for a business to operate from a residential property/dwelling, the City will require the application to comply with the requirements outlined in the Scheme's definitions for home occupation, home business and home office (see Section 3 of this policy), and will also give consideration to the compatibility of the proposed business with the surrounding buildings and uses in terms of:~~

- ~~• noise and odours;~~
- ~~• hours of operation;~~
- ~~• number of customers or clients;~~
- ~~• traffic generation;~~
- ~~• access to car parking spaces for customers or clients as well as occupants of the dwelling and/or employees; and~~
- ~~• any other matter that may reduce the amenity of the neighbourhood.~~

~~The use of land for any home office, home occupation or home business should be small in scale and unobtrusive, and should not cause a nuisance or annoyance to occupiers of properties in the locality.~~

~~A home office does not require formal approval from the City of Karratha.~~

### **3.4. DEFINITIONS POLICY PROVISIONS**

~~Refer to Table 1 and Table 2 in Appendix A.~~

### **4.5. CONSULTATION**

- ~~a) The City may require applicants to provide written evidence of support for an application from owners / occupiers of neighbouring properties before issuing a decision.~~
- ~~b) Regardless of whether written support is provided pursuant to (a) above, the City may advertise an application for public comment.~~

~~This policy represents the formal policy and expected standards of the City of Karratha. Appropriate approvals need to be obtained prior to operating any business from a residential property/dwelling. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the City.~~

## **5. ROLES AND RESPONSIBILITIES**

~~It is the proponent's obligation to adhere to any conditions of planning approval that may be granted, for the duration of the operation of the approved Home Occupation or Home Business. Failure to do so may result in legal action against the proponent.~~

## **6. POLICY MEASURES**

### **6.1 General Criteria**

~~The following general criteria will apply to all applications for approval to conduct a home occupation or home business:~~

- ~~• An approval is not transferable or assignable to another person or to another address and shall expire if the business moves premises, is sold to a new operator or closes down.~~
- ~~• The City may determine at any time that the operations of the use be brought into conformity with any direction it may issue or, alternatively withdraw its consent and determine the date when this approval will become null and void if for any reason the City determines that the use is prejudicially affecting the amenity of the neighbourhood.~~
- ~~• Applications for approval may be required to be accompanied with written evidence of the consent of the adjoining property owners and occupiers as determined by the City.~~

- ~~The City may decide that an application for planning approval be publicly advertised in accordance with the provisions of the Scheme.~~
- ~~The City may impose a condition of planning approval determining the period of time an approval may operate and the numbers of customers or clients allowed to enter a property at any one time.~~

## **6.2 Specific Criteria**

The following specific criteria shall be considered in assessing each application for approval to conduct a home occupation:

- ~~Traffic - the business will not result in a substantial increase in the volume of vehicular traffic in the vicinity of the proposed home occupation.~~
- ~~Parking - the home occupation/business will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling. All vehicles associated with the business shall be parked on the site unless otherwise agreed to by the city.~~
- ~~Noise - the vehicles and/or equipment associated with the business shall not be operated outside the hours of 7.00am - 7.00pm, Monday to Saturday, excluding all recognised public holidays. Any noise generated by the operation of the home occupation shall at all times conform to the noise levels prescribed under the Environmental Protection (Noise) Regulations 1997.~~
- ~~Safety - pedestrian and vehicular traffic shall not be impeded by traffic manoeuvres or through the obstruction of vision.~~
- ~~Amenity - the home occupation shall not cause injury to or prejudicially affect the amenity of the neighbourhood.~~
- ~~Appearance - the home occupation shall not detract from the residential appearance of the dwelling house or domestic outbuilding and all items such as vehicles, equipment and materials shall be adequately screened from the view of those in the public domain and from other residential properties.~~
- ~~Services - the home occupation shall not adversely affect the provision or delivery levels of public utility services to any adjacent properties.~~
- ~~Scale of Operation - the scale of the operation shall at all times be maintained at a level compatible with meeting the nominated or any other criteria deemed relevant at any time by the City.~~

## **7. APPLICATION REQUIREMENTS**

When applying for planning approval, the application should include:

~~A completed Application for Planning Approval form.~~

~~Payment of an applicable planning fee (refer to Development Services Fees and Charges Information Sheet BS-0005).~~

~~Three [3] copies (to scale) of a site plan showing the following:~~

- ~~The location and use of any existing or proposed buildings on-site and existing access/egress point(s).~~
- ~~existing parking area and an indication of where occupants and visitors to the site will park.~~
- ~~Setbacks to boundaries and existing buildings.~~

~~Three [3] copies (to scale) of plans/drawings showing the following:~~

- ~~Floor plan of the dwelling or outbuilding showing the floor area within which the home occupation or home business is to be undertaken.~~

~~A covering letter/report detailing the following elements of the proposal:~~

- ~~The purpose of the use and the types of processes to be utilised.~~
- ~~The type and quantity of goods to be stored, processed or produced.~~
- ~~The likely number of staff.~~

- ~~The likely size/type of service vehicle(s) accessing the site.~~
- ~~The proposed hours of operation of the business.~~
- ~~Any other aspects of the proposal considered appropriate to the application.~~

## **8.6. REFERENCES TO RELATED DOCUMENTS**

- Application for [Planning Development](#) Approval Form
- [Development Planning](#) Services Fees [Schedule and Charges Information Sheet BS-0005](#)
- ~~Shire of Roebourne Town~~ [City of Karratha Local Planning Scheme No.8](#)
- [Planning and Development \(Local Planning Schemes\) Regulations 2015](#)
- State Planning Policy [7.33.4](#) - Residential Design Codes ~~2013~~
- ~~Shire of Roebourne~~ [City of Karratha Health Local Laws](#)
- *Environmental Protection (Noise) Regulations 1997*

