



LPP – 2.1 Local Planning Policy for Home Based Businesses & Family Day Care

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DISCLAIMER

Whilst all care has been taken to accurately portray the current Scheme and/or policy provisions, no responsibility shall be taken for any omission or errors in this documentation. Consultation with the City of Bunbury should be made to view a legal version of this document.

1 Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy 2.1: Home Based Businesses & Family Day Care.

2 Purpose

The purpose of this Local Planning Policy is to maintain a consistent approach to the assessment of proposed home based business developments within the City of Bunbury and to facilitate the operation of home based business activities in association with the primary residential use 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 the locality;
- (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 vehicular circulation or compromise the safety of road users and pedestrians;
- (d) Home based business activities operate as an ancillary use to a 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 Meaning of Terms

Unless otherwise defined below, words and terms used in this Local Planning Policy are as defined in the Planning and Development Act 2005, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Scheme or the Residential Design Codes (R-Codes).

Note: A copy of the land use definitions for a Home Office, Home Occupation, Home Business and Family Day Care is contained in Appendix 1.

5 Statutory Provisions

5.1 Application

5.1.1 This Local Planning Policy applies to all residential premises within the local government district of the City of Bunbury.

5.1.2 The approval shall be personal to the applicant and shall not be transferred to any other person or run with the land in respect of which it was granted.

5.1.3 For the purposes of this Local Planning Policy, the term 'home based business' refers to the following use classes –

(a) Home Business; and

(b) Family Day Care

Note: Please be advised that in addition to the below, Family Day Care's will be required to meet the requirements outlined within the Education and Care Services National Law (WA) Act 2012 and the Education and Care Services National Regulations 2012.

4.2 Exemptions from Development Approval

'Home Office' and 'Home Occupation' uses are exempt from requiring development approval where permissible under the zone subject to complying with the relevant land use definitions under the Scheme, pursuant to clause 61(2)(d) & 61(3) of the deemed provisions of the Regulations.

6 Variations to Development Requirements and Standards

Where an application proposes a variation to one or more of the Acceptable Development requirements outlined under section 7 of this Local Planning Policy, the applicant shall submit justification to demonstrate that the use is consistent with the performance criteria and objectives of the policy. The Local Government may give notice in accordance with clause 64 of the deemed provisions.

7 Policy Provisions

The development and use of land for a home based business is to be in accordance with the provisions of the Scheme (including land use definitions) and the following development requirements of this Local Planning Policy.

Performance Criteria	Acceptable Development
1. Site Area	
PC1.1 The site layout must ensure – <ul style="list-style-type: none"> No nuisance or adverse impact on the amenity of adjoining properties; and No nuisance associated with traffic movements or car parking, particularly with regards to lots with common property access. 	AD1.1 Home Business & Family Day Care Are located and conducted within a single detached dwelling on lots with a minimum area of 500m ² .
2. Home Based Business Area (including Storage)	
PC2.1 The site layout and internal layout ensures that the business component – <ul style="list-style-type: none"> Provides adequate privacy for adjacent residential properties; Provides both suitable work and home environment; Is legible and appropriate for users (both occupants and visitors) Does not create nuisance or adversely impact on adjacent and surrounding properties; and Is capable of being reverted to a solely residential use. 	AD2.1 Home Business (a) The business component is clearly identifiable from the primary residential use of the dwelling; and (b) Outbuildings and all other incidental development constructed to accommodate or support the business have a residential appearance (materials and finishes). AD2.2 Family Day Care (a) Fencing should be installed to a suitable height (1.8m) to provide a safe, screened and secure site.
3. Advertisement & Signage	

<p>PC3.1 Signage shall not detract from the streetscape, and the residential character or amenity of the surrounding residential area.</p>	<p>AD3.1 Home Business & Family Day Care</p> <ul style="list-style-type: none"> (a) A single sign that does not exceed a maximum a total sign face area of 0.6m² and is not illuminated. (b) Must be painted or affixed to a wall or fence; and (c) Must be positioned on private property.
<p>4. Operating Hours</p>	
<p>PC4.2 The operating times protect the amenity of the adjoining land uses and must be in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>	<p>AD4.1 Home Business</p> <ul style="list-style-type: none"> (a) Operating hours limited to Monday to Saturday, 7am to 7pm. <p>AD4.2 Family Day Care</p> <ul style="list-style-type: none"> (a) Operating hours limited to Monday to Saturday 7am to 7pm.
<p>5. Amenity & Environment</p>	
<p>PC5.1 The use and associated activities must not impact on the established local amenity from the operation of machinery or electrical equipment or from light, vibration, smell, fumes, smoke, vapour, soot, ash, oil, dust, waste water, waste products or other and shall be the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>PC5.2 The storage of chemicals, gases or other hazardous materials associated with the use must not compromise public safety of residents within the area.</p> <p>PC5.3 The scale and intensity of the use must be limited to ensure minimal impact on the existing public utilities and infrastructure.</p>	<p>AD5.1 The business activities or functions does not cause nuisance or have any adverse impact on the amenity of adjoining properties or surrounding residential area.</p> <p>AD5.2 Storage of chemicals, gases or other hazardous materials is no more than the limited normally associated with a domestic activity.</p> <p>AD5.3 The load imposed on public utilities is no greater than that anticipated with the predominant residential use of the zone.</p>
<p>6. Car Parking</p>	
<p>PC6.1 The level of pedestrian and vehicular traffic generated by the use must have minimal impact on the established residential amenity of the area; and</p> <p>PC6.2 The scale of the use does not result in traffic difficulties as a result of inadequacy in parking or increased traffic movements.</p>	<p>AD6.1 Home Business</p> <ul style="list-style-type: none"> (a) 1 bay per employee in addition to the residential requirements outlined under the Residential Design Codes. <p>AD6.2 Family Day Care</p> <ul style="list-style-type: none"> (a) 1 bay in addition to the residential requirement outlined under the Residential Design Codes.

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Note: Where applicable, home based businesses will need to comply with separate building legislation requirements. If the proposed business component is more than 10% of the dwelling floor area then compliance with the Building Code of Australia (BCA) will be required, which could include substantial works and cost.

8 Relevant Forms

All the of the City's forms (including Home Based Business Self Assessment Sheet) and fee schedules can be obtained from the City's Administration Building or can be viewed and downloaded from the City's website at <http://www.bunbury.wa.gov.au/Pages/Planning-Forms.aspx>

Should you have any further questions regarding this or any other matter, you are welcome to contact one of the City's duty planner by telephone on (08) 9792 7000 or via email at records@bunbury.wa.gov.au

9 Appendix 1

The land use definitions referenced in this Local Planning Policy are given below -

Family day care means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.

Home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –

- (a) does not involve employing more than two people who are not members 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 50m²; and
- (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; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) 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 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 that –

- (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.