**Policy Title:**

<table>
<thead>
<tr>
<th>Local Planning Policy:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Based Businesses &amp; Family Day Care</td>
</tr>
</tbody>
</table>

**Policy No.:**

2.1

**Previous Policy (No.):**

Home Based Businesses (No. 47) & Family Day Care Premises (No. 45)

**Date Adopted:**

18 February 2003 (decision no. 47/03)

**Date Last Reviewed:**

7 June 2011 (decision no. 118/11)

**Legal Parent:**

Planning and Development Act 2005

**Legal Subsidiary:**

City of Bunbury Town Planning Scheme No. 7, Part 2 – Local Planning Policy Framework.

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**PART A**

1 **PRELIMINARY**

1.1 **Citation**

This Local Planning Policy is made under section 2.1 of the City of Bunbury Town Planning Scheme No. 7 (the “Scheme”), and may be cited as Local Planning Policy: Home Based Businesses & Family Day Care (herein referred to as the “Local Planning Policy”).

1.2 **Commencement**

This Local Planning Policy was adopted by the Council of the City of Bunbury (the “City”) on 18 February 2003. The reviewed Local Planning Policy commenced operation on 23 June 2011.

1.3 **Relationship to the Scheme and other Local Planning Policies**

1.3.1 Pursuant to section 2.2 of the Scheme, this Local Planning Policy supplements the provisions of the Local Planning Scheme. Where a provision of this Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

1.3.2 Where a provision of this Local Planning Policy is inconsistent with another adopted Local Planning Policy that relates to a designated area, then the provisions of the Local Planning Policy that relate to design guidelines for a designated area shall prevail.

1.3.3 This Local Planning Policy is to be read in conjunction with the Scheme.
Notes: 1. Land use and development within the Local Planning Policy Area is also subject to the Local Scheme.

2. A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

1.4 Relationship with Local Laws

1.4.1 This Local Planning Policy operates in conjunction with the Local Government’s Local Laws in the regulation of development and the use of land within the Scheme Area.

1.4.2 Where a provision of this Local Planning Policy is inconsistent with a Local Law, the provision of the Local Law shall prevail.

2 PURPOSE

The purpose of this Local Planning Policy is to maintain a consistent and accountable approach to the assessment of proposed home based business developments within the City and to facilitate the operation of home based business activities in association with residential uses in accordance with the policy objectives.

3 OBJECTIVES

In accordance with the Aims of the Scheme, achievement of the following objectives is sought for all home based business activities throughout the Scheme Area -

(a) Development and use of premises should not conflict with or detract from the quality of the streetscape environment within a local area;

(b) Home based business activities should not impact on the residential character and amenity, particularly in terms of noise and odour emissions;

(c) Home based business activities should not adversely impact on traffic movement or compromise the safety of road users and pedestrians;

(d) Home based business activities operate as an incidental use to an existing or approved residential use on the same lot/development site; and

(e) To promote the economic and lifestyle importance of home based businesses in the City of Bunbury and to acknowledge evolving work practices and technology.

4 LOCAL PLANNING POLICY AREA

This Local Planning Policy applies to all land within the local government district of the City of Bunbury, and as such, the Local Planning Policy Area is the Scheme Area.

5 APPLICATION

5.1 For the purposes of the Scheme and this Local Planning Policy, the term “home based business” refers to the following use classes -

(a) Home Office;
Local Planning Policy: Home Based Businesses & Family Day Care

(b) Home Occupation;
(c) Home Business;
(d) Home Store;
(e) Cottage Industry; and
(f) Family Day Care.

5.2 The provisions of this Local Planning Policy apply to all development and/or use of premises in the Scheme Area for the purposes of a home based business in association with a predominant residential use where both uses are indicated as permitted or discretionary land uses under the Zoning Table of the Scheme.

5.3 Subject to the Scheme, development and/or change of use of proposed home based businesses shall be in accordance with the standards and requirements of this Local Planning Policy; and except as otherwise provided, shall require the prior planning approval of the Local Government in accordance with the provisions of the Scheme. Such planning approval is required in addition to the granting of any other relevant approval (e.g. licences, permits and certificates) pursuant to any legislation or Local Law.