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Responsible Officer:	Manager <a href="#">Planning Services Approvals &amp; Compliance</a>

*This Policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.*

**TABLE 1 - Deemed Requirements**

<u>Planning Matter</u>	<u>Home Office</u>	<u>Home Occupation</u>	<u>Home Business</u>
<u>Area Occupied</u>	<u>Solely within the dwelling</u>	<u>Not more than 20sqm</u>	<u>Not more than 50sqm</u>
<u>Number of Employees</u>	<u>Occupier of the dwelling</u>	<u>No person not a member of the occupier's household</u>	<u>No more than two people not members of the occupier's household</u>
<u>Retail Sale / Display of Goods</u>	<u>Does not entail clients or customers travelling to and from the dwelling</u>	<u>No retail sale or display of goods of any nature</u>	<u>No retail sale, display or hire of goods of any nature</u>
<u>Vehicle Storage</u>	<u>No changes to the external appearance of the dwelling</u>	<u>No more than one vehicle of up to 2 tonnes tare weight</u>	<u>No more than one vehicle of up to 3.5 tonnes tare weight</u>

**TABLE 2 - Performance Criteria**

<u>Planning Matter</u>	<u>Scheme Provision (Discretionary)</u>	<u>Potential Impacts</u>	<u>Performance Criteria</u>
<u>(Clause 67 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ('the Regulations')).</u>	<u>Refer to Appendix 1 Definitions for Home Business and Home Occupation</u>		
<b><u>Offsite Emissions and Compatibility of Proposed Development (m) (n)</u></b>	<b><u>Home Business (b)</u></b> <b><u>Home Occupation (b) (c)</u></b>	<p><u>Adverse impacts on adjoining properties and the neighbourhood through emissions of light, noise, odour, dust, electrical interference, vibrations, smoke, water or other waste products, especially through activities such as (but not limited to):</u></p> <ul style="list-style-type: none"> <li><u>Spray-painting;</u></li> <li><u>Vehicle wrecking;</u></li> <li><u>Personal training and fitness activities</u></li> </ul> <p><u>The appearance of the property from surroundings is unacceptable in its setting.</u></p>	<p><u>(a) If the City considers that the proposed activity may result in adverse impacts on residential amenity and/or surrounding properties, then an Operational Management Plan may be required to demonstrate compliance with this Policy. Such applications will be referred to any potentially impacted neighbouring property owner and occupant for their consideration and comment.</u></p> <p><u>(b) Applicants will be required to comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i> and any relevant local law or policy.</u></p>

			<p>(c) <u>The City will generally not approve operating hours outside of 7am to 7pm, Monday to Friday, but may do so if it is satisfied that adverse impacts will not eventuate.</u></p> <p>(d) <u>The property should be kept in a clean and tidy state.</u></p> <p>(e) <u>Any activities undertaken outside the dwelling and visible from the public realm should be screened.</u></p>
<u>Environmental Health (r)</u>	<p><u>Home Business (b)</u></p> <p><u>Home Occupation (b)</u></p>	<u>Preparation of food from a domestic kitchen that is not suitable due to human health concerns.</u>	<u>Only low-risk food, as determined by the City's Environmental Health Services, is permitted to be prepared from a domestic kitchen.</u>
<u>Vehicle Parking (s) (t)</u>	<p><u>Home Business (e)</u></p> <p><u>Home Occupation (g) (h)</u></p>	<p><u>Adverse impacts on adjoining properties and the neighbourhood such as:</u></p> <ul style="list-style-type: none"> <li><u>Inadequate space for parking within the lot boundaries</u></li> <li><u>Primary street setback area being used primarily for parking of vehicles</u></li> <li><u>Obstruction of sightlines</u></li> <li><u>Obstruction of footpaths</u></li> </ul>	<p>(f) <u>Sufficient car parking should be provided for customers/staff in addition to the required number of car parking bays for the occupants of the dwelling.</u></p> <p>(g) <u>All parking should be provided for occupants, staff and visitors within legal lot boundaries unless otherwise agreed to by the City.</u></p> <p>(h) <u>The primary street setback area should not be dominated by parked vehicles.</u></p> <p>(i) <u>The site plan lodged with the development application should clearly indicate car parking spaces within lot boundaries, including dimensions.</u></p>
<u>Traffic Management (t)</u>	<p><u>Home Business (e)</u></p> <p><u>Home Occupation (g) (h)</u></p>	<ul style="list-style-type: none"> <li><u>Excessive traffic generation from either customer/clients or deliveries to and from the dwelling affecting amenity and safety of neighbourhood.</u></li> <li><u>High number of vehicles not typical for a residential street.</u></li> </ul>	<p>(j) <u>The Home Occupation / Home Business should not generate more than two (2) additional vehicle movements per hour.</u></p> <p>(k) <u>Applicants should submit information regarding anticipated traffic numbers and the manner in which these will be managed.</u></p>

<p><u><b>Vehicle and Machinery Storage (m) (n)</b></u></p>	<p><u><b>Home Business (b) (e)</b></u></p> <p><u><b>Home Occupation (b) (c) (g) (h)</b></u></p>	<ul style="list-style-type: none"> <li>• <u>Storage of large commercial vehicles impacting on the amenity and/or safety of a residential neighbourhood.</u></li> <li>• <u>Storage of vehicles and machinery that detract from the appearance of the streetscape and/or create a safety concern.</u></li> </ul>	<p><u>(a) The City may require any vehicle or machinery storage area that is visible from the public realm to be screened.</u></p> <p><u>(b) Any vehicle larger than 3.5 tonne tare weight proposed to be stored at a residential property would be considered as a 'Use Not Listed – Commercial Vehicle Parking'.</u></p>
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