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8.12 – ~~RESIDENTIAL USE~~ Home Based Businesses and uses

1. POLICY PURPOSE

Provide for and promote the existence of small businesses that are able to operate within existing residential areas.

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Provide a flexible approach to the assessment of applications for people wanting to undertake a ~~home-based~~ home-based activity and r-

Recognise the advantages of ~~home-based~~ home-based activities to the community.

2. POLICY SCOPE

This Policy applies to Persons wishing to undertake ~~development of a residential use~~ Residential Use Home Based Business development within the Shire of Merredin (the Shire).

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3. LEGISLATIVE REQUIREMENTS

Local Planning Scheme No.6

Building Act 2011 [WA]

Food Act 2008 [WA]

Health Act 1911 [WA]

Planning and Development Act 2005 [WA]

Planning and Development (Local Planning Scheme) Regulations 2015 [WA]

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4. POLICY STATEMENT

There are many advantages and benefits in providing an appropriate mix of non-housing ~~Residential land Land uses~~ Uses that are compatible in areas which are predominantly residential. Benefits include:

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- a) Contributing to a positive work-~~and~~ lifestyle balance by providing more opportunities for residents to spend ~~more~~ time at home;
- b) Providing economic benefits to the community by reducing the initial setup costs for new and small businesses. Once businesses grow beyond the provisions of a home activity, it is expected that they be relocated to a more appropriate land use zone; and
- ~~c)~~ Increased level of passive surveillance and safety within the residential area due to an increased number of residents within their local neighbourhood during general business hours.

c)

14.1 Intent

Many forms of home businesses can be compatible with the residential environment. The aim of ~~this Residential Use~~ Policy is to ensure that no business activity within a residential area:

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- a) creates nuisances,
- b) causes hazard, or
- c) detracts from the amenity of a residential area.

In accordance with the Shire of Merredin Local Planning Scheme No.6 (the Scheme), non-~~residential use~~Residential UseHome Based Business shall be compatible in character, scale and operation with the predominant ~~residential use~~Residential UseHome Based Business.

The Residential UseHome Based Business Policy is intended to ensure consistency in Council decision making in relation to home businesses and is enforceable through the provisions of the Local Planning Scheme noNo-6.

1.24.2 Classification

For the purposes of this Policy, the following classifications for all Residential UseHome Based Business activities will apply:

General

A development notification/application must be completed and submitted for Council's consideration. This is to include a site plan of the dwelling (outbuilding for industry – Cottage); including parking, access, any proposed signage and floor area of the business.

Home Business

~~A Development notification/application must be completed and submitted for Council's consideration including a site plan of the dwelling including parking, access, any proposed signage and floor area of the business.~~

A Home Business relies on clients visiting the site and has these additional characteristics:

~~'Home business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —~~

- ~~a. Does not employ more than 2 people not members 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 50 square metres;~~
- ~~d. Does not involve the retail sale, display or hire of goods of any nature;~~
- ~~e. 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~~
- ~~f. Does not involve the use of an essential service of greater capacity than normally required in the zone;'~~

No more than two clients/customers are to be present at any one time and any external signage displayed is not to exceed 0.5 square meters. Two2 additional parking bays (to the residential requirement) must be provided onsite and is to be shown on the site plan.

Home Store

~~A Development notification/application must be completed and submitted for Council's consideration including a site plan of the dwelling including parking access, any proposed signage and floor area of the business. A home store is not to employ more than two people who are not members of the occupier's household.~~

~~No more than two clients/customers are to be present at any one time and any external sign displayed is not to exceed 0.5 square meters. 'Home store means any shop with a net lettable area not exceeding~~

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100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;'

~~Shop: 'means a premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet'~~

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~~Two parking bays must be provided on site and shown on the site plan. An advertising and public comment period will apply. No more than two clients/customers are to be present at any one time and any external sign displayed is not to exceed 0.5 square meters.~~

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Home Occupation

A home occupation is not to employ individuals outside of the occupier's household.

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No additional parking is to be provided, due to business only being approved for online sale, display and hire.

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Industry – Cottage

~~Industry – Cottage is not to employ individuals outside of the occupier's household.~~

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~~Industry Cottage will not be approved if the use occurs within the dwelling. The use is required to occur within an outbuilding on the property.~~

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~~No more than two clients/customers are to be present at any one time and any external signage displayed is not to exceed 0.5 square meters. Two parking bays must be provided on site and shown on the site plan.~~

4.3 Design Guidelines

The following table provides the guidelines for the development of both a Home Business and a Home Office. All design characteristics must be met for development approval to be received.

