

LUP 14 – Home Based Business Policy

1 Objectives

The aim of the Shire of Bridgetown-Greenbushes Home Based Business Policy:

“To enable low scale businesses the opportunity to be conducted from home without having a detrimental impact on the amenity of the local area.”

2 Scope

This Policy does not apply to home based tourism such as Bed and Breakfast Accommodation or Holiday Accommodation are regulated separately through the operative local scheme and policies.

This Policy also does not apply to a ‘hobby’, being a regular activity or interest undertaken by a resident of the property, typically during the resident’s leisure time, which is of an appropriate and low scale, incidental to the dwelling and does not constitute a commercial venture.

This Policy expressly supersedes the Home Occupation & Cottage Industry Town Planning Scheme Policy TP.20.

3 Policy

3.1 Introduction

Home based businesses are becoming more popular across Western Australia, particularly due to strong service sector employment growth, advancements in telecommunications technology and the desire for more flexible lifestyles. Home based employment can provide a convenient and cost effective way to establish and operate a small business, and also provide the local community with easy access to a diverse mix of local products and services.

The Shire of Bridgetown-Greenbushes recognises the importance of diverse employment and lifestyle opportunities as key contributors to the economic growth and social sustainability of the local community. The Shire’s Strategic Community Plan seeks to support existing industries and attract and promote new ‘value adding’ initiatives, particularly in the tourism, agriculture, art and cultural sectors.

This Policy is made pursuant Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, also pursuant to Town Planning Scheme No. 3 (TPS3) and Town Planning Scheme No. 4 (TPS4), and is to be read in conjunction with Parts III and IV of TPS3 and TPS4, that deal with the land use and zoning provisions.

3.2 Statement

This Policy seeks to support low-key home based business activities within the Shire, where residential amenity, the local environment and orderly and proper planning are not adversely affected. The purpose of this policy is to regulate the establishment and operation of a home based businesses across the Shire and to provide guidance to landowners, occupiers and the local government.

For the purpose of this policy a Home Based Business means a small scale business operated incidental to the habitation of the primary residential dwelling, by the permanent resident(s) of the property. This policy applies to all home based business within the Shire.

When determining the potential impacts of a home based business on the amenity of surrounding properties, consideration must be given to the nature of the business, noise, emissions, hours of operation, employees, visitors and traffic including deliveries. Hence the definitions of each use in the operative local planning scheme impose restrictions such as maximum area, restrictions on employees, maximum advertising signage, etc. Where development approval has been granted and valid complaints received about noise or other nuisances generated by the business, the Shire reserves the right to vary the conditions or withdraw the approval.

Where a home based business does not meet the specific criteria, then development approval (if possible) may be required as another type of home based business classification. Importantly, activities under these classifications are not permitted to the same extent as other activities such as a Shop within a Commercial Zone or Light industry in an Industrial zone.

3.3 Policy Requirements

There are five separate use classes for home based businesses that are supported in the Shire of Bridgetown-Greenbushes under TPS3 and TPS4 being (in order of size) Home Office, Home Occupation, Home Business, Cottage Industry and Rural Home Business. Each use is further described and criteria stipulated below. In all cases the business and any conditional approvals shall be personal to the resident(s) of the dwelling and neither run with the land nor transferable or assignable to any other person or property.

3.3.1 Home Office

The Shire considers that a Home Office operated strictly within the criteria set out below will have negligible impact on local amenity and therefore development approval is exempt under the operative local planning scheme. A Home Office for example could be an online marketing consultant or book keeper, or the administration base for a mobile business such as a plumber, builder, etc.

Noting the definition under the operative local planning scheme, a Home Office must meet all of the following requirements:

- be carried out within a maximum area of 20m² and solely from within the dwelling;
- be carried out by a permanent resident of the dwelling only;
- not cause injury to or adversely affect the amenity of the neighbourhood;
- not involve the retail sale, display or hire of goods of any nature;
- not involve clients or customers travelling to and from the dwelling;
- not increase the traffic volumes normally required for the dwelling; and
- not require any change to the external appearance of the dwelling, including the display of signage.

