

## HOME BUSINESS LOCAL PLANNING POLICY

<b>CATEGORY:</b>	<del>City <u>Council</u> Policy</del> <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i>  <i>City policies are referred to Council for review and endorsement.</i>
<b>RESPONSIBLE DIRECTORATE:</b>	Planning and Community Development
<b>OBJECTIVE:</b>	<del>To establish guidelines for the exercise of Council's discretion when assessing Home Business uses.</del> <u>To provide criteria for the establishment of home businesses within the City.</u>

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### 1. AUTHORITY

This Policy has been prepared in accordance with Clause 8.11 of the *City of Joondalup District Planning Scheme No. 2* which allows Council to prepare planning policies relating to planning or development within the Scheme area.

### 2. APPLICATION

This Policy applies to the whole of the City of Joondalup.

### 3. DEFINITIONS

**“amenity”** means all those factors which combine to form the character of the area to residents and passers-by and shall include the present and likely future amenity, as defined within the *City of Joondalup District Planning Scheme No. 2*.

**“Home Business — Category 1”** means an occupation carried on within a dwelling by a resident of the dwelling which:

- a. does not entail the retail sale, outdoor display or hire of goods of any nature;
- b. does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c. does not entail any substantial and/or inappropriate modification of the dwelling;
- d. does not entail the employment of any other person, except a member of the household;

- e. does not occupy an area greater than 20m<sup>2</sup> **or where more than one resident is involved not cause the area used for the home business within the dwelling to occupy an area greater than 30m<sup>2</sup>**;
- f. does not display any advertising signage;
- g. does not attract customers or regular and frequent deliveries of goods or equipment to the site;
- h. will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in any increase in the amount of vehicular traffic in the vicinity;
- i. does not entail the presence, parking and garaging of a vehicle of more than 13.5 tonnes tare weight.";
- j. does not involve the servicing or repair for gain of motor vehicles.
- k. Notwithstanding factors (a)–(j); a Home Business Category 1 may entail the operation of a Family Day Care Centre as defined by Clause 1.9 of the *City of Joondalup District Planning Scheme No. 2*.

*As defined within the City of Joondalup District Planning Scheme No. 2.*

**“Home Business — Category 2”** means an occupation carried on in a dwelling by a resident of the dwelling which:

- a. does not entail the retail sale, outdoor display or hire of goods of any nature;
- b. does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c. does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- d. entails the employment of no more than 1 person not a member of the occupier's household;
- e. does not occupy an area greater than 30m<sup>2</sup>. Council may permit an area greater than 30m<sup>2</sup> where it is considered that the scale of the business is limited by other factors and the increase in floor space will not have a detrimental effect on the amenity of the surrounding areas;
- f. does not have more than one advertisement sign and the sign displayed does not exceed 0.2m<sup>2</sup> metres in area;
- g. will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity.
- h. does not involve the servicing or repair for gain of motor vehicles; and
- i. does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

As defined within the City of Joondalup District Planning Scheme No. 2.

**“Home Business — Category 3”** means an occupation or professional practice undertaken for the purposes of commercial gain; and carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:

- a. does not entail the retail sale, outdoor display or hire of goods of any nature;
- b. does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- c. does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- d. entails employment of a maximum of 2 persons not members of the occupier's household. Council may approve a greater number of employees, not exceeding 4 persons, subject to community consultation;
- e. occupies an area not exceeding 50m<sup>2</sup>. Council may approve, subject to community consultation, an area of up to 100m<sup>2</sup>, or one-third of the floor area of the dwelling whichever is the lesser;
- f. displays a sign describing the nature of the approved home occupation. The sign must not exceed 0.2m<sup>2</sup>, and a maximum of 2 metres high;
- g. will not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience for adjoining residents and road users;
- h. will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- i. does not involve the servicing or repair for gain of motor vehicles; and
- j. does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

As defined within the City of Joondalup District Planning Scheme No. 2.

#### **4. STATEMENT Policy Aims**

The City of Joondalup recognises that working from home is an expanding area of employment. The City, in addition, recognises that the amenity of residential areas should be protected by minimising potential impacts to maintain residential areas as primarily a place to live, not primarily a place to work.

To protect the amenity and character of residential areas, impacts associated with home businesses such as noise, traffic, parking, pollution, people and advertising signs should be minimised.