Design Characteristics	Home Business	Home Office
Employees	Maximum of two (2) employees who are not occupiers of the household.	No employees that do not occupy the household are permitted.
Area Occupied	Does not occupy greater than 50m2 of the dwelling area.	Does not occupy greater than 30m2 of the dwelling are.
Retail Sale/ Display of Goods	Does not involve the retail sale, display of goods or hire of goods of any nature. Can involve storage of goods that are sold by delivery only.	Does not involve the retail sale, display of goods or hire of goods for any nature. Does not involve storage of goods for sale off-site.
Signage	Maximum of 0.2m2 (10cm x 20m)	No signage permitted
Hours of Operation	To be determined by the Development Approval. Should generally align with noise regulations (7am - 7pm Monday – Saturday).	Does not operate after 10pm or before 7am on weekdays or operate on weekends or public holidays.
Traffic/ Parking	Does not involve excessive traffic generation or excessively large	Does not generate any additional traffic or parking bays to a typical residence (2 bays)

	<u>vehicles, all client and staff parking bays to be provided onsite.</u>	
<u>Neighbourhood Amenity</u>	<u>Does not cause injury to or adversely affect neighbourhood amenity in terms of the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products.</u>	<u>Does not affect neighbourhood amenity at all.</u>

1.34.4 Residential Use Home Based Business Assessment

Assessment Criteria

The following control criteria shall be considered in assessing each application for approval to conduct

a Residential Use Home Based Business:

a) Dwellings - The following limitations are imposed on any Residential Use Home Based Business must be ancillary to the primary, residential, use of the dwelling and will only be approved for a single house or grouped dwelling development with adequate separation and privacy between adjacent dwellings.

b) Storage - All equipment and/or materials used in relation to the Residential Use Home Based Business must be stored or appropriately screened from the public realm.

c) Limitation - The Residential Use Home Based Business shall not cause injury to or prejudicially affect the amenity of the neighbourhood or neighbourhood or cause the unsightly appearance of the house, or domestic outbuildings or the land on which the business is conducted.

d) Neighbourhood Amenity - With reference to the amenity of the neighbourhood, a The Residential Use Home Based Business will be assessed in regards to the following:

- Whether the transporting of materials or goods to or from the dwelling will be limited to operation hours and the frequency of the transport;
- The suggested hours of operation, which should generally be limited to the normal business hours of 8am to 5pm Monday- Friday and 8:30am to 1pm on weekends; and
- The emissions of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water/wastewater or waste products, electrical interference or light.

e) Traffic - The business should not attract more than the normal residential volume of traffic into the street and generally should not involve the calling of clients to the house (home store exception). A Residential Use Home Based Business, excluding a home store, should not give rise to any level of pedestrian or vehicular traffic, substantially beyond that which is normal to the locality in which the business is located.

f) Parking - All vehicles associated with the business should be parked on the lot and the number of vehicles should not exceed the number of parking facilities normally required for a single dwelling (unless otherwise specified). No more than one (1) commercial or industrial vehicle shall be permitted to be parked on a lot in conjunction with a Residential Use Home Based Business.

g) Noise - Noise from vehicles or equipment associated with the business should not be

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disruptive to neighbours and ~~should not occur during unreasonable hours (between is restricted to the hours of 7am to and 7pm on weekdays and 8:30 to 1pm on weekends).~~

~~e)h) Safety~~—The safety of pedestrians/residents should not be threatened, ~~particularly by an increase in turning and manoeuvring vehicles or an obstruction of roadway vision by equipment or an increase in vehicle activity.~~

~~f) Interference~~—There should be no adverse interference with adjacent residents caused by any of the factors mentioned in the limitations criteria.

~~g)i) Appearance~~ - The appearance of the premises should not be significantly different from a standard residential premises and all things such as commercial vehicles, plant and equipment, materials, etc., should be adequately screened from view.

~~h)j) Services~~ – The business must not require greater than standard residential services and the operation of the business should not in any way affect the services to adjacent lots.

~~h)k) Energy Usage~~ - Does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp)

~~h)l) Scale of Operation~~ – The scale of operation of the business should at all times be maintained at a level compatible with the permitted classification and assessment criterion.

While not requiring Development Approval Home Office/Mobile Business may be subject to provisions of the *Health Act 1911*, *Food Act 2008*, *Building Act 2011* and all subsidiary regulations.

1.44.5 Applications

Non-conforming Residential Use Home Based Business

A person seeking approval for a Residential Use Home Based Business, which does not fall into the ~~Home Business /Store category~~ uses listed in this Policy, shall apply for planning approval in accordance with the provisions of ~~t h e Local Planning Scheme No.6~~ and is required to fill out the same Development notification/application form.

Advertising

~~The Local Planning Scheme No.6~~ will determine whether ~~or not~~ public notification of the proposed Residential Use Home Based Business is required. ~~If required, advertising will be in accordance with clause 64 of Schedule 2, Part 8 of Planning and Development (Local Planning Schemes) Regulations 2015, to be placed in the local newspaper for public comment.~~ Officers may require, where ~~they~~ it consider ~~its~~ appropriate, ~~the~~ written agreement of the owner of the premises if leased or rented as well as letters of support from neighbouring residents.

