

Home-based Business Local Planning Policy

Responsible Directorate: Planning and Community Development

Objective:

- To provide criteria and standards for home-based businesses to operate without compromising the residential character of an area, or adversely affecting the amenity of adjoining and nearby residential properties.

1. Authority

This Policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and 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.

“home business” as defined by *Local Planning Scheme No. 3* means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession:

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m²; and
- (d) 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; and

- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) 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;

“home occupation” as defined by *Local Planning Scheme No. 3* means 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 occupations that:

- (a) does not involve employing a person who is not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) 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; and
- (f) does not
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood;
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provisions for the fuelling, repair or maintenance of motor vehicles; and
- (i) 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;

“home office” as defined by *Local Planning Scheme No. 3* means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation:

- (a) is solely within the dwelling;
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

4. Statement

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-based businesses such as noise, traffic, parking, pollution, people and advertising signs should be minimised.

5. Details

In assessing an application for development approval for a home-based business the following will be considered:

5.1 Criteria applying to all home-based businesses:

- a. The applicant must use the dwelling as the principal place of residence.
- b. Only one home-based business category may be undertaken on the site at one time.
- c. The home-based business must not result in a substantial and/or inappropriate modification to the dwelling.
- d. Any appliances or machinery used for the purpose of the home-based business must be of a domestic scale. Large industrial appliances are prohibited.
- e. Applicants must demonstrate that the proposal will not have an undue impact on amenity of the surrounding area and land uses.

5.2 Additional Criteria Applying to Home Occupations and Home Businesses:

5.2.1 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-based business at any one time. On-site car parking is to be designed and provided in accordance with the *Residential Design Codes*.
- b. All car parking bays associated with the home-based 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-based business operating hours. No verge parking for the business is permissible.
- c. The home based-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.

5.2.2 Operating Hours:

- a. The days and hours of operation shall be limited to the following:
 - i. 8.00 am to 6.00 pm, Monday to Friday
 - ii. 9.00 am to 5.00 pm, Saturday.
- b. When determining an application, the number of hours and/or days of operation may be increased, or further restricted through conditions of development approval where it is deemed necessary to protect the amenity of the surrounding area.

5.2.3 Signage:

- a. One advertising sign, not exceeding 0.2 square metres in area, is permitted on the front facade of the dwelling for a Home Occupation or Home Business in accordance with the City's *Signs Local Planning Policy*.

5.3 Additional Criteria Applying to a Home Business with two external employees:

5.3.1 Location

Where this type of Home Business is proposed in a '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 Local Planning 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.

5.3.2 Management Plan

A Management Plan is required to be submitted as part of any application for this type of Home Business. As a minimum, the Management Plan is 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.
- 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.
- 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.
- k. Details of all appliances or machinery to be used in the Home Business.

5.4 Public Consultation:

Refer to the City's *Planning Consultation Local Planning Policy*.

5.5 Approval Period:

Where an applicant is not able to demonstrate to the satisfaction of the City that a home-based business will be able to operate without detriment to adjoining or nearby landowners, the City may elect to grant a time limited approval. Following the initial approval period, should it be demonstrated that the home business can operate without detrimentally impacting on adjoining or nearby landowners, a permanent approval may be granted.

Creation Date:	September 1999
Amendments:	CJ213-06/99, CJ297-09/99, CJ020-02/02, CJ238-11/05, CJ184-10/18, CJ033-03/20
Related Documentation:	<ul style="list-style-type: none">• <i>City of Joondalup Local Planning Scheme No. 3</i>• <i>Home-Based Business Fact Sheet</i>• <i>Residential Design Codes</i>• <i>Planning Consultation Local Planning Policy</i>