

1. Citation

This Local Planning Policy has been prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations). This Policy may be cited as Local Planning Policy No.3.3.10 - Home Business and Rural Home Business, being an LPP.

2. Introduction

The City of Rockingham (City) recognises that working from home is an expanding area of employment. It also recognises that the amenity of residential and rural areas should be protected by minimising potential impacts to maintain these areas as primarily a place to live, while noting rural areas of the City are also increasingly being used for rural activities and rural businesses.

Operators of a 'Home Business' and 'Rural Home Business' must protect the amenity and character of the areas in which they are located, including impacts associated with noise, traffic, parking, pollution, people and advertising signs. This LPP sets the City's expectations for how applications for Development Approval will be considered under Town Planning Scheme No.2 (TPS2).

A 'Home Office' and 'Home Occupation' do not require Development Approval under TPS2, based on the planning exemptions which are included in Schedule 2 Part 7 Clause 61 of the Planning Regulations. The City encourages all 'Home Office' and 'Home Occupation' operators to notify the City so their business can be recorded by the City.

3. Objectives

The objectives of this LPP are as follows:

- (a) To encourage the opportunity for a low scale 'Home Business' and low to medium scale 'Rural Home Business' to be conducted;
- (b) To ensure that the use of land for any home-based business activity is unobtrusive and compatible with surrounding buildings and uses;
- (c) To ensure that home-based business activities do not adversely affect the amenity and character of the locality by reason of any form of emissions or increased number of vehicle movements;
- (d) To provide guidelines for the use of land zoned 'Residential', 'Special Rural' and 'Rural' premises for the range of home-based business activities that may be considered for Development Approval by the City; and
- (e) To clarify how a 'Home Business' and 'Rural Home Business' may be operated within the City with Development Approval.

4. Application

This LPP applies to all applications for Development Approval for a 'Home Business' and 'Rural Home Business' within the City.

5. Policy Statement

The following development controls are applied when considering Development Applications in relation to a 'Home Business' and 'Rural Home Business' under the TPS2. The consideration given to a 'Home Business' and 'Rural Home Business' in the City's assessment will be dependent on how the application is compliant with TPS2 and this LPP.

5.1 Criteria Applying to all 'Home Business' and 'Rural Home Business'

Criteria applying to all 'Home Business' and 'Rural Home Business' categories is as follows:

- (a) The applicant must use the on-site dwelling as their principal place of residence.
- (b) Only one (1) 'Home Business' may be undertaken on the site at any one time.
- (c) Only one (1) 'Rural Home Business' may be undertaken on the site at any one time.
- (d) A 'Home Business' and a 'Rural Home Business' cannot be operated on-site at the one time.
- (e) Any appliances or machinery used for the purpose of the 'Home Business' must be of a domestic scale. Large industrial appliances, machinery or plant are prohibited.
- (f) Applicants must demonstrate that the proposal will not have an undue impact on the amenity of the adjacent properties and land uses.
- (g) The retail sale, display or hire of goods of any nature from the property is prohibited, unless the sale, display or hire is done only by means of the Internet.
- (h) The fuelling, repair, wrecking, storage, servicing or maintenance of motor vehicles is prohibited.

5.2 Scale and Impact

'Home Business' activities shall be such that they:

- (a) Do not employ more than two (2) people who are not members of the occupier's household;
- (b) Comply with the size limitations where the 'Home Business' activity does not occupy an area greater than 50m²; and
- (c) Complies with all of the general requirements for a 'Home Business' as specified in the Land Use Interpretations of TPS2.

'Rural Home Business' activities are allowed such that they:

- (a) Do not employ more than two (2) people who are not members of the occupier's household;
- (b) Do not occupy an area greater than 200m²;
- (c) Do not involve the presence, use or calling of more than three (3) vehicles at any one time or of a vehicle of more than 30 tonnes gross weight; and

- (d) Complies with all of the general requirements for a 'Rural Home Business' as specified in the Land Use Interpretations of TPS2.

Proposals which are inconsistent with the above requirements will generally not be supported by the City, as the size/scale of such activities are not considered to align with the appropriate use of the land or dwelling for residential purposes, in particular where they occur in the 'Residential' zone, 'Special Rural' and 'Rural' zone.

5.3 Neighbourhood Amenity

'Home Business' and 'Rural Home Business' activities must not have an adverse impact on the amenity of adjacent owners and occupiers, as follows:

- (a) 'Home Business' or 'Rural Home Business' activities should not cause injury to or adversely affect the amenity of the adjacent owners, including by way of noise, light, fumes, odours, dust, vibration, electrical interference, waste water or other forms of waste products.
- (b) Applicants seeking approval for a 'Home Business' or 'Rural Home Business' shall demonstrate how any waste, emissions, noise or other impacts generated from the activity will be treated or managed to prevent harm, amenity impacts or nuisance to adjacent owners.
- (c) A 'Home Business' proposal associated with a Grouped Dwelling or Multiple Dwellings will generally not be supported by the City, unless it can be demonstrated that the amenity of the residents of the other dwellings within the Grouped Dwelling or Multiple Dwellings complex will not be adversely affected.