A Home Office may include the use of a kitchen for occasional commercial cooking including preparing cakes, preserves, etc, for sale. This occasional use is restricted to no more than twice per week with no employees or customers coming to the property. As such, development approval is exempt although Health approval may still be required. It should be noted that an exemption from development approval does not mean the business is exempt from any approvals necessary under any other written law.

3.3.2 Home Occupation

The Shire considers that a Home Occupation operated strictly within the criteria set out below will have minimal impact on local amenity, with development approval required prior to commencing business. A Home Occupation for example could be a solicitor, hairdresser or music teacher.

Noting the definition under the operative local planning scheme, a Home Occupation must meet all of the following requirements:

- be carried out within a maximum area of 20m² only and under no circumstances can an extension of floor area for business use be permitted;
- be carried out within the principal dwelling (not ancillary dwelling) or adjacent outbuilding where the outbuilding is no more than 20 metres distance from the dwelling;
- not involve the retail sale, display or hire of goods of any nature, unless conducted using telephone or online ordering and offsite delivery or postage;
- be carried out by permanent resident(s) of the dwelling only;
- not cause injury to or adversely affect the amenity of the neighbourhood;
- all customers must be by appointment only and timed to avoid more than one appointment being onsite at any one time;
- provision onsite of one customer parking bay, in addition to parking bays available for residents of the dwelling;
- does not require result in increased traffic volume in the neighbourhood;
- does not involve the display of a sign with an area exceeding 0.2m²;
- does not include provision for the fuelling, 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.

A Home Occupation that relates to food production or personal services (hair, beauty, acupuncture, massage, etc) will usually require separate Health approval.

3.3.3 Home Business

The Shire considers that a Home Business operated strictly within the criteria set out below will have an acceptable impact on local amenity, subject to neighbour consultation, with development approval required and any conditions met prior to commencing business. A Home Business for example could be a plant nursery, small accountancy practice or personal fitness training for small groups. Noting the definition under the operative local planning scheme, a Home Business must meet all of the following requirements:

- be carried out within a maximum area of 50m² only and under no circumstances can an extension of floor area for business use be permitted;
- be carried out within the principal dwelling or adjacent outbuilding where the outbuilding is no more than 20 metres distance from the dwelling;
- be carried out by a permanent resident of the dwelling and a maximum of two employees only who are not members of the occupier's household;
- not involve the retail sale, display or hire of goods of any nature, unless conducted using telephone or online ordering and offsite delivery or postage;
- all customers must be by appointment only and timed to avoid more than one appointment being onsite at any one time;
- provision onsite of sufficient car parking for any customers and employees, in addition to parking bays available for residents of the dwelling;
- does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- does not involve the display of a sign with an area exceeding 0.2m²;

- does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;
- does not include provision for the fuelling, 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.

A Home Business that relates to food production or personal services (hair, beauty, acupuncture, massage, etc) will usually require separate Health approval.

3.3.4 Cottage industry

The Shire considers that a Cottage Industry operated strictly within the criteria set out below will have an acceptable impact on local amenity, be subject to neighbour consultation, with development approval required and any conditions met prior to commencing business. A Cottage Industry is limited to production of arts and crafts goods only such as making furniture, toys, pottery, clothes, etc.

Noting the definition under the operative local planning scheme, a Cottage Industry must meet all of the following requirements:

- be restricted to production of 'arts and crafts' goods only and does not include uses of a 'general industrial' nature;
- be carried out within a maximum area of 55m² only and under no circumstances can an extension of floor area for business use be permitted;
- be carried out within the dwelling or outbuilding where the outbuilding is no more than 20 metres distance from the dwelling;
- be carried out by permanent resident(s) of the dwelling only;
- not involve the retail sale, display or hire of goods of any nature, unless conducted using telephone or online ordering and offsite delivery or postage;
- all customers must be by appointment only and timed to avoid more than one appointment being onsite at any one time;
- provision onsite of one car parking bay per employee and one customer parking bay, in addition to parking bays available for residents of the dwelling;
- does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- does not involve the display of a sign with an area exceeding 0.2m²;
- does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;
- does not include provision for the fuelling, 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.