- ~~(a) To maintain residential areas as primarily a place to live, not primarily a place to work whilst recognizing that working from home is an expanding area of employment, and a significant contributor to local employment.~~

- ~~(b) To protect the amenity and character of residential areas by ensuring that potential impacts associated with home business such as noise, traffic, pollution, people and advertising signs are minimised and adequately controlled.~~
- ~~(c) To enhance the effectiveness of Council's decision making through consultation with interested parties.~~
- ~~(d) To provide a measure of the extent of the home business to ensure that it does not dominate the use of the land nor be so large or intensive that it changes the residential character of the neighbourhood.~~
- ~~(e) To guide the location of home business proposals to minimise any impact on the amenity and character of residential locations.~~

## 5. DETAILS ~~Policy Statement~~

In assessing a Development Application for a home business the following will be considered:

### 5.1 Criteria applying to all Home Business Categories:

- a. The applicant must use the dwelling as the principal place of residence.
- b. Only one Home Business Category may be undertaken on the site at any one time.
- c. A The Home Business must not result in a substantial and/or inappropriate modification of to the dwelling.
- d. Any appliances or machinery used for the purpose of the home business must be of a domestic scale. Large industrial appliances will be are prohibited.

e. Applicants must demonstrate that the proposal will not have an undue impact on amenity of the surrounding area and land uses.

- ~~(c) Where a Category 3 Home Business is proposed in either a Residential zone or Special Residential zone, the preferred location of the proposal is where it abuts or is directly opposite one of the commercial centres listed in the City of Joondalup Centres Strategy.~~

~~Where a Home Business attracts customers, the maximum number of customers must be as follows:-~~

- ~~(d) Category 1:~~

~~No Customers permitted~~

~~No additional car bays necessary~~

Category 2:

- ~~(i) Customer visits must be by appointment only;~~
- ~~(ii) No more than 2 customers are to be at the premises at any one time.~~
- ~~(iii) 2 bays for the residents of the dwelling, plus 1 bay per customer, plus 1 bay per employee~~
- ~~(iv) All parking bays are to be provided within the lot boundary~~

Category 3:

- ~~(i) Customer visits must be by appointment only~~
- ~~(ii) No more than three customers may attend the premises at any one time;~~
- ~~(iii) 2 bays for the residents of the dwelling, plus 1 bay per customer, plus 1 bay per employee~~
- ~~(iv) All parking bays are to be provided within the lot boundary~~
- ~~(e) Regular deliveries of goods and equipment including deliveries carried out at intervals of less than a month are not considered appropriate. Proposals involving intervals of less than a month will only be considered taking into account the following factors:
  - ~~(i) nature of the goods delivered;~~
  - ~~(ii) frequency of deliveries;~~
  - ~~(iii) type of delivery vehicle used;~~
  - ~~(iv) likely inconvenience to existing traffic.~~~~
- ~~(h) Where an application relates to property on a Strata Title, the written permission of the Body Corporate is to be submitted with the application.~~
- ~~(i) For the purpose of this policy, amenity refers to all factors that combine to form the character of the area to residents and passers by and shall include the present and likely future amenity. In determining whether a proposed home business is likely to detrimentally affect the amenity of the neighbourhood, the following factors will be considered:
  - ~~(i) emission of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;~~
  - ~~(ii) hours of operation;~~
  - ~~(iii) number of customers visiting the premises;~~~~

- ~~(iv) traffic likely to be generated;~~
- ~~(v) additional parking requirements created by the proposed home business;~~
- ~~(vi) storage of harmful or poisonous chemicals;~~
- ~~(vii) compliance with the management plan;~~
- ~~(viii) compliance with the requirements set out by the City's District Planning Scheme No 2;~~
- ~~(ix) public submissions and or complaints by adjoining owners.~~

## **5.2 Additional Criteria Applying to Home Business — Category 1**

### **5.2.1 Car Parking and Customers:**

- a.** No customers permitted.
- b.** No additional car bays **necessary required**.

## **5.3 Additional Criteria Applying to Home Business — Category 2 and Home Business — Category 3**

### **5.3.1 Car Parking and Customers:**

- a.** One **on-site** car parking bay is required per customer and per employee. **The total number of on-site car parking bays shall be equal to the maximum number of employees and customers that are permissible at the home business at any one time. On-site. In addition,** car parking **for residents of the dwelling** is to be designed and provided in accordance with the *Residential Design Codes of Western Australia*.
- b.** All **car** parking **bays associated with the home business are to be made available and maintained for the parking of customer and employee vehicles only, during the approved home business operating hours. Resident parking is not permitted in customer bays during the approved home business operating hours. Customers and employees should be discouraged from parking on the verge is to be provided on-site; no verge parking is permissible.**
- c.** The home business must not require the provision of car parking bays in a manner that would detract from the residential appearance of the dwelling or dominate the streetscape.

