

# HOME BASED BUSINESS POLICY



Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	Planning Manager
Affected Business Unit/s	Planning Services

## PURPOSE:

This policy aims to provide guidance with respect to the provisions of the Scheme relating to Home-Based Businesses and to provide advice to those persons wishing to establish a Home-Based Business.

## POLICY STATEMENT:

This policy is made pursuant to Clause 4.11 of Town Planning Scheme No 23 and Clause 8.5.7 of Town Planning Scheme No 24. It provides further guidance with respect to those clauses to afford consistency in decision making and to provide clearer advice to those persons wishing to establish a Home-Based Business.

In addition, the policy outlines an annual licensing procedure. Home Based Businesses (with the exception of Home Offices) will be required to be licensed and must maintain that license through the payment of an annual fee to remain valid.

1. There are four categories of Home-Based Businesses. The requirements for each are listed below:

### a. Home Office

Planning approval is not required for a Home Office provided that a registration form (as contained in the relevant Scheme) is submitted to the satisfaction of the City of Bayswater.

### b. Home Occupation

Planning approval is required (see below).

### c. Home Business

Planning approval is required (see below).

### d. Cottage Industry

Planning approval is required (see below).

Please refer to the relevant Town Planning Scheme for definitions of the above Home-Based Businesses.

2. All new applications for a planning approval for a Home-Based Business must include:
  - a. A completed and signed MRS Form 1;
  - b. A completed "Home-Based Business – Applicant Checklist" form;
  - c. Letters of support or non-objection from relevant adjoining landowners (to be determined on a case by case basis at the discretion of the City's Officers), except in the case of Home Offices; and

- d. Payment of the necessary fees.

### Specific Requirements

3. Planning approval will only be granted to Home-Based Businesses if there is, in Council's opinion, no adverse impact on the existing or future commercial uses situated within business or industrial zones which would service the locality.
4. Visits by customers or clients to Home-Based Businesses have the potential to impact on residential amenity. Customers or clients driving to Home-Based Businesses have a greater potential impact than walk-in customers. The following outlines the maximum number of customer or client visits each type of Home-Based Business are permitted:
  - a. Home Offices – no customers or clients to visit the premises;
  - b. Home Occupations - a maximum of 5 customer or client vehicles per day.
  - c. Home Businesses – no customer or client visitation limit. Council will consider each application on its merits and make a decision based on the application's compliance with clause 4.11 of TPS23 or clause 8.5.7 of TPS24.
  - d. Cottage Industry - a maximum of 5 customer or client vehicles per day.
5. A Home-Based Business involving deliveries by large scale commercial vehicles is generally not considered to be compatible with residential amenity and is not permitted in residential areas.
6. A Home-Based Business which involves the storage, sale or repair of firearms is not permitted within the City of Bayswater.
7. Following the Council's planning consent to operate a Home-Based Business, a Home-Based Business licence will be issued. This licence must be renewed annually and will involve the payment of a (pro rata) annual licence fee, in accordance with the City's schedule of fees and charges. It is noted that Home Offices are exempt from this requirement.
8. The Council reserves the right to revoke a Home-Based Business licence, where it is of the opinion that the use is prejudicially affecting the amenity of a neighbourhood or is causing a public nuisance.
9. Failure to maintain a valid Home-Based Business licence shall render the approval of the use invalid and, as such, continuation of the activity will be in breach of the Scheme.

### DEFINITIONS:

*Nil*

### RELATED LEGISLATION:

Clause 2.6 of Town Planning Scheme No 24

Clause 3.1 of Town Planning Scheme No 23

### RELATED DOCUMENTATION:

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	23 April 1996
Reviewed / Modified	Date	22 September 1998
Reviewed / Modified	Date	25 January 2005
Reviewed / Modified	Date	13 October 2009
Reviewed / Modified	Date	1 March 2016