5.4 Traffic Generation

A 'Home Business' and 'Rural Home Business' which generates vehicular traffic to a site have the potential to adversely affect the amenity of the neighbourhood. The following matters will be considered:

- (a) Traffic generated by a 'Home Business' and 'Rural Home Business' through visits to the site by clients must be controlled by appointment only.
- (b) The City will have due regard to the existing amenity of the adjacent owners and occupants, relative to the current traffic capacity and street type.
- (c) Delivery or collection of goods which are not coordinated or are uncontrolled can adversely impact on the amenity of adjacent owners and occupiers and will generally not be supported.
- (d) A 'Home Business' that involves the presence, use or calling of a vehicle must be not more than 4.5 tonnes tare weight.
- (e) A 'Rural Home Business' that involves the presence, use or calling of a vehicle more than three (3) vehicles at any one time or of a vehicle of more than 30 tonnes gross weight, will not be supported.

5.5 Car Parking

- (a) A 'Home Business' and 'Rural Home Business' must provide on-site car parking for the expected number of visitors and any employees attending the site at any one time, in addition to the car parking bays for the dwelling, and must not result in traffic difficulties as a result of the inadequacy of parking.

- (b) All client, staff and resident car parking must be contained within the boundaries of the lot within the garage, carport or driveway. When visitor car parking cannot be provided on-site, the use of on-street line marked and/or kerbed car parking for visitors and clients may be permitted, where this has already been constructed as part of subdivision works.
- (c) A 'Rural Home Business' parking area and manoeuvring area must be constructed with gravel, road base, concrete, paving or other hard stand material.

5.6 Deliveries

Regular deliveries of goods and equipment for a 'Home Business', including deliveries carried out at daily intervals, are generally not considered appropriate.

The assessment of proposals involving deliveries for a 'Rural Home Business' will take into account the following:

- (a) The nature of the goods delivered;
- (b) Frequency of deliveries;
- (c) How goods are delivered (i.e. off-street);
- (d) Type and size of delivery vehicle used;
- (e) Delivery hours; and
- (f) Traffic safety

5.7 Customers and Clients

A 'Home Business' and 'Rural Home Business' operating with customer and clients arriving and departing at a regular frequency may have an adverse impact on the amenity of a neighbourhood. To maintain the amenity where a 'Home Business' and 'Rural Home Business' is undertaken, the following requirements will apply:

- (a) A 'Home Business' and 'Rural Home Business' will only be permitted to operate where customers and clients only arrive and depart the premises between the hours of:
 - (i) 8am and 7pm on Monday to Saturday; and
 - (ii) 11am and 5pm Sundays; and Public Holidays
- (b) When determining an application, the number of hours and/or days of clients visiting the premises or operation of a 'Home Business' and 'Rural Home Business' may be limited, where it is considered necessary to protect the amenity of the surrounding area.
- (c) All client or customer visits must be made by appointment with suitable intervals, unless the City considers there is adequate on-site car parking and the 'Home Business' or 'Rural Home Business' is unlikely to affect the amenity of the neighbourhood.
- (d) When a 'Home Business' involves group activities (e.g. personal or vocational training, personal health or well-being activities), the number of clients or customers must be limited to a maximum of four (4) persons at any time and limited classes/sessions per day, subject to compliance with all other Policy requirements.

- (e) When a 'Rural Home Business' involves group activities (e.g. personal or vocational training, health or well-being activities), the number of clients or customers and classes/sessions per day, will be assessed on its merits, subject to compliance with all other Policy requirements.

5.8 Signage and Advertising

Any signage shall only describe the name and type of business being carried out on the land and the contact name(s) and telephone number(s) and comply with the following requirements:

- (a) A 'Home Business' must not involve the display on the premises of a sign with an area exceeding 0.27m² and is limited to one (1) sign only which must only be erected on the property where the Home Business is being undertaken.
- (b) A 'Rural Home Business' must not involve the display of more than one (1) sign with an area exceeding 1.0m² generally placed adjacent to the main entry of the lot. A second sign with an area not exceeding 0.2m² (generally 0.4m x 0.5m) is permitted to be erected where the business is being undertaken on the property.
- (c) 'Home Business' and 'Rural Home Business' signs are not permitted to be erected on any land or road reserves other than the land where the business, service or profession is being undertaken.

6. Community Consultation

All Development Applications for the operation of a 'Home Business' or 'Rural Home Business', will be advertised in accordance with Clause 64 of the Deemed Provisions of the Planning Regulations and Local Planning Policy No.3.3.27 - Community Consultation for Development Applications. The City will have due regard to any submissions received during the community consultation period, prior to determining the application.