5.4 In considering an application for planning approval where a variation is proposed to one or more Acceptable Development requirements prescribed under the Residential Design Codes and/or this Local Planning Policy, the Local Government may require the submission of a Development Impact Statement (with terms of reference determined by the Local Government), which has been undertaken by an appropriately qualified person or body at the applicant’s expense, as part of any application for planning approval.

Note: Section 11 of this Local Planning Policy sets out terms of reference for a Development Impact Statement.

5.5 Applications for Home Office, Home Occupation or Home Business shall be accompanied by the completed Self Assessment form attached in Appendix 1.

6 EXEMPTIONS FROM PLANNING APPROVAL

6.1 Except where provided for within the provisions of the Residential Design Codes and subject to compliance with the relevant development requirements and standards of the Scheme, there are no other exemptions or exclusions permitted under the Scheme.

6.2 Any proposed ‘Home Office’ does not require planning approval; however the ‘Home Office’ shall comply with all requirements of this policy and written confirmation (Written Planning Advice) shall be obtained from the Local Government.

Note: Appendix 1 of this policy provides a self assessment form which helps to determine whether the proposal fits the definition of a Home Office. This form should be submitted together with a short description of the proposed home based business activities and a floor plan highlighting the intended area when requesting written confirmation.
7 MEANING OF TERMS

7.1 Unless the context otherwise requires, words and expressions used in this Local Planning Policy have the same meaning as they have -

(a) in the Planning and Development Act 2005; or
(b) if they are not defined in that Act -
   i. in the Dictionary of Defined Words and Expressions in Schedule 1 of the City of Bunbury Town Planning Scheme No. 7;
   ii. in the Residential Design Codes;
   iii. Building Code of Australia; or
   iv. in a relevant Australian Standard.

7.2 The meaning of other specific words and expressions relevant to this Local Planning Policy are given below:

(a) General definitions -

"Retail" has the same meaning as defined in the Scheme but excludes online/internet transactions for the purpose of this policy.

Note: The term ‘retail’ as used by the Model Scheme Text reflects the traditional concept of retail as a service in person with physical exchange of money and attendance on the premises, which does not apply to modern technology such as shopping online.

(b) Land use definitions -

"Family Day Care” means a child care service provided at a place where –

(a) the person providing the service lives; and
(b) none of the children to whom the service is provided live.

Note: The Family Day Care definition in this policy is based on the Child Care Services Act 2007.

7.3 Notes, and instructions printed in italics, are not part of this Local Planning Policy.
PART B

8 GENERAL STANDARDS FOR LAND USE & DEVELOPMENT

8.1 The development of premises is to be in accordance with the requirements of –
(a) this Local Planning Policy: Home Based Businesses & Family Day Care;
(b) the definitions as detailed in Schedule 1 of the Scheme;
(c) the Residential Design Codes;
(d) the applicable zone provisions under the Scheme; and
(e) relevant Local Planning Policies or Local Laws.

8.2 The approval of the relevant Authority is required to be obtained prior to the operations of a Family Dare Care commencing.

8.3 Any home based business (except ‘Home Office’) must be registered annually with the City of Bunbury (refer City’s Schedule of Fees & Charges).

8.4 ‘Home Businesses’ and ‘Cottage Industry’ will generally be supported within ‘Frame Areas’ as defined in the Local Planning Policy: Non-Residential Development within or adjoining Residential Areas, being those locations adjacent to identified commercial areas.

8.5 If an application is received for a ‘Home Business’ or ‘Cottage Industry’ external to a ‘Frame Area’, the application will be considered on its merits in accordance with the objectives of this policy. A Development Impact Statement (with terms of reference determined by the Local Government) shall be submitted as part of an application for planning approval (external to ‘Frame Areas’).

Note: Section 11 of this Local Planning Policy sets out terms of reference for a Development Impact Statement.

8.6 Car parking shall be in accordance with requirements of –
(a) the Scheme;
(b) relevant Local Planning Policy;
(c) residential parking component – in accordance with the Residential Design Codes;
(d) home based business parking component – is on-site, and the number of vehicle parking bays provided, their design and construction is in accordance with the Scheme, the Residential Design Codes and relevant Local Planning Policy;
(e) commercial vehicle parking – is provided entirely on-site in accordance with section 5.9.15 Commercial Vehicles in Residential Areas of the Scheme; and
(f) all loading and unloading activity is undertaken from within the lot/development site.

