

Home Office, Occupation & Business and Rural Home Business

The City's *Town Planning Scheme No.4* (TPS No.4) includes use classes of Home Office, Home Occupation, Home Business and Rural Home Business (Home Uses) that allow for low impact work/business activity to be carried out from a person's home. This information sheet is to assist persons decide the Home Use appropriate to their home based work/business proposal and to advise what the City may require for a Home Use to operate.

What are these 'Home Uses' used for?

Home Uses can be utilised to undertake an occupation or business at a person's home - principle place of residence. Both home owners and occupants (tenants) may utilise Home Uses however a tenant will need the consent of the home owner through a signature on the application form if the City's approval to the Home Use is required.

Home Office

A Home Office is defined under TPS No.4 as:

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a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- (a) *entail clients or customers travelling to and from the dwelling;*
- (b) *involve any advertising signs on the premises; or*
- (c) *require any external change to the appearance of the dwelling.*

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A Home Office is exempt from the requirement for local government approval provided it is operated within the scope of its definition (above).

Home Office uses may include administrative type activities associated with a business undertaken off-site i.e. a self-employed tradesperson doing his business accounts or taking and making work calls at home or, a professional such as a designer or accountant working from home and going out to meet clients and/or transact with other businesses.

The Home Office use must be undertaken within the dwelling itself; it is not possible to undertake this use in an outbuilding i.e. shed. If the proposed work activity is to be undertaken in an outbuilding or on land around the dwelling then application to the City should be made for one of the other Home Uses as detailed below.

Home Occupation

A Home Occupation is defined under TPS No.4 as:

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An occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- (a) does not employ any person 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 20 square metres;*
- (d) does not display a sign exceeding 0.2 square metres;*
- (e) does not involve the retail sale, display or hire of goods of any nature;*
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;*

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Home Occupations are exempt from the requirement to obtain Development approval provided it is operated within the scope of its definition (above); except if the property is located within a Special Control Area or in a designated Bushfire Prone Area and the Bushfire Attack Level (BAL) is BAL-40 or BAL-Flame Zone per clause 78D(3) of the P & D Regs. Where the property is identified as BAL-40 or above, an application should include a BAL and Bushfire Management Plan at lodgement. Discretionary decision making can apply where there is no intensification of the land-use for home occupations. Home Occupations are not permitted in the General Industry zone.

Home Business

A Home Business is defined under TPS No.4 as:

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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;*

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Approval is required to undertake a Home Business in the City except in the Industry Business and Mixed Business/Residential Zones of TPS No.4 where the use is permitted and can be undertaken without approval provided that it is operated within the scope of its definition (above). The use is not permitted in the General Industry zone.

Rural Home Business

A Rural Home Business is defined under TPS No.4 as:

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A dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation:

- (a) does not involve employing more than 2 people who are 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 200m²;*
- (d) 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;*
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;*
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight.*

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A Rural Home Business may only be operated in the Special Rural, Rural Living and General Rural Zones of the City's TPS No.4 and the use requires the approval of the City. The Rural Home Business use is similar to the Home Business use but allows for a greater area of a rural property to be used for a business purpose (up to 200m²) and the calling of up to three commercial type vehicles (instead of one) of not more than 30 tonnes each.

Application

Where City approval is required to operate a Home Occupation, Home Business or Rural Home Business an application is to include the following:

- a completed application form (Application for Development Approval) signed by all landowners;

- a completed Development Application Checklist;
- a non-refundable application fee as per the City's Schedule of Planning Fees and Charges; and,
- a completed Home Use Details Form.

NB: The City may require additional information i.e. specialist studies to address development issues.

These documents are available for download from the City's web site; the link is at the end of this document.

Where a Home Use requiring approval is already being undertaken in the absence of a development approval, an application for a retrospective approval may be made to the City which will attract an additional fee (as a penalty).

Assessment Process

Applications are assessed against the planning requirements of the City's TPS No.4, Local Planning Policies (specifically PLN 3.3 – Home Occupations, Home Businesses and Rural Home Businesses) and Clause 61(3) and 64 of *Planning and Development (Local Planning Schemes) Regulations 2015*. Most applications also require 14 days advertising to surrounding landowners to allow them to make submissions.

City officers have delegated authority to determine applications however the decision of Council may be required if submissions of objection are received. Approvals may include conditions to address impacts to the surrounding area or, applications may be refused where potential impacts i.e. scale, visual, traffic, noise, dust, fumes etc are considered excessive and detrimental to amenity of the surrounding area, or for other appropriate reasons.

NB: The City has a statutory timeframe of 60 days in which to make a decision on applications or 90 days if advertised.

Health Requirements

Home Use applications involving hairdressing, beauty therapy and food preparation require additional approval from the City's Health Services. A separate application and fee will need to be submitted to the City's Health Services Department for consideration. The City's Health Department should be consulted in this regard on 9394 5000.

Compliance

Operating a Home Use in the absence of an approval from the City (if required) or failure to comply with any condition of approval or approved plans constitutes an offence under the *Planning and Development Act 2005*. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for a continuation of an offence.

Renewals

Home Use approvals are valid for 12 months from the date of issue and must be renewed annually. Applications for renewal need to be lodged with the City prior to the current approval expiring and application fees are payable. The City may approve, approve with conditions or refuse a renewal application.

Further Information

For further information, refer to the Planning section of the City's website where the following information is available:

- *Town Planning Scheme No. 4*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Local Planning Policies
- PLN 3.3 Home Occupations, Home Businesses & Rural Home Businesses
- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*
- Information Sheets
- Schedule of Fees and Charges
- Application for Development Approval
- Development Application Checklist
- Home Use Details Form

<https://www.armadale.wa.gov.au/information-sheets-forms-and-fees-building-planning>

or

Contact the City's Planning Services for further information via email to

info@armadale.wa.gov.au or phone on 9394 5000.

Please note the information contained within this brochure is intended as a guide only. It is recommended that advice and assistance of City's Planning Services staff be sought prior to lodgement of a development application. The City of Armadale disclaims any liability for any damages sustained by a person acting on the basis of this information.

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