

Shire of Bruce Rock
Local Planning Scheme No. 3
POLICY NUMBER - 3
POLICY SUBJECT - Home Occupation Policy

INITIAL ADOPTION -17 July 2014

FINAL ADOPTION 16/10/2014

Policy Statement:

A person shall not carry on a home occupation without the approval of the Council and unless he/she complies with the provisions of this policy and with any conditions imposed by Council.

Objectives:

To maintain a level of consistency in dealing with home occupations in their various categories.

Intent :

Many forms of home businesses can be compatible with the residential environment and thus the aim of the Home Occupation Policy is to ensure that no business activity within a residential area:

1. creates nuisances,
2. causes hazard, or
3. detracts from the amenity of a residential area.

The Home Occupation Policy is intended to ensure consistency in Council decision making in relation to Home Occupations and is enforceable through the provisions of the Town Planning Scheme.

Classification

For the purposes of this Policy, the following classifications will apply:

Mobile Businesses - A Mobile Business is a business from which all work is conducted at the client's home, a minor amount of material is required to be stored on site and only minor home office use is involved (eg. mobile tradesperson eg. electrician, mobile personal body care eg. hairdresser.)

Home Office - A Home Office is where one room in the home is designated for office purposes, office work is the sole activity of the business and client visitation is minimal (eg. professional office, secretarial service etc.)

General Home Occupation - According to the Town Planning Scheme a Home Occupation means:

“a business or activity carried on with the written permission of the Council within a house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person residing in the house...”

A general Home Occupation is one which complies with the definition above and does not fit into the definitions outlined in Mobile Business and Home Office categories.

Limitations

The following limitations are imposed on any Home Occupation:

1. Shall not cause injury to or prejudicially affect the amenity of the neighbourhood or cause the unsightly appearance of the house or domestic outbuildings or the land on which the business is conducted;
2. Shall 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.
3. Shall not involve retail sales, hire or display of any product, personal bodycare or the servicing or repair of machinery for profit;
4. Must not occupy an area greater than 20 square metres;
5. The maximum number of employees is one (1) aside from members of the occupiers family residing in the home;
6. No more than one (1) commercial or industrial vehicle shall be permitted to be parked on a lot in conjunction with a Home Occupation.
7. No articulated truck or bus, or vehicle which, when loaded has an overall height in excess of three (3) metres, or weight of more than 2 tonnes shall be permitted to be used in conjunction with a Home Occupation.
8. Advertising is limited to one (1) sign not exceeding 0.2 square metres in area (ie. 40cm by 50cm).
9. Must not require the provision of any essential service to a capacity greater than normally expected in a residential area;
10. Does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp).

Applications

Mobile Business and Home Office

Approval for a Mobile Business/Home Office is deemed to comply with the provisions of this Policy and does not require submission of a Home Occupation application. However, persons wishing to carry on a Mobile Business/Home Office are required to register details of the business activity, name and residential address with the Council. (Refer Schedule 2 – “Registration of a Home Occupation Activity”). While not requiring a Home Occupation permit, Mobile Business/Home Office may be subject to provisions of the Health Act and Regulations & Building Act and Regulations.

General Home Occupation

A person seeking approval for a General Home Occupation, which does not fall into the Mobile Business or Home Office category, shall apply for Planning approval in accordance with the provisions of the Town Planning Scheme and is required to provide the following:

Schedule 1 “Application for Permit or Renewal of Permit to Carry on a Home Occupation” (refer to attached form) (Application Fee \$125.00).

Council will place a Public Notice of the proposed Home Occupation in the local newspaper and advise adjoining owner/occupiers. The Council may also require, where it considers desirable the written agreement of the owner of the premises to the proposed Home Occupation.

Renewals

Any Home Occupation Permit shall be required to renew its approval annually.

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 Home Occupation Permit is renewed if they wish to carry on the business.