8.7 Subject to the provisions of the Scheme, where the Local Government grants planning approval to carry on a home based business the following provisions shall apply:
(a) The approval shall be time limited in accordance with section 10.6 of the Scheme;
(b) The approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
(c) The approval shall not run with the land in respect of which it was granted;

(d) The person to whom approval is given by the Local Government to carry on a home based business shall not before or after the granting of that approval carry on that home based business at any premises other than the land in respect of which the Local Government's approval was granted; and

(e) If a home based business has been carried on with the approval of the Local Government and if in the opinion of the Local Government such home based business is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Local Government may rescind the approval granted by it and after such rescission, no person shall upon the subject land carry on a home based business unless a further approval to do so is granted by the Local Government.

Note: Section “8 General Standards for Land Use & Development” of this Local Planning Policy sets out the prescriptive provisions by which a homes based business must be carried out as part of any land use and development within either or both the Scheme Area and Local Planning Policy Area.
PART C

9 DEVELOPMENT REQUIREMENTS

The development and use of land for the purposes of a home based business is to be in accordance with the general standards for land use and development of the Scheme, and the following development requirements of this Local Planning Policy.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes:</td>
<td></td>
</tr>
<tr>
<td>1. Section 9 of this Local Planning Policy sets out the performance-based provisions by which any land use and development within the Scheme Area is regulated.</td>
<td></td>
</tr>
<tr>
<td>2. Pursuant to Part 4 and Part 5 of the Scheme, development must meet the following Performance Criteria.</td>
<td>3. Pursuant to Part 4 and Part 5 of the Scheme, development that complies with the following Acceptable Development is deemed to have met the relevant Performance Criteria.</td>
</tr>
<tr>
<td>4. The Acceptable Development provisions illustrate one way of meeting the associated Performance Criteria.</td>
<td></td>
</tr>
</tbody>
</table>

9.1 Site Layout & Design

PC1.1 Refer to the relevant Scheme provisions for the zone and the Residential Design Codes.

AD1.1.1 Home Office; Home Occupation; Home Business; Cottage Industry; Family Day Care:

In accordance with the development requirements of the Scheme for the relevant zone and the Residential Design Codes.

AD1.1.2 Home Store:

(a) In accordance with the development requirements of the Scheme for the relevant zone and the Residential Design Codes.

(b) The shop component of a development is located at the front of the dwelling, and has frontage to the primary road, and is directly accessible from the street.

9.2 Site Area (Total)

PC2.1 The development shall comply with the dwellings type and site area requirements of the Scheme and the Residential Design Codes.

AD2.1.1 Home Office; Home Occupation:

In accordance with the Scheme and the Residential Design Codes (Table 1).
AD2.1.2 **Home Business; Cottage Industry; Family Day Care:**

Are located and conducted within a single detached dwelling on lots with a minimum area of 500m².

AD2.1.3 **Home Store:**

(a) The site/lot is of a regular shape with a minimum area of 1,000m².

(b) The site/lot has a minimum frontage of 20 metres.

(c) The combined area of a home store component together with the dwelling component of a development does not exceed the maximum site coverage permitted for that density coding under the Residential Design Codes.

9.3 **Home Based Business Area (including Storage)**

PC3.1 The site layout and the internal layout of buildings must ensure that the business component¹ of a home based business premises –

- provides adequate privacy for adjacent residential properties;
- enables efficient and effective operation of the use;
- provides both a suitable work and home environment;
- does not create nuisance or adversely impact on adjacent and surrounding premises; and
- is capable of being reverted to a solely residential use.

AD3.1.1 **Home Office:**

The business component of a dwelling is limited to a maximum area of 20m², and is wholly contained within the residential building.

AD3.1.2 **Home Occupation:**

The business component of a dwelling occupies a designated area of up to a maximum of 20m² and is contained within a residential building or outbuilding (e.g. garage, carport or shed).

AD3.1.3 **Home Business:**

The business component of a dwelling occupies a designated area of up to a maximum of 50m², and is contained within a residential building or outbuilding (e.g. garage, carport or shed).

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¹ A “business component” of a residential building (dwelling) refers to the work place and storage area devoted to such use as a home based business.
### AD3.1.4 Home Store:

The shop component of a development occupies a designated area no greater than 100m² and is wholly contained within a building.