Renewals

Any Development Approval ~~for Residential Use Home Based Businesses, excluding housing and dwellings,~~ shall ~~be required to be renewed annually~~ require annual renewal. Renewal notices are issued by the Council before the end of each calendar year, ~~however,~~ it is the permit holder's responsibility to ensure the Development Approval is renewed, if they wish to carry on the business.

Conditions of Approval

An approval to conduct a Residential Use Home Based Business is subject to the following:

- a) A Development Approval is issued to a specific occupier of a particular parcel of land/building.

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- b) ~~The~~A Development Approval shall not be transferred or assigned to any other person.
- c) ~~The~~A Development Approval shall not be transferred from the land/building in respect of which it was granted.
- d) Council may, consistent with the Local Planning Scheme, impose any conditions of approval which the Council~~it~~ considers necessary to ensure that the Residential Use~~Home Based Business~~ is compatible with the locality in which it is located.

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~~e)~~

~~d)e)~~Council may, at its discretion, refuse to renew~~the~~ or rescind the Development Approval at any time; where the Development Approval holder has contravened the conditions imposed upon it, any ~~other~~ provisions of this Policy ~~and/or~~ any other provisions of the Local Planning Scheme.

~~e)a)~~Council may, consistent with the Local Planning Scheme, impose any conditions of approval which it considers necessary to ensure that the Residential Use is compatible with the locality in which it is located.

1.54.6 Schedule of Fees

~~Mobile Business/Home Office No Fee Required – Registration Only~~

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~~Home Business/Home Store application~~For application and annual renewal - current statutory fees & charges apply. ~~Home Business /Home Store annual renewal current statutory fees & charges apply.~~

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1.64.7 Council Assessment Procedure

The following procedure, ~~for considering an application for a Residential Use~~Home Based Business, should be followed by Council Officers/Council in assessing individual applications:

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~~In considering an application for a Residential Use, Officers shall:~~

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- Determine whether the nature of the operation ~~meets/satisfies~~ the requirements of the Residential Use~~Home Based Business~~ definitions. If not, the activity cannot be considered as a ~~Home Business/Store~~one of the listed uses;
- Determine whether the applicant has submitted all ~~of the~~ required documentation to support the requested Residential Use~~Home Based Business~~ classification;
- If not satisfactory in terms of ~~clause~~ (b), ~~require~~ the applicant ~~will be required~~ to supply ~~such~~ further information, ~~as may be necessary~~ to satisfy the ~~Officer~~se Policy;
- If satisfactory, a decision may be made based on the provisions set out in the Scheme ~~Text and the application requirements~~;

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~~a-e)~~ Having determined the suitability~~or otherwise~~ of the application. Officers should (if applicable):

~~e)a.~~ Notify and seek comment from occupiers of premises within a ~~50 metre~~50-metre distance of the premises from which the Residential Use~~Home Based Business~~ is to be conducted;

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~~b.~~ Place an advertisement on the Shire website, with a hyperlink to the webpage on which the document is published. If reasonably practical to do so, a physical copy in to be publicly accessible from a Shire building (the shire administration or library) and if appropriate, in the local newspaper; and

~~f)~~ in a registered newspaper generally circulating in the district advising the nature of the business proposed and that objections are to be submitted to the Shire of Merredin in

writing.

- g) Where planning consent for a ~~Residential Use~~ Home Based Business is granted in accordance with the provision of the Scheme and other criteria, the Council shall limit the period of validity of such consent to one calendar year.

f) →

5. KEY POLICY DEFINITIONS

N/A

Home Business, Home Occupation, Home Store, Industry – Cottage and Shop are as defined in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1 Part 6, Division 2, Clause 38.

6. ROLES AND RESPONSIBILITIES

The Executive Manager of ~~Development Infrastructure~~ Services is responsible for the implementation of this policy.

7. MONITOR AND REVIEW

This Policy will be reviewed by the Governance Officer Council every ~~2~~two years.

The review will be undertaken by Executives and presented to Council biennially.

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Document Control Box

Document Responsibilities:

Owner: CEO Decision Maker: Council

Reviewer: Governance Officer

Compliance Requirements

Legislation
Building Act 2011 [WA]
Food Act 2008 [WA]
Health Act 1911 [WA]
Planning and Development Act 2005 [WA]~~Food Act 2008~~
Planning and Development (Local Planning Schemes) Regulations 2015 [WA]~~Building Act 2011~~

Document Management

Risk Rating Medium Review Frequency Biennial Next Due MonthSeptember 2028

Version #	Action	Date	Records Reference
1.	Adopted	5 September 2000	CMRef 27632– Home Occupation Policy rescinded at review below.
2.	Reviewed	17 February 2015	CMRef 81522
3.	Reviewed	28 February 2023	CMRef 83099
	Reviewed	XX September Month-2026	CMRef XXXXX