7. Approval Period and Conditions

When a 'Home Business' or 'Rural Home Business' has been advertised and has the potential to impact upon adjacent landowners and occupiers, the City may consider those amenity impacts to be unacceptable and it may decide not to issue Development Approval, or alternatively it may elect to grant a time limited approval. Following the initial approval period, should it be demonstrated that the 'Home Business' or 'Rural Home Business' can operate without detrimentally impacting on adjacent owners and occupiers, a permanent approval may be granted.

When the City considers an application for a 'Home Business' or 'Rural Home Business' to be compliant with TPS2 and this LPP, conditions of Development Approval may be applied to address, amongst other requirements, the following:

- (a) Approval applying to a portion of the building or area around a building.
- (b) Days and hours of operation.
- (c) Number of clients/customers to the site.
- (d) Booking of appointments.

8. Food Requirements

Under the *Food Act 2008 and Food Regulations 2009*, the City of Rockingham is required to register all premises including dwellings where food is prepared or which provide food for sale. All 'Home Business' and 'Rural Home Business' providers that prepare or provide food for sale must be registered with the City's Health Services, and are inspected accordingly.

9. Noise Management

All 'Home Business' and 'Rural Home Businesses' must comply with the *Environmental Protection (Noise) Regulations 1997* (Environmental Regulations) at all times. If a proposal is likely to generate off-site noise impacts to neighbours, the applicant may be required to implement noise management measures or engage a consultant to prepare a Noise Management Plan, demonstrating compliance with the Environmental Regulations, and noise management measures recommended are to be implemented for the duration of the business operations.

10. Application Procedure

Applications for Development Approval for the operation of a 'Home Business' or 'Rural Home Business' shall be made on the form prescribed by the City, and shall be signed by the owner(s), and accompanied by a Management Plan which shall include the following information as applicable to the proposal:

10.1 Management Plan

- (a) A floor plan of the room(s) where the business will be undertaken.
- (b) The location and layout of car parking on-site on a parking plan.
- (c) The location and dimensions of any storage areas associated with the business, including any areas outside of the dwelling.
- (d) Measures to ensure that no detrimental impact occurs on the character of the locality, including noise.
- (e) Measures to minimise vehicle loading and unloading and traffic movements.
- (f) The proposed hours of operation.
- (g) Details of any poisonous, flammable or harmful chemicals or other hazardous materials proposed to be stored or used and measures to ensure that no pollution or harmful substances will escape from the site.
- (h) Measures to minimise emissions of odours, dust or vapours from the site.
- (i) Operational measures to limit the number of people visiting the house at any one time in relation to the business.
- (j) Operational measures of limiting the number of people visiting the dwelling at any one time in relation to the business.
- (k) Measures to manage the impact of the 'Home Business' or 'Rural Home Business' on a place included on the City's Local Heritage List.
- (l) Details of all appliances or machinery to be used in the 'Home Business' or 'Rural Home Business'.
- (m) Details of any proposed signage to be erected.

11. Approval Period

With regard to Section 7 of this Policy, Development Approvals issued by the City for a 'Home Business' and 'Rural Home Business' are valid for a period of two (2) years. If the use is not substantially commenced within two (2) years, a fresh application is required to be lodged with the City.

The City may grant approval for an initial period of 12 months, where when there is a departure from any Policy requirement which is unlikely to have an adverse impact on the amenity of the locality.

In such cases, the applicant will be required to seek a renewal of approval to continue to operate the 'Home Business' or 'Rural Home Business'.

12. Post Approval Considerations

- (a) Should the scale of the 'Home Business' or 'Rural Home Business' operation increase above that initially approved, a revised application for Development Approval is required to be submitted. Any further assessment will be undertaken with reference to the Scheme provisions and the contents of this Local Planning Policy.
- (b) Should the City receive substantiated complaints from adjoining/nearby residents regarding a home-based business, or if the City observes that conditions of Development Approval are not being complied with, the City will:
 - (i) by written notice served on the owner and/or occupier of the land, require compliance with the conditions imposed on any approval granted; and/or
 - (ii) Consider other development compliance actions as the case may be pursuant to the *Planning and Development Act 2005*.

13. Authority

This LPP has been adopted by the Council under clause 4(3) of the deemed provisions of the Planning Regulations and whilst it is not part of the Scheme and does not bind the Council in respect of any application for Development Approval, the City 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.

14. Interpretations

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:

Amenity means all those factors which combine to form the character of an area and include the present and likely future amenity.

City means the City of Rockingham

Council means the Council of the City of Rockingham.

Dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

- (a) a single person;
- (b) a single family; or
- (c) no more than six persons who do not comprise a single family.

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 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 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.*

Rural Home Business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation:

- (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 200m²; 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 more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight.*

15. Adoption

This Local Planning Policy was adopted by Council at its Ordinary meeting held on 25 June 2024.

16. Amendment

This Local Planning Policy was first adopted by Council at its Ordinary meeting held on 27 May 2008 and amended by Council at its Ordinary meeting held on 22 May 2018.