Assessment Criteria

The following control criteria shall be considered in assessing each application for approval to conduct a Home Occupation:

- 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;
- Parking – All vehicles associated with the business should be parked on the lot and generally should be located behind the building line in a garage or otherwise screened from view;
- Noise – Noise from vehicles or equipment associated with the business should not be disruptive to neighbours and should not occur at any unreasonable hours;
- Safety – Normal safety should not be threatened, particularly by traffic turning and maneuvering of vehicles or obstruction of vision;
- Interference – There should be no adverse interference with adjacent residents caused by any of the factors mentioned in the Town Planning Scheme;
- Standard of Living – The presence of the business should not lower the standard of living on the Lot or any of the adjacent Lots.
- Appearance -The appearance of the premises should not be significantly different from a standard residential premises and all things such as vehicles, plant and equipment, materials, etc should be adequately screened from view.
- Services – The business should not require greater than standard residential services and the operation of the business should not in anyway affect the services to adjacent Lots;
- Scale of Operation – The scale of operation of the business should at all times be maintained at a level compatible with the above criteria.

Conditions of Approval

An approval to conduct a Home Occupation is subject to the following:

- A Home Occupation is issued to a specific occupier of a particular parcel of land/building;
- A Home Occupation shall not be transferred or assigned to any other person;
- A Home Occupation shall not be transferred from the land/building in respect of which it was granted;

- Council may in its discretion refuse to renew the permit or rescind the permit at anytime where the Home Occupation Permit holder has contravened the conditions imposed upon it, any other provisions of this Policy or any other provisions of the Town Planning Scheme;
- Council may, consistent with the Town Planning Scheme, impose any conditions of approval which it considers necessary to ensure that the Home Occupation is compatible with the locality in which it is located.

Schedule of Fees

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

Home Occupation General - \$250.00

Application (includes Advertising Cost) - \$125.00

COUNCIL ASSESSMENT PROCEDURES

The following procedure should be followed by Council Officers/Council in assessing individual applications:

In considering an application for a Home Occupation, Council shall:

- Determine whether the nature of the operation meets the requirements of the Home Occupation definitions. If not the activity cannot be considered as a Home Occupation;
- Determine whether the application is fully documented in line with Council Guidelines (i) and (ii);
- If not satisfactory in terms of (b), require the applicant to supply such further information as may be necessary to satisfy the Policy;
- If satisfactory, a decision may be made based on the provisions set out in the Scheme Text and the Application Requirements.

Having determined the suitability or otherwise of the application Council should:

- Notify and seek comment from occupiers of premises within a 50 metre distance of the premises from which the Home Occupation is to be conducted;
- Place an advertisement in a registered newspaper generally circulating in the district advising the nature of the business proposed and that objections are to be in writing.
- Where Planning Consent for a Home Occupation 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.

**SCHEDULE ONE
SHIRE OF BRUCE ROCK
APPLICATION FOR PERMIT OR RENEWAL OF PERMIT
TO CARRY ON A HOME OCCUPATION**

APPLICANT

Full Name:

Address:

OWNER (If different from Applicant)

Full Name:

Address:

ADDRESS OF HOME OCCUPATION/BUSINESS (If different from Applicant/Owner)

Lot No:() Street No:()

DESCRIBE THE FOLLOWING IN DETAIL

Home Occupation/Business:

Location: (State room and floor area to be used on a site plan)

Persons to be Employed: (State Number of Persons and Relationship to Occupier):

Equipment to be Used:

Storage Areas:

Vehicles: (Location and number of parking bays)

Frequency of Delivery and Collection of Goods:

Hours of Operation:

ADDITIONAL INFORMATION:

IF INSUFFICIENT SPACE, ATTACH ADDITIONAL SHEET.

THE OCCUPIER NAME ABOVE HEREBY APPLIES FOR A PERMIT/RENEWAL OF A PERMIT IN ESPECT OF THE HOME OCCUPATION DESCRIBED ABOVE AND STATES THAT THE ABOVE PARTICULARS ARE TRUE:

SIGNATURE: (Occupier) DATE:

(Owner) DATE:

For Office Use Only

Fees:

New Application:

Renewal:

File:

**SCHEDULE TWO
SHIRE OF BRUCE ROCK
REGISTRATION TO CARRY ON A HOME OCCUPATION ACTIVITY**

APPLICANT

Full Name:

Address:

OWNER (If different from Applicant/Owner)

Full Name:

Address:

ADDRESS OF HOME OCCUPATION ACTIVITY

TYPE OF HOME OCCUPATION PERMIT

LOCATION (State room and floor area to be used on a site plan)

SIGNATURE (Occupier) Date:

(Owner) Date: