



Local Planning Policy 28 – Home Based Businesses (including Cottage Industry)

OBJECTIVE:

- To provide clarification as to the different types and scale of home based businesses (or commonly referred to as “home occupations” or “cottage industries”).
- To ensure that these types of uses do not compromise the amenity of the area.
- To ensure that the activity remains an ancillary use to the main dwelling or the principle land use on the property.

POLICY:

1. Definitions

For the purposes of this policy the following definitions shall apply:

Cottage Industry - means a trade or light industry (including but not limited to producing arts and crafts goods, food business, card making and sewing for commercial gain) which do not fall within the definition of a home occupation or hobby and which:

- a). does not cause injury to or adversely affect the amenity of the neighbourhood;
- b). where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- c). is conducted in an outbuilding which is compatible with the principle use to which land in the zone in which it is located may be put;
- d). does not occupy an area greater than 50m²; and
- e). does not display a sign exceeding 0.2m²

Hobby – means an activity or interest that is undertaken for pleasure or relaxation, often in one’s spare time, and where the goods and products produced:

- a). is of a low key nature that will not cause nuisance or amenity issues (ie noise, dust, odour, or electrical interference);
- b). is kept; gifted or donated or sold on a non-commercial basis (not subject to taxation declaration).

- c). does not involve retail trade other than at a weekend market, fund raising or charitable event.

Home Business - means a business, service or profession (including but not limited to Beautician, Chiropractor, Massage) 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 20m²;
- 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.
- f). does not involve the use of an essential service of greater capacity than normally required in the zone.

Home Occupation - means an occupation (including but not limited to Property Valuer, Lawyer, Accountant, Tax Agent) carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- a). does not employ any 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 20m²;
- d). does not display a sign exceeding 0.2m²;
- e). does not involve the retail sale, display or hire of goods of any nature;
- 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 dwelling or an increase in traffic volumes in the neighbourhood;
 - does not involve the presence, use or calling of a vehicle more than 2 tonnes 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.

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; or
- c). require any external change to the appearance of the dwelling.

2. General

2.1 Planning approvals for all types of home based businesses shall be limited to a maximum period of 12 months, after which the further renewal of the approval by the local government is required annually. **This is the responsibility of the applicant as the local government will not automatically re-issue approvals.**

2.2 Planning approval is not required for a “Home Office” or “Hobby” provided the activity is fully compliant with the definition as per Part 1, but may be subject to other approvals or licensing depending on the nature of the activity.

2.3 Planning approvals are issued only to the specific occupier of the particular parcel of land and is not transferable to any other person or to any other land parcel. Should there be a change of the occupier on the land in respect of which the planning approval was issued the approval shall no longer be valid.

2.4 Operating hours for home based businesses should be determined on the type of business being undertaken and having regard to the objectives of this policy.

As a general guide only, operating hours for businesses in residential areas should conform to what are considered normal business hours (generally 7.30am to 5.30pm, Monday to Friday and 8.30am to 1.00pm on Saturday).

2.5 Where an activity involves the visitation of clients or customers these appointments should be limited to 10 per day in accordance with hours as per Clause 2.4.

2.6 With the exception of a home office or hobby, activities should not be located on a site which has been intensely developed for group dwellings.

2.7 All materials and/or equipment used in relation to the activity must be stored within the dwelling, outbuilding and/or rear yard of the property, or behind property fences or appropriately maintained screening vegetation.

- 2.8 Activities must be ancillary to the principal use of the land as a residence, and are not to be construed as an alternative use.
- 2.9 For activities involving the preparation of food for commercial purposes, the domestic premises may need to be upgraded in accordance with the relevant health regulations.
- 2.10 Activities involving the following services will not be supported as a “Home Occupation” or “Cottage Industry”:
- Spray painting of any kind;
 - Vehicle wrecking/body repairs; and
 - The use of machinery causing excessive noise or processes causing unacceptable aromas, dust levels, rhythmic vibrations, lighting conditions, or electrical interference.
- 2.11 A “Cottage Industry” involving the retail sale, display or hire of goods of any nature will only be supported in non-residential areas.
- 2.12 The land use permissibility of home based businesses (including cottage industries) shall be in accordance with the respective Town Planning Scheme designations.

3. Application Requirements

- 3.1 Applications shall include the following information:
- Details of the proposed activity inclusive of any equipment used, proposed hours of operation, employees (if any) and their relationship to the occupier of the dwelling, frequency of clients or customers to the site and any other information considered relevant to the proposal; and
 - A site plan, and where applicable a floor plan, showing the dwelling and curtilage of the dwelling depicting where the activity is to take place, including areas for storage and/or administration and car parking provision where necessary.
- 3.2 Annual renewal of approvals is granted provided there have been no written complaints received during the 12 months period preceding the request for renewal, and there has been no change in the circumstances under which the previous approval was granted.

4. Consultation

Unless otherwise provided for in the Town Planning Scheme/s, an application for a home based business involving a variation to the standards as prescribed in the relevant definition, will require consultation with effected landowners and/or occupiers and neighbour consent should preferably be given.

5. Responsibilities:

The policy is subject to an annual Council review. The authority is delegated to the Chief Executive Officer and Director Development Services.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Planning and Development Act 2005</i>
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POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
<i>Community Development</i>		<i>Planning Officer</i>		Ext:	
Date Effective	OCT 2010	CEO Approved			
Date Adopted	OCT 2010	Last Reviewed	OCT 2010		
Risk Rating	Medium	Review Cycle	Tri-Annual	Next Due	OCT 2010