



INTRODUCTION

The Town acknowledges that working from home is now a widely accepted practice in today's workforce. Not only has it become increasingly common, changes in the traditional organisation of work, coupled with dramatic advances in communications and technology, have made it a more feasible and practical avenue for small business and self-employment.

However, the Town recognises that while some home-based employment is acceptable within a residential environment, there are limits on the compatibility of home occupations with residential uses. Some degree of control is therefore necessary to protect the character and amenity of residential neighbourhoods, and that of residents within grouped or multiple dwelling developments.

OBJECTIVES

- a) To encourage the opportunity for low scale home businesses to conduct business at home;
- b) To ensure that the use of land for any home occupation is small in scale, unobtrusive and compatible with surrounding buildings and uses;
- c) To protect the character of the locality;
- d) To ensure that the home occupation does not have a prejudicial effect on the amenity of the locality by reason of any form of emissions or increased numbers of vehicle movements;
- e) To provide guidelines for the use of residential premises for a home occupation;
- f) To clarify the requirement for development approval to conduct a home occupation, as distinguished from a home office.

DEFINITIONS

Home Occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation -

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) 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; and
- (f) does not-
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Home Office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling.

REQUIREMENT FOR DEVELOPMENT APPROVAL

Development approval is not required for a Home Office, where it complies with the definition of Home Office above.

Development approval is required to be obtained from the Council prior to the carrying out of any home occupation activity that does not fall within the definition of a Home Office.

Refer to Council's *Local Planning Policy 6 – Family Day Care and Child Care Premises* for further information in relation to Family Day Care activities operated from a residential dwelling.

PROPOSALS THAT DO NOT ACCORD WITH SCHEME DEFINITION OF 'HOME OCCUPATION'

A home occupation activity that does not strictly accord with the Town Planning Scheme No. 1 definition of 'Home Occupation' (*refer to Definitions above*) may be considered for approval by Council as an Unlisted Use in accordance with Clause 28 of Town Planning Scheme No. 1.

In such circumstances, the Council must be satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in deemed Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In assessing such proposals, Council Officers will have regard to the provisions of this local planning policy (*refer to Policy Requirements below*) in determining whether the matters listed in deemed Clause 67 have been addressed, and in forming their recommendation to Council on whether or not to approve the proposed activity.

POLICY REQUIREMENTS

1. Activities to be Small-scale and Unobtrusive

- a) Activities shall be small scale and unobtrusive such that they:
 - i. do not involve employing a person who is not a member of the occupier's household;
or
 - ii. do not employ more than one person other than an occupier of the dwelling (*Note: Such proposals will need to be considered as an Unlisted Use*); and
 - iii. do not occupy an area of the dwelling and/or lot of greater than 20 square metres in total; and
 - iv. do 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; and
 - v. do not include provision for the fueling, repair or maintenance of motor vehicles.

2. Amenity of Surrounding Properties

- a) A Home Occupation should not cause injury to or adversely affect the amenity of the neighbourhood or surrounding properties, including by way of light emissions, noise, fumes, odours, dust, vibration, electrical interference, waste water, or any other form of waste products; and
- b) Applicants seeking approval for a Home Occupation shall demonstrate how any waste, emissions, noise or other impacts generated by the activity will be treated or mitigated to prevent harm or nuisance to surrounding properties.
- c) A Home Occupation proposed from/in association with a Grouped Dwelling or Multiple Dwelling will generally not be supported by the Council unless it can be demonstrated that the amenity of the residents of other dwellings within the Grouped or Multiple Dwellings complex/development will not be adversely affected.

Applicants to Note: Development applications for a Home Occupation that involve the proposed use of common property within a Grouped Dwelling or Multiple Dwelling development (including for customer access or parking) require signed consent from the Strata Council/Body Corporate (as applicable) or all owners within the complex in order to be a valid development application.

Additional (separate) approval for the activity may also be required under the Strata By-Laws/Strata Titles Act in addition to any development approval from the Council.

3. Building Appearance

A Home Occupation should not require modifications to the structure of the dwelling which would impact the residential character and appearance of the dwelling.

4. Signage and Advertising

Any signage associated with a Home Occupation activity is restricted to a single sign and shall comply with the requirements for a 'Home Occupation Sign' contained in the Town's adopted Local Planning Policy related to Signs.



5. Traffic and Car parking

- a) A Home Occupation should not generate any vehicular traffic to the site that, in the opinion of Council, is substantially greater than that which is normal to the residential neighbourhood in which it is located;
- b) The Home Occupation does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;
- c) Any vehicle which is used in connection with a Home Occupation must not be kept on the land unless it:
 - i. is not more than 6 metres long, 2 metres wide and 2.3 metres high;
 - ii. is parked within a dedicated car parking bay on the site (preferably behind the dwelling or garaged so it is not visible from the street); and
 - iii. is limited to a single vehicle in addition to the vehicle(s) of the residents of the dwelling;
- d) Any deliveries to the site should occur only during the normal business hours of 8am to 5pm, Monday to Friday;
- e) Any Home Occupation resulting in the attraction of customers/visitors to the site (e.g. hair dressing, personal training etc.) shall:
 - i. demonstrate how customers will park on the site, or otherwise be serviced by available on-street parking adjacent to the site; and
 - ii. confirm that visitations will occur by appointment only, and include an appropriate interval between appointments, to avoid customer overlap and minimise parking and traffic generation to the site;
- f) The use of visitor car parking bays provided as part of a Grouped or Multiple Dwelling complex/development for customer car parking in relation to a proposed Home Occupation activity is not appropriate and will not be supported by the Council; and
- g) Access to any car parking bays for customers to the site should be available and unobstructed during customer visitation/appointment times and not restricted by secured gates or doors.

6. Approval is Specific and Non-transferable

The approval of a Home Occupation is

- a) specific to the property and the applicant/operator to which the approval has been granted; and
- b) is not transferable to an additional or alternative property, applicant or operator.



CONSIDERATION OF APPLICATION FOR DEVELOPMENT APPROVAL

Where an application for development approval is submitted to Council for approval of a home occupation activity, the Council shall have regard to and may apply conditions relating to:

- The restriction of any approval to the particular property and applicant/operator of the activity;
- Hours and days of operation;
- Number of clients/customers to the site;
- Booking of appointments;
- Car parking;
- Deliveries to the site;
- Advertising signs; and
- Any other matters pertaining to the operation and activities of the particular Home Occupation.

Community Consultation

Community consultation in relation to a proposed home occupation activity will be carried out by the Council where required by, and in accordance with, *Local Planning Policy 37 – Community Consultation on Planning Proposals*.

The consultation requirements for an Unlisted Use apply where the proposed home occupation activity does not strictly accord with the Town Planning Scheme No. 1 definition of ‘Home Occupation’.

REVOCAION OF DEVELOPMENT APPROVAL

The approval of a Home Occupation may be revoked in accordance with clause 31 of Town Planning Scheme No. 1 where, in the opinion of the Council, it:

- a) is causing a demonstrably unreasonable nuisance or annoyance to neighbours or occupiers of land in the neighbourhood; and/or
- b) is failing to comply with the conditions of its approval.

VERSION CONTROL

Date Initially Adopted :	Former Policy 3.4 under Town Planning Scheme Policy Manual – adopted 30 September 1998
Date(s) Amended :	1. Adopted as Local Planning Policy 2 at Ordinary Council Meeting 9 February 2016; 2. Amended by Council resolution at Ordinary Council Meeting 18 June 2019.

