



## Local Planning Policy 4.1.2 – Home Occupations

### 1. Introduction

The Shire’s District Planning Scheme No. 1 (the *Scheme*) makes provision for low impact small businesses (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 has regard to when determining the application.

### 2. Policy objective

To facilitate appropriate-scaled 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

Notwithstanding the above, any development that complies with the definition of “home occupation”, and complies with deemed provision Clause 61 Development for which development approval is not required is exempt from applying for development approval under this policy.


### 4. Policy

1. Any mobile business operating from a dwelling (or land surrounding the dwelling) that involves the storage of goods, or parking of a commercial vehicle by a person residing in the dwelling is considered a “home occupation” and is therefore subject to the same application and assessment requirements for “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, unless deemed to be not required by the Manager Planning Services.
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
  - b) an environmental threat exists
  - c) objections are received during the advertising
  - d) 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.
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><b>Effective civic leadership</b>          Effective civic leadership is visionary and influential. It means listening to the community, balancing competing demands, making fair decisions and acting with integrity.</p>
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## 6. Definitions

The following definitions apply to this Policy:

**Commercial vehicle** – means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —

- (a) a utility, van, truck, tractor, bus or earthmoving equipment

- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).

**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 dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation 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
- (c) does not occupy an area greater than 20m<sup>2</sup>
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>
- (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
- (f) does not —
  - (i) require a greater number of parking spaces than normally required for a single dwelling
  - (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
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles
- (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.

## 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
Version 6	26.04.2022	Final	22/109