### AD3.1.5 Cottage Industry:

The business component of a site/lot occupies a designated area of up to a maximum of 50m², and is contained within an outbuilding.

### AD3.1.6 Family Day Care:

No Acceptable Development solution provided.

#### 9.4 Building Design & Materials

<table>
<thead>
<tr>
<th>PC4.1</th>
<th>Home Office; Home Occupation; Home Business; Family Day Care:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The premises must maintain the appearance and character of a residential building, and the internal building design and fittings of the dwelling must ensure that the business component  –</td>
</tr>
<tr>
<td></td>
<td>• provides adequate privacy for the occupants of the dwelling;</td>
</tr>
<tr>
<td></td>
<td>• is legible and appropriate for users (both occupants and visitors);</td>
</tr>
<tr>
<td></td>
<td>• operates efficiently and effectively;</td>
</tr>
<tr>
<td></td>
<td>• provides both a suitable work and home environment; and</td>
</tr>
<tr>
<td></td>
<td>• is capable of being reverted to a solely residential use.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AD4.1.1</th>
<th>Home Office; Home Occupation; Home Business; Cottage Industry; Family Day Care:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In accordance with the Residential Design Codes.</td>
</tr>
</tbody>
</table>

| AD4.1.2 | The residential and home based business components are integrated in the design so as to appear as one building, if not contained within an outbuilding. |
| AND     | The home based business component of the total floor space area is clearly identifiable from the primary residential use of the dwelling. |

| AD4.1.3 | The scale and proportions (bulk) of the predominant residential dwelling has not been modified to accommodate the home based business (non-residential) component. |
| AND     | Outbuildings and all other incidental development, which have been constructed to accommodate or support the home based business use, have a residential appearance (materials and finishes) and |
architectural style that are the same as the predominant residential use (dwelling).

AD4.1.4 **Home Office**:

The business component of a dwelling is solely accessed internally from within the dwelling and is not directly accessible from any frontages by means of a separate accessway or entrance.

AD4.1.5 **Home Occupation; Family Day Care**:

The business component of a dwelling is accessible from within the dwelling and/or by means of a common accessway or entrance to that of the main residential entrance (doorway) to the dwelling from the primary street frontage, but is not directly accessible by means of a separate accessway or entrance from any frontages.

AND

No external alterations of a dwelling design, features and construction are made, and any internal alterations of the dwelling design, features and construction are compatible with the residential building.

AD4.1.6 **Home Business**:

The business component of a dwelling is accessible from within the dwelling and directly by means of a common accessway or entrance to that of the main residential entrance (doorway) to the dwelling and/or by a separate accessway or entrance from the primary street frontage.

AND

Any internal or external alterations of the dwelling design, features and construction are minor in nature and are compatible with the residential building.
PC4.2 **Home Store:**

The premises must complement the residential character and amenity of the adjoining and surrounding locality and fittings of the dwelling must ensure that the business component –

- provides adequate privacy for the occupants of the dwelling;
- is legible and appropriate for users (both occupants and visitors);
- operates efficiently and effectively;
- provides both a suitable work and home environment; and
- is capable of being reverted to a solely residential use.

AD4.1.7 **Cottage Industry:**

The use is located in a separate outbuilding on the site/lot, and the bulk and appearance of the building does not –

- (a) visually dominate the streetscape;
- (b) restrict solar access to the dwelling or adjacent properties; and
- (c) utilise highly reflective materials.

AD4.2.1 **Home Store:**

The development has direct internal access between the residential and shop components of the Home Store, and is directly accessible by a separate dedicated accessway or entrance from the primary street frontage.

AND

The shop component of a Home Store is attached to the dwelling as an integral part of the development.

9.5 Advertisement & Signage

PC5.1 Subject to the Scheme, signage shall not detract from the streetscape, the residential character or the amenity of the development or that of adjoining residents.

AD5.1.1 Advertisement and signage is designed, located and constructed in accordance with the Scheme and Advertising Devices Policy adopted under Local Law.

AD5.1.2 **Home Office:**

No advertisement or signage is displayed other than numbering of street address.
AD5.1.3 **Home Occupation; Cottage Industry; Family Day Care:**

(a) a single advertisement/sign that does not exceed a maximum of 0.2m$^2$ in total area; and

(b) the advertisement/sign is of a type that is incorporated as part of a building wall, fence or entry statement and not illuminated.

