

Home-based Business (Information Sheet)

If you are proposing to establish a business from home you need to confirm the City's requirements before commencing. These are found in the City of South Perth Town Planning Scheme No.6.

This information sheet provides assistance and essential information if you are proposing to operate a home-based business. It distinguishes between three different categories of home-based businesses and explains the City's requirements and restrictions for each category. For businesses which require the City's approval, the procedure for obtaining approval is also explained.

Types of home-based businesses

Town Planning Scheme No. 6 distinguishes between three different categories (or levels) of commercial activity that can occur within a home environment. The descriptions of the three categories are Home Business (the largest and potentially most intrusive category); Home Occupation (intermediate size); and Home Office (smallest and most inconspicuous category).

'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.

'Home Occupation': means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

- a) does not employ more than one 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 30 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 other than infrequently;
- 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 House or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonne tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;
- g) does not involve the use of an essential service of greater capacity than normally required in the zone.

Important note:

In accordance with Item (f) above, a restriction is imposed on the permissible number of visitors' cars and traffic volume generated by a Home Occupation. In order to give effect to this restriction, the following standard condition of planning approval is applied when approval is granted for any Home Occupation involving visitors to the subject property:

"The number of client visits to the premises shall not exceed either three (3) per day or fifteen (15) per week".

'Home Office': means 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;
- c) require any external change to the appearance of the dwelling;
- d) involve the storage, preparation or sale of foodstuffs; or
- e) involve the breeding, keeping or selling of any animal.

Permissibility of uses

The Zoning Table Town Planning Scheme No. 6 shows the permissibility of each of the three categories of home-based businesses. This is determined by the symbols (X, D and P) appearing in the table. To check the permissibility of Home Business, Home Occupation and Home Office in the various zones, refer to the following extracts from Table 1 and Clause 3.3 of Town Planning Scheme No. 6.

Extract from Table 1 Zoning - Land Use

ZONES	Residential	District Centre Commercial	Mends Street Centre Commercial	Neighbourhood Centre Commercial	Highway Commercial	Mixed Use Commercial	Local Commercial	Public Assembly	Private Institution	Technology Park
	RESIDENTIAL USES									
Home Business	X	X	X	X	X	X	X	X	X	X
Home Occupation	D	D	D	D	D	P	D	X	X	X
Home Office	P	P	P	P	P	P	P	P	P	X

Extract of Clause 3.3 - Land Use Control Zones

(3) The symbols used in the cross-reference in Table 1 have the following meanings:

- 'P' indicates a Permitted Use and means, subject to the provisions of sub-clause (4), that the Use is permitted by the Scheme.
- 'D' indicates a Discretionary Use and means that the Use is not permitted unless the Council has exercised its discretion by granting planning approval.
- 'X' indicates a Prohibited Use and means that the use is not permitted by the Scheme.

'Home Business'

A Home Business is an 'X' (prohibited) use in all zones. Any application relating to a Home Business would necessarily be refused.

Applying for approval for a 'Home Occupation'

In zones where Home Occupation is a 'D' or 'P' use, if you wish to conduct a Home Occupation you must apply to the City for planning approval. Applications must be accompanied by:

- a completed Application for Development Approval Form that is signed by all owners of the land;
- an application fee, as prescribed by the City's adopted fee schedule;
- a completed Home Occupation Checklist (see attached);
- two copies of an accurately drawn site plan / floor plan indicating those areas of the property to be used for the Home Occupation;
- a letter describing the proposed activity, indicating your awareness of, and proposed compliance with, the definition of Home Occupation (see above).

Please note that incomplete applications will be returned. Additional information may be requested during processing.

Assessment

Applications for development approval are firstly checked to confirm any referrals that may be necessary. For example neighbour consultation (advertising) may be required where it is proposed that people come to the site in relation to the business, or an outbuilding is proposed to be used in connection with the business (refer to Policy P301 'Community Engagement in Planning Proposals'). If neighbour consultation is necessary, the City will identify which property owners and occupiers need to be notified and will undertake such notification by letter on the applicant's behalf.

A Planning Officer then considers the application to determine whether or not the application demonstrates compliance with the following:

- The City's Town Planning Scheme No. 6 (including the extracts mentioned above).

- Any policy, strategy, plan or Management Practice adopted by the Council.

Determination

Most applications are determined by a Planning Officer under delegated authority from the Council. Home Occupation applications are rarely referred to a Council meeting for determination.

Applications for development approval are either:

- approved with conditions, including a time limit on the validity of the approval, or
- refused for specifically stated reasons.

'Home Office'

A Home Office is a 'P' (Permitted) use in all zones except 'Technology Park'. In zones where Home Office is permitted, an application for planning approval is not required. However, the Home Office is still required to operate within the intents of the Scheme (refer to Town Planning Scheme No. 6 definition above).

If you are intending to establish a Home Office, you may obtain a letter from the City advising that the proposed use satisfies the requirements of Town Planning Scheme No. 6. To obtain such a letter, an application for Written Planning Advice should be submitted to the City. The letter to the City needs to include information regarding:

- the type of goods or service proposed to be provided by the business
- how the business will operate
- hours of operation
- the work location of other persons employed in the business
- how client contact will occur
- proposed signs
- vehicles related to the business

Appeal Rights

If you are aggrieved by a decision on an application for Development Approval, you have a right of appeal where a delegated officer or the Council has exercised a discretionary power.

If a delegated officer made the decision, you may choose to have the City's Council review the officer's decision at a Council meeting. Alternatively, you can appeal to the State Administrative Tribunal (SAT). If the City's Council made the decision, then the only recourse is an appeal to the State Administrative Tribunal.

Please note that appeals can only be lodged by an applicant or his/her representative. There are no third party (e.g. neighbours) appeal rights.

Resubmitting an application for review at a Council Meeting

To resubmit for Council review following a delegated officer's refusal of an application for Development Approval, another Application for Development Approval Form must be completed and lodged with the City, along with a covering letter explaining the reason for resubmission and any supporting information. No fees are charged if the resubmission is lodged within six months of the delegated officer's determination otherwise normal fees apply. If, following the Council review you are still aggrieved, you may within 28 days of the Council's decision, lodge an appeal with the State Administrative Tribunal.

Lodging an appeal with State Administrative Tribunal

Applications for appeal are made directly to the State Administrative Tribunal. Information on how to appeal can be found on their website at www.sat.justice.wa.gov.au.

Relevant publications

All the of the City's forms and fee schedules can be obtained from the City's offices at the Civic Centre or can be viewed and downloaded from the City's website at www.southperth.wa.gov.au/

Should you have any further questions regarding this or any other matter, you are welcome to contact one of the City's officers by telephone or via email enquiries.

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