3.3.5 Rural Home Business

The Shire considers that a Rural Home Business operated strictly within the criteria set out below will have an acceptable impact on local amenity, be subject to neighbour consultation, with development approval required and any conditions met prior to commencing business. A Rural Home Business allows a variety of uses such as wholesale bakery, contractor's depot or rural supply yard.

Noting the definition under the operative local planning scheme, a Rural Home Business must meet all of the following requirements:

- be carried out within a maximum area of 200m² only and under no circumstances can an extension of the business area be permitted;
- be carried out within an outbuilding or designated yard separated by no more than 20 metres from the principal dwelling;
- be carried out by permanent resident(s) of the dwelling plus a maximum of two people who are not members of the occupier's household;
- not involve the retail sale, display or hire of goods of any nature, unless conducted using telephone or online ordering and offsite delivery or postage;
- does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- does not involve the display of a sign with an area exceeding 0.2m²;
- does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;
- does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight; 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.

A Rural Home Business that relates to food production will usually require separate Health approval.

3.3.6 General Requirements

The following general requirements apply to all categories of home based businesses.

3.3.6.1 Car Parking and Access

Car parking is to be provided onsite to accommodate employee and customer vehicles and deliveries, including sufficient manoeuvring area for vehicles to exit the property in a forward gear. Car parking and access is to be located so as to limit the impact of amenity of neighbouring properties and is to be clearly identifiable to visitors. The parking of commercial vehicles associated within an approved home based in the Residential Zone in the Bridgetown townsite will be subject to the provisions of Clause 4.3.2 of TPS3.

3.3.6.2 Customer Visits

Where permitted, customer visits are to be by appointment only and limited to normal business hours (ie. 8am to 6pm) Monday to Saturday only, excluding Public Holidays. The Shire may permit customer visits outside of these days and times subject to suitable consultation with neighbours and consideration of any submissions.

3.3.7 Use of Vehicles/Machines

The use of a vehicle (car, utility, truck, etc) and the need for any onsite delivery or collections, and the use of any machinery (power tools, lighting, electrical equipment, etc) is to be detailed in the application. The Shire will take into account the zoning of the property, proximity to surrounding dwellings and the expected general impact on local amenity when determining a home based business that seeks to use vehicles and/or machinery, and will be subject to any mitigation considered necessary.

3.3.8 Storage of Materials/Equipment

The storage of materials and/or equipment associated with a home based business must be located within the approved indoor workspace, or in the case of a rural home business stored in the designated outdoor workspace and screened from public view if considered necessary.

3.3.9 Maintenance of Vehicles/Equipment

Where minor maintenance of vehicles or equipment associated with a mobile business or home business is to be conducted onsite, it must be undertaken so as not to cause a nuisance for neighbours. Where major servicing of vehicles or equipment is required this must be done offsite at an approved premise.

3.3.10 Bushfire Prone Areas

A Home Based Business in a designated Bushfire Prone Areas may require additional information to be supplied with the application to ensure the safety of customers during a bushfire event. A Bushfire Management Plan or Statement may be required depending upon the scale of the operation, assessing the location of the property, siting of the business within the lot, internal and external vehicular access and water supply for fire-fighting, with regard to SPP 3.7 Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas.

3.3.11 Waste Water Control

A home based business that produces an increase in waste water from the business activities, may be required to supply additional information to ensure that the receiving environments are not impact upon by the operation. Additional information may consist of but not limited to waste water management, treatment and disposal methods.

3.3.12 Food Registration

A home based business that involves the preparation/production of food for sale may require separate environmental health approval and registration in accordance with relevant legislation, regulations, codes and guidelines.

4 Applicable Legislation and Documents

Act	Part 5 <i>Planning and Development Act 2005</i> – Local planning schemes s.6.7.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 3 and s.7.6.1 Shire of Bridgetown-Greenbushes Town Planning Scheme 4 – In order to assist in the implementation of the Scheme, the Council may make Town Planning Scheme Policies relating to one or more of the aspects of the control of development and land use.
Regulation	Schedule 2, Part 2, Clause 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Local Law	N/A
Shire Policies	N/A
Related Documents	State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas

Related Procedure	N/A
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5 Administration

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