

Home Business Policy

Council Policy

Responsible Directorate: Planning and Community Development

Objective: To provide criteria for the establishment of home businesses within the City.

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 20m² 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 30m²;
- 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 1.5 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 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 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 0.2m² 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 50m². Council may approve, subject to community consultation, an area of up to 100m², 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 0.2m², 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:

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.

5. Details:

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 one time.
- c. The Home 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 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 Business — Category 1

5.2.1 Car Parking and Customers:

- a. No customers permitted.
- b. No additional car bays 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 car parking 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. No verge parking for the business 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 a home business shall generally 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.

5.3.3 Signage:

- a. One advertising sign, not exceeding 0.2 square metres in area, is permitted on the front facade of the dwelling 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 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. 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.

5.5. Public 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, if any changes are proposed to the operation of the business, or if substantial complaints have been received within the previous 12 months, advertising of the application may be required in accordance with 5.5a.

- c. Planning-related concerns received from consulted owners will be considered as a relevant factor in the assessment of development applications.

5.6. Approval Period:

Where an applicant is not able to demonstrate to the satisfaction of the City that a home 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 nearby landowners, a permanent approval may be granted.

Creation Date: September 1999

Amendments: CJ297-09/99, CJ020-02/02, CJ145-08/15

Related Documentation:

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