AD5.1.4 **Home Business:**

(a) a single advertisement/sign that does not exceed a maximum of 0.5m$^2$ in total area; and

(b) the advertisement/sign is of a type that is incorporated as part of a building wall, fence or entry statement and not illuminated.

AD5.1.5 **Home Store:**

(a) a single free standing advertisement/sign that does not exceed a maximum of 1m$^2$ in total area; and/or

(b) a signage envelope that does not exceed a maximum of 3m$^2$ in total area, where provided on the exterior of the store component of the primary building façade with frontage to the primary road and not illuminated.

### 9.6 Occupancy

**PC6.1** Subject to the Scheme, the number of occupants, employees, and visitors of home based businesses is limited to an occupancy rate which protects the amenity of the locality.

**AD6.1.1 Home Office:**

Does not employ any person and does not entail clients or customers travelling to and from the dwelling.

**AD6.1.2 Home Occupation; Cottage Industry:**

Does not employ any person not a member of the occupier’s household.
AD6.1.3 **Home Business:**

Does not employ more than 2 people not members of the occupier’s household.

AD6.1.4 **Home Store:**

Does not employ more than 2 people not members of the occupier’s household.

AD6.1.5 **Family Day Care:**

Does not employ any person not a member of the occupier’s household.

### 9.7 Operating Hours

**PC7.1** The operating hours of the home based business activity are restricted to time periods which protect the amenity of adjoining land uses and must not affect the residential amenity of the locality and shall be in accordance with Environmental Protection (Noise) Regulations 1997\(^2\).

**AD7.1** The business is conducted during those days and hours of operation prescribed in the Table to Acceptable Development. (Operating Hours for Home Based Businesses prescribe any time where the business may operate, receive visitors, and trade on the lot/development site.)

**Note:** The hours of operation prescribed in Table to Acceptable Development AD7.1: Operating Hours for Home Based Businesses relates to that time period in which a business may operate and trade (open for business), and does not constrain those activities which are normally associated with the activities of the predominant residential use (dwelling) in accordance with the Local Laws regulating noise emissions.

### Table to Acceptable Development AD7.1: Operating Hours for Home Based Businesses

<table>
<thead>
<tr>
<th>Zone</th>
<th>Use Classes</th>
<th>Home Office</th>
<th>Home Occupation</th>
<th>Home Business</th>
<th>Home Store</th>
<th>Cottage Industry</th>
<th>Family Day Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential*</td>
<td>Not specified</td>
<td>Mon - Sat: 7am-7pm Sun: nil</td>
<td>Mon - Sat: 7am-7pm Sun: nil</td>
<td>Mon - Sat: 7am-7pm Sun: nil</td>
<td>Mon - Sat: 8am-5pm Sun: nil</td>
<td>Mon - Sat: 7am-7pm Sun: 9am-5pm</td>
<td></td>
</tr>
</tbody>
</table>

\(^2\) Table 1 of the Environmental Protection (Noise) Regulations 1997 under the Environmental Protection Act 1986.
Local Planning Policy: Home Based Businesses & Family Day Care

<table>
<thead>
<tr>
<th></th>
<th>Home Office</th>
<th>Home Occupation</th>
<th>Home Business</th>
<th>Home Store</th>
<th>Cottage Industry</th>
<th>Family Day Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural*</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td>Mixed Business</td>
<td>Not specified</td>
<td>Mon - Sun: 7am-7pm</td>
<td>Mon - Sat: 7am-7pm</td>
<td>Mon - Sat: 7am-7pm</td>
<td>Mon - Sat:</td>
<td>Mon - Sat: 7am-7pm</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sun: 9am-5pm</td>
<td>Sun: 9am-5pm</td>
<td>Sun: 9am-5pm</td>
<td>7am-7pm</td>
<td>7am-7pm</td>
</tr>
<tr>
<td>Shopping Centre</td>
<td>Not specified</td>
<td>Mon - Sun: 7am-7pm</td>
<td>Mon - Sat: 7am-7pm</td>
<td>Mon - Sat: 7am-7pm</td>
<td>Mon - Sat:</td>
<td>Mon - Sun: 7am-7pm</td>
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<tr>
<td></td>
<td></td>
<td>Sun: 9am-5pm</td>
<td>Sun: 9am-5pm</td>
<td>Sun: 9am-5pm</td>
<td>7am-7pm</td>
<td></td>
</tr>
<tr>
<td>City Centre</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Not specified</td>
<td>Mon - Sun: 7am-7pm</td>
<td>Mon - Sat:</td>
<td>Mon - Sun: 7am-7pm</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7am-7pm</td>
<td>7am-7pm</td>
<td></td>
</tr>
</tbody>
</table>

Note: “*” Zones in which home based business activities, excluding a Family Day Care use, must not to be conducted on public holidays.

