

POLICY 7-9 – HOME BUSINESS

STATUS:	City Policy - <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>
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	To establish guidelines for the exercise of Council's discretion when assessing Home Business uses.

RELATED DOCUMENTATION

This Local Planning Policy is part of a wider framework of documents, which relate to people working from home. It should be read in conjunction with section 4.4 of the City's District Planning Scheme No 2 (The Scheme) and the 'Local Planning Strategy Relating to People Working From Home' which contains strategies and a statement of principles.

This Policy draws on these principles and supports the strategies by setting down aims and provisions, which the Council will consider before making a decision in relation to home business activities.

STATEMENT

1 Policy Aims

- (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.

2 Policy Area:

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

3 Policy Statement

- (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) 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.~~

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

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~~

- (ed) 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.

(fe) A Home Business must not result in a substantial and or inappropriate modification of the dwelling.

(gf) Any appliances or machinery used for the purpose of the home business must be of a domestic scale. Large industrial appliances or machinery will be prohibited.

(hg) Where an application relates to property on a Strata Title, the written permission of the Body Corporate is to be submitted with the application.

(ih) 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.

(j) Applicants proposing to carry out a Home Business Category 3 use, must submit a Management Plan as part of the application. As a minimum, Management Plans are to include the following information:

- (i) measures to minimise and control noise;
- (ii) measures to minimise vehicle loading and unloading and traffic movements;
- (iii) the proposed hours of operation;
- (iv) a car parking plan;
- (v) a landscaping plan including landscape buffers;
- (vi) 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;
- (vii) measures to minimise emissions of odours, dust or vapours from the site;
- (viii) 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;

- (x) a plan showing any proposed outdoor storage areas;
- (xi) measures to ensure that no detrimental impact occurs to the character of the neighbourhood;
- (xii) 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 or Regulations;
- (xiv) details of all appliances or machinery to be used in the Home Business.

(ki) The days and hours of operation for each category of home business shall not exceed the following:

- (i) 89.00 am to 5.00 pm Monday to Friday
- (ii) 9.00 am to 5.00 pm Saturday.

(lj) When determining an application, the Council:

- (i) may limit the number of hours and/or days of operation 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.

(mk) Community Consultation

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.

File No:	13048
Previous Policy No:	G3-18, 3.1.11
Amendments:	CJ213-06/99, CJ297-09/99, CJ020-02/02, CJ238-11/05
Related Documentation:	N/A
Issued:	

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4.4 HOME BUSINESS

4.4.1 Home Business – Category 1

4.4.1.1 Subject to Clause 4.4.3, a person may conduct a Home Business – Category 1 within a dwelling without the need to submit an application for approval to commence development.

4.4.1.2 Deleted (Amendment 31 – 14/8/2007).

4.4.2 Home Business – Category 2

4.4.2.1 A person wishing to conduct a Home Business - Category 2 on residential premises is required to apply to Council for an approval to commence development, and such use or occupation may be approved by Council at its discretion.

4.4.3 Review

4.4.3.1 At any time Council may undertake a review of the status of an occupation being carried out in a dwelling as a Home Business – Category 1, by requiring the resident to submit a statement setting out the nature and extent of the occupation being carried out on the premises or, on reasonable notice, permitting inspection of the dwelling by Council.

4.4.3.2 Following completion of a review, Council may designate the occupation either as a Home Business – Category 1 or Category 2 and require the resident to comply with the requirements of the Scheme in a manner applicable to that designation and if the designation has changed, then notwithstanding that the occupation may have been lawful up to the time of the review, such occupation shall be carried out only in conformity with Council provisions of a Home Business Category 2.

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City of Joondalup

District Planning Scheme No 2

ZONES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREA	SERVICE INDUSTRIAL	SPECIAL RESIDENTIAL	RURAL
USE CLASSES									
Funeral Parlour	X	X	D	D	X	X	D	X	X
Garden Centre	X	X	P	P	X	X	P	X	X
Golf Course	X	X	X	X	X	D	X	X	X
Grouped Dwelling	D	D	D	D	X	X	X	X	X
Hairdresser	X	P	P	P	X	D	X	X	X
Hall	X	D	D	D	P	D	X	X	X
Hardware Store	X	X	D	P	X	X	D	X	X
Holiday Village	X	X	X	X	X	D	X	X	X
Home Business – Category 1	P	P	P	P	X	X	X	P	X
Home Business – Category 2	D	P	P	P	X	X	X	P	X
Hospital	X	X	D	D	D	X	X	X	X
Hotel	X	X	D	D	X	D	X	X	X
Industry – Extractive	X	X	X	X	X	X	X	X	X
Industry – General	X	X	X	X	X	X	X	X	X
Industry – Hazardous	X	X	X	X	X	X	X	X	X
Industry – Light	X	X	X	X	X	X	P	X	X
Industry – Rural	X	X	X	X	X	X	D	X	X
Kindergarten	D	D	D	D	D	D	X	X	X
Land Sales Office (Temporary)	P	P	P	P	D	D	P	D	D
Landscape Supplies	X	X	X	X	X	X	D	X	X
Laundrette	X	X	P	P	X	X	P	X	X
Laundry	X	X	D	D	X	X	P	X	X
Liquor Store	X	X	D	P	X	X	X	X	X
Lunch Bar	X	P	P	P	X	X	D	X	X
Markets (Retail)	X	X	D	D	X	X	X	X	X
Market Garden	X	X	X	X	X	X	X	X	X
Medical Centre	X	P	P	P	D	X	X	X	X
Milk Depot	X	X	X	X	X	X	D	X	X
Motel	X	X	D	D	X	D	X	X	X
Multiple Dwelling	D	D	D	D	X	D	X	X	X
Night Club	X	X	D	D	X	D	D	X	X
Nursing Home	D	D	D	D	D	X	X	X	X
Office	X	P	P	P	X	X	X	X	X
Open Air Display	X	X	X	X	X	X	D	X	X
Park	D	D	D	D	D	D	D	D	D
Park Home Park	D	X	X	X	X	D	X	X	X
Place of Assembly	X	D	D	D	P	D	D	X	X
Place of Worship	X	D	D	D	P	D	D	X	X
Private Recreation	X	D	D	D	D	P	X	X	X
Public Exhibition Facility	X	D	D	D	P	P	X	X	X

*City of Joondalup**District Planning Scheme No 2*

- (e) does not occupy an area greater than 30m². Council may permit an area greater than 30m² where it is considered that the scale of the business is limited by other factors and the increase in floorspace 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 0.2 square 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.

hospital : means any land or buildings where people are admitted and lodged for medical treatment or care.

hotel : means any land or buildings used for the overnight accommodation of patrons and may include facilities for consumption of beverages or a restaurant, or a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, or facilities for entertainment, but does not include a bed and breakfast facility, and which may be the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988.

incidental use : means a use of premises which is ancillary and subordinate to the predominant use.