

## Planning Information Sheet: Home Based Business

Home businesses are small scale businesses operating on an ancillary basis within a residential dwelling. Each business must be operated by the occupier of the dwelling and is not transferable to other owners, occupiers or properties.

A 'home office' is defined as 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.

A 'home occupation' generally displays the following characteristics

- 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.

A 'home business' is defined as 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 2 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 50m<sup>2</sup>; 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;

A 'Family Day Care Centre' is a child care service that is provided in a residential dwelling. The purpose of a Family Day Care Centre is to provide flexible home-based education and care for children via a network of Family Day Care Educators. Many Family Day Care Centres provide flexible hours including all-day, part time, casual or overnight care to support the needs of families in their local community. The approval of

educators and the regulations around how many children can be cared for is limited by the Child Care Licensing and Standards Unit, Department for Communities. A Family Day Care Centre may have up to seven children aged from birth to 13 years, including the educator's own children. Only four (4) of the children can be below pre-primary school age.

### **DO I NEED APPROVAL FOR A HOME BASED BUSINESS?**

Clause 61(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* identifies the use of a dwelling as a home office does not require development approval. A home occupation, home business and family day care are land uses which require development approval from the City of Canning. Proposals of this type provide the opportunity for a resident of a dwelling to undertake a small scale business from their home. The City's officers need to be assured that the scale of the activity will not adversely impact the amenity of the surrounding environment.

### **INFORMATION REQUIRED FOR A HOME BASED BUSINESS DEVELOPMENT APPLICATION**

When applying for a development approval please ensure that the following information is provided:

- Completed Development Application form;
- A site plan (to a scale of 1:200) showing the lot on which the use is proposed and ensure the provision of one compliant car parking bay (minimum 2.4m x 5.4m) for visitors/drop off point. This bay is in addition to the required car parking bays for the residential dwelling (usually 2) (please note: the additional car bay cannot be located within the council verge area);
- A floor plan indicating where the use will be proposed and all entry and exit points (for safety purposes);
- A cover letter providing a description of the business, hours of operation and number of children to be cared for;
- Any relevant documentation (copies of Licences or Certificates); and
- Payment of the Development Application Fee – please refer to the Planning Fee Schedule for details.

### **REQUIREMENT TO APPLY FOR APPROVAL FROM THE CITY'S ENVIRONMENTAL HEALTH SERVICES**

If you are providing any food to children, you need to complete and submit an Application to Construct, Alter or Amend a Food Business to the City for assessment.

Proposals that include the preparation of food that is considered to be outside the category of 'low risk' are unlikely to be approved. The following is a guide of low risk food activities listed by the Department of Health.

Low risk activities – includes the production of:

- Manufacturing of jams, chutneys and sauces that are heat treated by boiling or cooking;
- Flour based products such as: biscuits, shortbread, scones, buns, muffins and cakes which do not contain potentially hazardous foods such as cream and custards;
- Food activities such as cake decorating, repacking of bulk packaged low risk confectionery products (cake decoration must not include fondant, butter cream, ganache or other decoration using raw egg or requiring refrigeration afterwards);
- Pickled onions; and
- Herb vinegars with a pH of less than 4.5.

The above mentioned food can be assessed as low risk and can operate from a residential style kitchen. All food businesses within the City must comply with the following legislation;

- *Food Act 2008*;
- *Food Regulations 2009*; and
- Australia New Zealand Food Standards.

*Disclaimer*

*This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The City of Canning encourages you to seek professional advice before acting on any information contained in this document. Please contact the City of Canning if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.*

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