### **5.3.2 Operating Hours:**

- a.** The days and hours of operation for ~~each category~~ of a home business shall ~~not exceed~~ **generally** be limited to the following:

- i. 8.00 am to 5.00 pm, Monday to Friday
  - ii. 9.00 am to 5.00 pm, Saturday.
- b. When determining an application; ~~the Council;~~ may limit the number of hours and/or days of operation may be **increased or further** restricted **through conditions of development approval** ~~of a home business proposal~~ where it is deemed necessary to protect the amenity of the surrounding area.
- (ii) ~~elect to grant an initial term of approval of twelve (12) months. In some instances where it is considered appropriate a longer period may be considered. The applicant is to seek renewals thereafter to effect the continuance of the home occupation business.~~

### **5.3.3 Signage:**

- a. One advertising sign, not exceeding 0.2 square metres in area, is permitted on the front facade of the dwelling site for Home Business Category 2 and Category 3 in accordance with the City's *Signs Policy*.

## **5.4 Additional Criteria Applying to Home Business — Category 3**

### **5.4.1 Location**

**Where a Category 3 Home Business Category 3 is proposed in either a Residential zone or Special Residential zone, the location of the proposal shall be where it abuts or is directly opposite one of the commercial centres listed in the City of Joondalup Centres Strategy, unless the applicant can demonstrate to the satisfaction of the City that the proposal will not have an undue impact on the amenity of the surrounding area as a result of noise, traffic, parking, pollution, people and advertising.**

### **5.4.2 Management Plan**

A Management Plan is required to be submitted as part of any application for a Home Business — Category 3. ~~applicants proposing to carry out a Home Business Category 3 use, must submit a Management Plan as part of the application.~~ As a minimum, the Management Plan is ~~are~~ to include the following information:

- a. A car parking plan.
- b. Measures to minimise and control noise.
- c. Measures to minimise vehicle loading and unloading and traffic movements.
- d. The proposed hours of operation.

- ~~(v) a landscaping plan including landscape buffers;~~
- e. Details of any poisonous, flammable or harmful chemicals or other hazardous materials proposed to be stored or used and measures to ensure that no polluting or harmful substances will escape from the site.
- f. Measures to minimise emissions of odours, dust or vapours from the site.
- g. Ways to limit the number of people visiting the house at any one time in relation to the business.
- ~~(ix) a diagram of proposed signage;~~
- h. A plan showing any proposed outdoor storage areas.
- i. Measures to ensure that no detrimental impact occurs to the character of the neighbourhood.
- j. Measures to manage the impact of the home business on any building or place listed on the municipal inventory of heritage places.
- ~~(xiii) compliance with all other relevant State and Commonwealth legislation and regulations;~~
- k. Details of all appliances or machinery to be used in the home business.

## **5.5 Public Consultation: ~~Community Consultation~~**

- a. All new applications for a home business will be advertised for public comment for a minimum period of 21 days by way of letters to adjoining and nearby landowners.
- b. For an application for renewal of a home business, ~~on renewal of the business~~, if any changes ~~have occurred or~~ are proposed to the operation of the business, or if complaints have been received within the previous 12 months, advertising of the application may be required in accordance with 5.4a.
- c. Planning-related concerns received from consulted owners will be considered as a relevant factor in the assessment of development applications. ~~for planning approval.~~

~~In considering any variations to the required standards, Council will carry out community consultation as part of the decision making process. Planning related concerns of consulted owners will be considered as a relevant factor in the assessment of applications for planning approval. Because of the differing range of issues which may be involved with individual applications it is recognised that Council and staff will need to make value judgments on the level of consultation required in specific cases. However, in all cases Council will respond with:~~



- ~~a commitment to community consultation;~~
- ~~a systematic approach;~~
- ~~accountability;~~
- ~~post-consultation follow up.~~

~~Decisions about consultation are to be documented for future reference and must consider the following:~~

- ~~decision in relation to views being sought, e.g. immediate neighbourhood or wider community;~~
- ~~a short explanation of the issues canvassed;~~
- ~~description of the method used, e.g. letter, pamphlet, advertisement;~~
- ~~the duration of consultation period, e.g. 14 days, 21 days etc.;~~
- ~~respondents are to be advised of the outcome.~~

## **5.6 Approval Period:**

Any approval issued for a home business category 2 is valid for **an initial period of** 12 months or less, as determined by the City. Prior to the expiry of the **initial** approval, an application to renew the home business must be submitted **to and approved by** the City **to enable the continuation of the activity.**

**Following the initial 12 month approval period, should there be no changes to the operation of the home business category 2 and/or should no complaints be received from nearby land owners, an extended-final home business renewal may be approved by the City to enable continuation of the activity for a longer period without the need for an annual renewal.**

Any approval issued for a home business category 3 and renewal of a home business category 3 is valid for **a period of** 12 months or less, as determined by the City. Prior to the expiry of the approval, an application must be submitted and approved by the City to enable the continuation of the activity.