### Performance Criteria

#### 9.8 Amenity & Quality of Environment

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC8.1</td>
<td>The design of all buildings and structures with a home based business activity must ensure that the established residential neighbourhood character is maintained.</td>
</tr>
<tr>
<td>PC8.2</td>
<td>The use and associated activities must not impact on established level of local amenity from the operation of machinery or electrical equipment, or from light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, electrical interference or otherwise and shall be in accordance with Environmental Protection (Noise) Regulations 1997.</td>
</tr>
<tr>
<td>Performance Criteria</td>
<td>Acceptable Development</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>PC8.3 The storage of chemicals, gases or other hazardous materials associated with the use must not compromise public safety of occupants and residents in the local area.</td>
<td>AD8.3 Storage of chemicals, gases or other hazardous materials is no more than the limits normally associated with domestic activity.</td>
</tr>
<tr>
<td>PC8.4 The scale and intensity of the use must be limited to ensure minimal impact on the existing public utilities and infrastructure.</td>
<td>AD8.4 The load imposed on public utilities and infrastructure is no greater than that normally anticipated for the predominant residential use in both the zone and the location where the use is proposed.</td>
</tr>
<tr>
<td>PC8.5 The level of pedestrian and vehicular traffic generated by the home based business use (including occupants, employees, and visitors) must have minimal impact on the established level of residential amenity of the area.</td>
<td>AD8.5.1 <strong>Home Office:</strong> Generates no additional vehicle movements to that of the predominant residential use. AD8.5.2 <strong>Home Occupation; Home Business; Home Store; Cottage Industry; Family Day Care:</strong> No Acceptable Development solution provided.</td>
</tr>
</tbody>
</table>

**Notes:**

The Codes Based Approach

This policy document utilises a nationally accepted practice of setting out Performance Criteria (“PC”) and Acceptable Development (“AD”) solutions. When policy is written in this way it is commonly referred to as a “code”. A good example of the performance based approach can be seen in the Western Australian Planning Commission’s Residential Design Codes (“R-Codes”).

Using the code approach means that the Local Government can differentiate between specifying those aspects of development that must not be contravened under almost any circumstance from those aspects that are open to negotiation or that constantly change over time in response to the community’s values, taste, technology, etc.

A development that conforms to all of the Acceptable Development solutions for that particular design element automatically satisfies the relevant Performance Criteria, the process simply requires that the proposal complies with all of the Acceptable Development solutions for that element. Should this be the case, the proposal is then ‘deemed to comply’, and is therefore satisfactory under this particular policy, subject to the Scheme.

Alternatively, a development proposal that is submitted for an impact assessment must demonstrate that it meets the relevant Performance Criteria and notice has been given in accordance with Clause 9.4.3 of the Scheme before the Local Government may approve it. An impact assessment solution should have regard for the nature of the Acceptable Development solutions as a measure of conformity with the intent and objectives of the Local Planning Policy and the zone under the Scheme.
PART D

10 VARIATION OF DEVELOPMENT REQUIREMENTS

10.1 Development in accordance with this policy is deemed to comply. However, alternative designs may be considered subject to demonstration that the proposed land use and/or development is in keeping with the intent and objectives of this policy to the satisfaction of the Local Government.

10.2 In exercising any discretion the Local Government should ensure that the variation will not contravene the following provisions of the Scheme -

(a) intent & objectives of this Local Planning Policy;
(b) section 1.6 The Aims of the Scheme;
(c) section 4.2 Zone Objectives; and
(d) section 10.2 Matters to be considered by Local Government.

11 DEVELOPMENT IMPACT STATEMENT

11.1 Where an application proposes a variation to one or more Acceptable Development solutions or is considered to have a significant impact on the existing conditions of a locality, the Local Government shall require a Development Impact Statement to be submitted for assessment as part of an application for planning approval, unless the requirement has been waived by the Local Government.

