



Policy 4.1.2 – Home Occupations

1. Introduction

The Shire's District Planning Scheme No. 1 (the *Scheme*) makes provision for a small business (Home Occupation) to be operated from a person's home. This Policy provides guidance to applicants on the application assessment process and the matters that the Shire's has regard to when determining the application.

2. Policy objective

To facilitate appropriate-scaled home business operations which have a minimal impact on surrounding properties and complement the commercial hierarchy within the Shire.

3. Policy scope

This Policy applies to all land within the Shire.


4. Policy

- 1 Any mobile business operating from a dwelling (or land surrounding the dwelling) by a person residing in the dwelling is considered a home occupation and is therefore subject to the same application and assessment requirements for other home occupations;
- 2 All applications for home occupations will be advertised to adjoining and nearby landowners in accordance with Section 64 of the Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2 Deemed Provisions, prior to consideration of the application;
- 3 Home occupations are restricted by definition, and therefore provide a level and scale of service which is distinctive from businesses established in commercial zones. Legal precedent also notes that competition is not an acceptable ground for withholding development approval. For this reason, competition with existing businesses is not a suitable reason for an application to be refused by Council or Staff;
- 4 A food vehicle relating to a home occupation is required to comply with Clause 9.3.1 (Parking of Commercial Vehicles) of the Scheme.;
- 5 The Shire's Chief Executive Officer has delegated authority to approve a home occupation application, unless:
 - a) a health problem is evident;

- an environmental threat exists;
 - objections are received during the advertising; and
 - it does not comply with the Scheme.
- 6 If any of the matters in Policy provision 5(a) to 5(c) are applicable, the application will be referred to Council for determination;
 - 7 If the application is non-compliant with the Scheme as identified in Policy provision 5(d), the Shire's Chief Executive Officer has delegated authority to refuse the application;
 - 8 As a general principle, home occupations should not operate outside of the hours between 7.00 a.m. and 7.00 p.m. on a weekday or Saturday. Under certain circumstances, Sunday operation may be permitted between the hours of 9.00 a.m. and 6.00 p.m.;
 - 9 Any complaints received relating to an approved home occupation are to be made in writing, and an inspection of that property will be made by the appropriate Council officer within a timely period; and
 - 10 An annual renewal fee is payable for each home occupation that is approved. The fee is as prescribed by Council from time to time and included in the annual Schedule of Fees and Charges.

5. Strategic objective

The policy aligns to the following strategic objective:

	<p>Strong civic leadership representing the whole of the Shire which engages in effective partnerships and reflects the aspirations of an engaged community.</p>
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6. Definitions

The following definitions apply to this Policy:

Food vehicle means a vehicle (including a van, truck or trailer) that is designed and used for the purposes of a business, enterprise or activity that involves the handling of food intended for sale, or the sale of food

Home occupation means a business or activity operating from a dwelling (or land surrounding the dwelling) by a person residing in the dwelling and such home occupation:

- will not cause injury to or adversely affect the amenity of the neighbourhood;
- does not employ any person not a member of the occupier's household;
- does not occupy an area greater than 20m²;
- does not require the provision of any essential service main or a greater capacity than normally required in the zone;
- does not display a sign exceeding 0.2m²;
- is compatible with the principal uses to which land in that zone;
- does not entail the presence, use or calling of a vehicle more than two tonnes tare weight;
- does not entail the presence of more than one commercial vehicles and does not include provision for the fuelling, repair or maintenance of motor vehicles;
- does not entail the offering for sale or display or motor vehicles, machinery or goods other than those manufactured on the premises; and

- does not entail a source of power other than an electric motor of not more than 0.373 kilowatts.

7. Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions (Part 2)*
- Shire of Harvey's District Planning Scheme No. 1.

8. Related documents

- Former Council Policies Numbers 15.4 and 4.1.3.

Responsible officer	Director Sustainability		
Responsible team	Planning		
Responsible area	Planning Services		
Version control	Date	Resolution	Number
Version 1	24.03.1997	Resolution	
Version 2	10.08.1999	Resolution	
Version 3	11.06.2001	Resolution	15873/1
Version 4	11.12.2007	Resolution	21902
Version 5	19.09.2017	Resolution	17/259