**Creation Date:** March 2013

**Amendments:** CJ213-06/99, CJ297-09/99, CJ020-02/02, CJ238-11/05

**Related Documentation:**

- *City of Joondalup District Planning Scheme No. 2*
- Home Business Fact Sheet
- *Residential Design Codes of Western Australia*

The table below compares the City's current requirements for Home Business Category 1 with the Model Scheme Text and other local government authorities. Whilst not directly comparable due to the difference in definitions, there are some similarities in regards to the provisions.

Home Business Category 1 or Equivalent							
Locality and Legislation	Policy	Legislation or Policy Provisions					
		Category Name	Type and Number of Employees	Maximum Parking Permitted	Operating Hours	Occupancy Area	Signage Size and Location
City of Joondalup DPS2.	Home Business Policy (as current).	Home Business Category 1.	Does not employ any person not a member of the household (Scheme Provision).	No requirement.	No limitation.	20m <sup>2</sup> or where more than one resident is involved 30m <sup>2</sup> (Scheme Provision).	0.2m <sup>2</sup> Location not specified (Scheme Provision).
City of Joondalup DPS2.	Proposed Amendment to Home Business Policy.	Home Business Category 1.	Does not employ any person not a member of the household (Scheme Provision).	No additional parking bays permitted.	No limitation.	20m <sup>2</sup> or where more than one resident is involved 30m <sup>2</sup> (Scheme Provision).	0.2m <sup>2</sup> Only on the front facade of the dwelling (Scheme Provision).
Statewide Town Planning Regulations 1967.	Model Scheme Text (MST).	Home Occupation.	Does not employ any person not a member of the occupier's household.	Parking not to result in traffic difficulties as a result of inadequate parking or increase in traffic.	No limitation.	20m <sup>2</sup> .	0.2m <sup>2</sup> Location not specified.
		Home Office.	Does not entail any staff travelling to and from the dwelling.				
City of Wanneroo DPS 2.	No Policy.	Home Business Category 1.	Must not employ any extra staff other than the occupants.	No requirement.	No limitation.	20m <sup>2</sup> or 30m <sup>2</sup> , when more than one occupier is involved.	No signage permitted.
City of Stirling.	Policy 2.4 Home office, Home Occupation & Home Business.	Home Office.	Not employ any person not a member of the household.	No requirement.	No limitation.	No limit.	No signage permitted.
Town of Cambridge.	Policy 3.5 Home Occupations.	Home Occupation.	No staff other than the occupier(s) of the dwelling.	No requirement.	7.00am – 7.00pm Monday to Friday	20m <sup>2</sup> without requiring approval or 30m <sup>2</sup> with Council approval.	0.2m <sup>2</sup> Location not specified.

City of Melville.	No Policy.	Home Business.	Does not employ more than two people not members of the occupier's household.	Parking not to result in traffic difficulties as a result of inadequate parking or increase in traffic.	No limitation.	20m <sup>2</sup> .	Home Business: Signage not specified.
		Home Occupation.	Does not employ any person not a member of the occupier's household. Home office: doesn't entail any staff travelling to and from the dwelling.				Home Occupation: 0.2m <sup>2</sup> Location not specified.
City of Mandurah.	Local Planning Policy No 12 Home Occupation.	Home Office.	Does not employ more than the equivalent of two full time staff one of which is a permanent resident of the dwelling.	Does not entail the presence, parking or garaging of additional vehicles.	8.00am – 5.00pm Monday to Saturday (generally limited).	Not specified.	0.2m <sup>2</sup> Location not specified.

