

1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

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.

3. OBJECTIVE

- 3.1 To provide clarification as to definition of a 'Home Occupation', 'Home Business' and 'Home Business-Hire'.
- 3.2 To ensure that home based businesses do not compromise the amenity of the area and to ensure that they remain an ancillary use to the main dwelling or the principle land use on the property.

4. POLICY STATEMENT

4.1 Definitions and Permissibility

- a. For the purposes of this Policy the term 'business' will refer to a 'Home Occupation', 'Home Business' or 'Home Business – Hire'.
- b. The following definitions have been extracted from Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme'):

'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 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 20 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;*
- (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 volume 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; and*
- (g) *does not involve the use of an essential service of greater capacity than normally required in the zone;*

'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 business – hire' means a business, service or profession involved in hiring goods 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:*
 - (i) *greater than 50m² (inclusive of any administration areas of the business within the dwelling) where the application is located within a residential zone; and*
 - (ii) *does not occupy an area greater than 100m² (inclusive of any administration areas of the business within the dwelling) where the application is located within a rural-residential, rural smallholding or agriculture general zone;*
- (d) *does not involve the retail sale or display of goods of any nature;*
- (e) *in relation to vehicles and parking:*
 - (i) *does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;*
 - (ii) *does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight or in excess of 8m in length; and*
 - (iii) *provides an area behind the street setback line for the storage of vehicles or vessels associated with the business that is fully screened from the primary or secondary street;*

(f) *does not involve the use of an essential service of greater capacity than normally required in the zone;*

c. Permissibility under the Scheme

Zone	Land use Permissibility		
	Home Occupation	Home Business	Home Business - Hire
Residential	D	A	A
Townsite	D	D	A
Development	D	A	A
Rural-Residential	D	A	A
Rural Smallholdings	D	D	A
Rural	D	D	D

‘D’ means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

‘A’ means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.

4.2 General Provisions

- a. The Shire will generally not support an application where the proposed activity does not comply with the definition provided in Local Planning Scheme No.2 or the requirements of this Policy.
- b. An application will only be supported where the Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, light spill, odour or visual intrusion on the neighbouring and/or nearby residents, or the environment.
- c. A business can either be attached or detached from the dwelling located on the site. If new, detached, buildings are being developed to accommodate the new use, they should generally be clustered with existing buildings on the site and appropriately constructed on materials so as to complement the existing development.
- d. The parking of vehicles associated with a business are not permitted within a public carriageway, including the road verge.
- e. In some instances planning consent may only be granted for a period of twelve (12) months upon which renewal of the application is required, including payment of all relevant fees.

4.3 Application Requirements

Applications shall include the following information:

- a. 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

- b. A site 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.

4.4 Processing of Applications

- a. Applications where the land use is considered an “A” use under Local Planning Scheme No.2 may be advertised for a period of no less than 14 days. For applications upon land where the land use is considered a ‘D’ use Shire staff may advertise the application should they deem it necessary.
- b. Should no written, author-identified objection be received during the advertising period the application is able to be determined under delegated authority. However, should a written, author-identified objection be received during the advertising period the application and any received submissions are to be placed before a meeting of Council for determination.
- c. Should the application be considered to meet the requirements of this Policy the application may be dealt with under delegated authority by Shire staff. However should the application not be considered to meet the requirements of the Policy or in the opinion of Shire staff require further consideration, the matter may be advertised in accordance with the Local Planning Scheme before being placed before a meeting of Council for determination.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005

Adopted at the 19 February 2014 Ordinary Meeting of Council