11.2 The report is to be undertaken to the satisfaction of the Local Government and contain the following information in sufficient detail to permit the Local Government to make a proper development assessment of any proposed variation as part of a planning application -

(a) the location of the subject site and the specific nature of the proposed development and ongoing operations to be undertaken (including expected noise and odour emissions), and all facilities proposed to be provided;
(b) site analysis showing the location of existing and proposed buildings on the premises, relationship to adjoining and surrounding uses;
(c) the hours of operation of the development;
(d) the employees to be engaged on the premises;
(e) the number of customers expected to attend/visit the premises at any time; and
(f) any other relevant information requested by the Local Government.

12 NOTIFICATION & ADVERTISING

12.1 Where advertising is required to be undertaken or is deemed to be required by the Local Government, advertising will be undertaken in accordance with the provisions of section 9.4 of the Scheme.

12.2 Subject to the Scheme, the Local Government shall give notice in accordance with Clause 9.4.3 of the Scheme, where applications for planning approval have to be assessed under Performance Criteria.
12.3 Consultation and Advertising Schedule

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Comment Period</th>
<th>Written Notices</th>
<th>Sign(s) on Site</th>
<th>Newspaper Advertisement</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;A&quot; use (discretionary use and advertising is compulsory)</td>
<td>21 days (min)</td>
<td>To all adjoining owners and occupiers</td>
<td>For length of advertising period</td>
<td>Twice in local newspaper</td>
</tr>
<tr>
<td>&quot;D&quot; use (discretionary use) – only applicable when deemed to have impact on community at large or significant development</td>
<td>14 days (min)</td>
<td>To all adjoining owners and occupiers</td>
<td>For length of advertising period</td>
<td>Once in local newspaper</td>
</tr>
<tr>
<td>&quot;P&quot; use (permitted use) – only applicable when deemed to have impact on community at large or significant development</td>
<td>14 days (min)</td>
<td>To all adjoining owners and occupiers</td>
<td>For length of advertising period</td>
<td>Once in local newspaper</td>
</tr>
<tr>
<td>Use Not Listed (where use is deemed not to fit into any other definition with Zoning Table)</td>
<td>21 days (min)</td>
<td>To all adjoining owners and occupiers</td>
<td>For length of advertising period</td>
<td>Twice in local newspaper</td>
</tr>
<tr>
<td>Relaxation of Scheme Provisions or Any Other Council Requirement</td>
<td>14 days (min)</td>
<td>To those adjoining owners and occupiers deemed to be affected by the relaxation provision</td>
<td>Generally not applicable</td>
<td>Generally not applicable</td>
</tr>
</tbody>
</table>

13 IMPLEMENTATION & REVIEW

13.1 Why a Local Planning Policy?

The Scheme is a prescriptive instrument that sets out the legal provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical and the Scheme makes allowance for this by enabling the Local Government to adopt Local Planning Policies from time to time in order to address specific issues or a range of issues in a specific place.

A Local Planning Policy is a tool to assist developers in preparing proposals with a greater understanding of the Council’s desired outcomes for the City. This helps to ensure that developers can invest the time and resources needed in preparing applications for planning approval with increased confidence; and that the City’s staff and Councillors can assess development proposals in a more consistent and transparent manner.
13.2 Policy Review

The Local Government will review this Local Planning Policy annually in conjunction with the rest of the Local Planning Policy Framework in accordance with the Planning and Development Act 2005.
### APPENDIX 1

**SELF ASSESSMENT SHEET**

**HOME OFFICE, HOME OCCUPATION OR HOME BUSINESS**

<table>
<thead>
<tr>
<th><strong>Business Activity Summary</strong> - Please provide a short summary of the proposed business activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Please tick</strong></th>
<th><strong>Yes</strong></th>
<th><strong>No</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Will the business activity be carried out by an occupier of the dwelling? If ‘no’, the development cannot be considered as a home office, home occupation or home business.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Trading Name:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Type of Equipment or machinery to be used (if any):</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Floor Area of Business:</strong></th>
<th><strong>m²</strong></th>
</tr>
</thead>
</table>

### Hours

#### Permitted Operating Hours

- Home Office: Not Specified;
- Home Occupation and Home Business: Mon- Sat 7am-7pm, Sun – nil.