Home Business Category 2 or Equivalent							
Locality and Legislation	Policy	Legislation or Policy Provisions					
		Category Name	Type and Number of Employees	Maximum Parking Permitted	Operating Hours	Occupancy Area	Signage Size and Location
City of Joondalup DPS2.	Home Business Policy (as current).	Home Business Category 2.	Up to one employee not a member of the household (Scheme Provision).	Two bays for the residents of the dwelling, plus one bay per customer and one bay per employee.	8.00am – 5.00pm Monday to Friday 9.00am – 5.00pm Saturdays	Up to 30m <sup>2</sup> and greater with Council approval (Scheme Provision).	0.2m <sup>2</sup> Not specified (Scheme Provision).
City of Joondalup DPS2.	Proposed Amendment to Home Business Policy.	Home Business Category 2.	Up to one employee not a member of the household (Scheme Provision).	One car bay per customer and employee in addition to the dwelling's car parking in accordance with the R-Codes. The design of the car bays is to be provided in accordance with the standards of the R-Codes.	8.00am – 5.00pm Monday to Friday 9.00am – 5.00pm Saturdays	Up to 30m <sup>2</sup> and greater with Council approval (Scheme Provision).	0.2m <sup>2</sup> Only on the front facade of the dwelling (Scheme Provision).
Statewide Town Planning Regulations 1967.	Model Scheme Text (MST).	Not applicable – see Home Business details in Home Business Category 3 table below.					.
City of Wanneroo DPS 2.	No Policy.	Home Business Category 2.	Up to one employee not a member of the occupier's household.	Does not require a greater number of parking facilities than normally reserved for a single dwelling and will not result in a substantial increase in the amount of vehicular traffic in the vicinity.	No limitation	Up to 30m <sup>2</sup> .	0.2m <sup>2</sup> Not specified.
City of Stirling.	Policy 2.4 Home office, Home Occupation & Home Business.	Not applicable – see Home Business details in Home Business Category 3 table below.					
Town of Cambridge.	Policy 3.5 Home Occupations.	Not applicable – only have home occupation.					

City of Melville.	No Policy.	Not applicable – see Home Business details in Home Business Category 3 table below.					
City of Mandurah.	Local Planning Policy No 12 Home Occupation.	Not applicable – see Home Business details in Home Business Category 3 table below.					

Home Based Business Category 3 or Equivalent							
Locality and Legislation	Policy	Legislation or Policy Provisions					
		Category Name	Type and Number of Employees	Car Parking Provision	Operating Hours	Occupancy Area	Signage Size and Location
City of Joondalup DPS2.	Home Business Policy (as current).	Home Business Category 3.	Up to two employees not members of the household and up to four employees not members of the household subject to community consultation (Scheme Provision).	The provision of a Car Parking Plan.	8.00am – 5.00pm Monday to Friday. 9.00am – 5.00pm Saturdays.	Up to 50m <sup>2</sup> ; or up to 100m <sup>2</sup> or one third of the dwelling floor area, whichever is the lesser, subject to community consultation (Scheme Provision).	0.2m <sup>2</sup> .
City of Joondalup DPS2.	Proposed Amendment to Home Business Policy.	Home Business Category 3.	Up to two employees not members of the household and up to four employees not members of the household subject to community consultation (Scheme Provision).	One car bay per customer and employee in addition to the dwelling's car parking in accordance with the R-Codes. The design of the car bays is to be provided in accordance with the standards of the R-Codes.	8.00am – 6.00pm Monday to Friday. 9.00am – 5.00pm Saturdays.	Up to 50m <sup>2</sup> ; or up to 100m <sup>2</sup> or one third of the dwelling floor area, whichever is the lesser, subject to community consultation (Scheme Provision).	0.2m <sup>2</sup> on the front facade of the dwelling only (Scheme Provision).
Statewide Town Planning Regulations 1967.	Model Scheme Text (MST).	Home Business (same as Category 2 in Table 2 above).	Up to two employees not a member of the occupier's household.	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.	No limit.	Up to 50m <sup>2</sup> .	Not specified.
City of Wanneroo DPS 2.	No Policy.	Home Business Category 3.	Up to two employees not members of the household and up to four employees not members of the household subject to community consultation.	Will not result in traffic difficulties as a result of the inadequacy of onsite and offsite parking.	No limitation.	Up to 50m <sup>2</sup> . Council may approve, subject to community consultation, an area of up to 100m <sup>2</sup> or one third of the floor area of the dwelling whichever is lesser.	0.2m <sup>2</sup> and a maximum of 2m high. No limit

City of Stirling.	Policy 2.4 Home office, Home Occupation & Home Business.	Home Business (same as Home Business Category 2 table above).	Up to two employees not members of the occupier's household.	Provide adequate onsite parking and manoeuvring areas to the satisfaction of the Council.	No limitation.	Up to 50m <sup>2</sup> .	May permit limited signage.
Town of Cambridge.	Policy 3.5 Home Occupations.	Not applicable – only have home occupation.					
City of Melville.	No Policy.	Home Business (same as Home Business Category 2 table above).	Up to two employees not members of the occupier's household.	Does not result in the 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 tonne tare weight.	No limitation.	Up to 50m <sup>2</sup> .	Not specified.
City of Mandurah.	Local Planning Policy No 12 Home Occupation.	Home Business (same as Home Business Category 2 table above).					