

HOME OCCUPATIONS AND HOME BUSINESS

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1. OBJECTIVES

The objectives of this Policy are to:

- 1) **Provide** guidelines in respect of applications for home occupations and home business approvals.
- 2) **Provide** for and encourage small businesses, services or professions that are able to operate within residential areas;
- 3) **Protect** the amenity and character of residential neighbourhoods; and
- 4) **Maintain** an appropriate level of safety in residential streets.

2. PRINCIPLES

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. DEFINITIONS

For the purpose of this Policy, the following definitions apply:

A **home occupation** is defined as “a business or activity carried out within a dwelling, house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

- entails the conduct of a business, office and/or workshop and does not entail the retail sale or display of goods of any nature;
- does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- does not entail employment of any person not a member of the occupier's household;
- does not occupy an area greater than 20m²;
- does not display a sign exceeding 0.2m²;
- in the opinion of the City is compatible with the principle uses, to which the land in the zone in which it is located may be put;
- 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 traffic in the vicinity; and
- does not entail the presence, parking and garaging of a vehicle of more than two tonnes tare weight.”

A **home business** is defined as a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

- does not employ more than 2 people not members of the occupier's household;
- will not cause injury to or adversely affect the amenity of the neighbourhood;
- does not occupy an area greater than 50 square metres;
- does not involve the retail sale, display or hire of goods of any nature;
- in relation to vehicles and parking, 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; and
- does not involve the use of an essential service of greater capacity than normally required in the zone.

A **home office** is defined as “a business, service or profession in which one room of a dwelling is used for office purposes only and does not entail clients and customers travelling to and from the dwelling, does not involve any advertising signage on the premises, does not require any change to the external appearance of the dwelling and does not require the storage of materials on site.”

4. CONSEQUENCES

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

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. REFERENCES TO RELATED DOCUMENTS

- Application for Planning Approval Form
- Development Services Fees and Charges Information Sheet BS-0005
- *Shire of Roebourne Town Planning Scheme No.8*
- State Planning Policy 3.1 - Residential Design Codes 2013
- *Shire of Roebourne Health Local Laws*
- *Environmental Protection (Noise) Regulations 1997*

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