#### Proposed Hours

- Monday to Friday
- Saturday
- Sunday

### Customers

<table>
<thead>
<tr>
<th><strong>Please tick</strong></th>
<th><strong>Yes</strong></th>
<th><strong>No</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Will clients or customers travel to and from the dwelling? If so, how many clients per day.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>/day</strong></th>
</tr>
</thead>
</table>

### Car parking – Please identify car bays on the site plan.

<table>
<thead>
<tr>
<th><strong>Please tick</strong></th>
<th><strong>Yes</strong></th>
<th><strong>No</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you preparing or handling food, or providing a service that requires skin penetration e.g. waxing, piercing etc. If so, you will also require Health Approval please contact the City of Bunbury Environmental Health Officer on (08) 9792 7100 for further information.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A person may, with the approval of the City of Bunbury, conduct a Home Office, Home Occupation or a Home Business provided that the business activity does not:

- Cause injury to or adversely affect the amenity of the neighbourhood;
- Result in the use of public utilities and infrastructure that are greater than normally required for the predominant residential use;
- Result in the storage of chemical, gases or other hazardous materials in excess of the limits normally associated with domestic activity;
Local Planning Policy: Home Based Businesses & Family Day Care

- The business does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;

- Result in a breach of the *Environmental Protection (Noise) Regulations 1997.*

- Does not employ more than 2 people not members of the occupier’s household.

- Does not involve the retail sale, display or hire of goods of any nature, unless the sales are done only by means of the internet.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the business activity result in any of the above impacts?</td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

If so, the business is not considered to be compatible in the Residential Zone.

<table>
<thead>
<tr>
<th>Home Occupation – Occupation carried out in a dwelling or on land around a dwelling.</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Will the business employ any person not a member of the occupier’s household?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>3. Will the business activity occupy an area greater than 20 square metres?</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

Please identify the area on the floor plan – see Figure 1.

| 4. Do you propose to display a sign exceeding 0.2m square metres? | Yes | |

Please provide details of any proposed signage that does not exceed 0.2 square metres.

| 5. Will the proposed business activities result in the requirement for more than 2 parking bays (normally required for a single dwelling) or an increase in traffic volume in the neighbourhood, involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and include provision for the fuelling, repair or maintenance of motor vehicles? | Yes | |

| 6. Does not involve the retail sale, display or hire of goods of any nature, unless the sales are done only by means of the internet. | Yes | |

If any answer to the above questions is yes then the application cannot be considered a Home Occupation or Home Office. Please go to Home Business checklist.

<table>
<thead>
<tr>
<th>Home Office – Subject to compliance with the Home Occupation requirements, the business activity will be considered as a Home Office where the answer to the following questions is no.</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Will customers or clients travel to or from the premises?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>8. Will there be any advertising signs on the premises?</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

| 9. Will there be any external changes to the appearance of the dwelling? | Yes | |
| 10. Will the business be contained wholly within the dwelling? | Yes | |

If the business is determined to be ‘Home Office’ please lodge a Written Planning Advice Request (fee applicable). Please attach a floor plan with the application form and application fee.

<table>
<thead>
<tr>
<th>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, subject to the following:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. The business activities are limited to 50 square metres and are contained within the dwelling or an outbuilding? Please identify on floor plan.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>12. The business activities will result in the use or calling of a vehicle of more than 3.5 tonnes tare weight?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>13. Any signage is limited to 0.5 square metres. Please provide details of any proposed signage that does not exceed 0.5 square metres</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>14. Does the proposal provide additional parking? Please show additional car bays on site plan.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>15. Will the proposal be conducted on a single house lot with a minimum area of 500m²?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>16. Has the additional fee for advertising the Home Based Business been paid?</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

Local Planning Policy 2.1 Home Based Businesses & Family Day Care

The Local Planning Policy: Home Based Businesses and Family Day Care can be found on the City’s website.
Site Plans
A guide to producing a site plan for your proposal can be obtained from the City’s website, using the online mapping service: http://www.bunbury.wa.gov.au/Pages/My-Property-Info.aspx

Online Mapping
The City’s Online Mapping can be accessed at: http://map.bunbury.wa.gov.au/intramaps75/
Figure 1 – Floor Plan (Example only)

Proposed Home Business for Settlement agent transactions
Proposed area to be used for business activities: 4.45mx4.585m = 20.4m²