

Information Sheet

61 Broun Avenue, Morley WA 6062 | P: 9272 0622 | F: 9272 0665 | mail@bayswater.wa.gov.au | www.bayswater.wa.gov.au

07 March 2019

HOME-BASED BUSINESSES

What are home-based businesses?

Home-based businesses are small businesses that a person may operate from their home. This can reduce their start-up costs and allows them to operate when it is not viable to lease or purchase a separate commercial premises. However, it is important that home-based businesses are operated in a manner that does not negatively impact the character and amenity of residential streets, which are primarily places to live, rather than places to work.

What are the different types of home-based business?

There are four types of home-based business that may be considered in the City of Bayswater. They are defined in Town Planning Scheme No. 24 as follows:

Cottage Industry means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation 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 uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m²; and
- (e) does not display a sign exceeding 0.2m² in area.

Note: To operate a cottage industry in a domestic outbuilding, the outbuilding will require reclassification and upgrading in order to comply with the Building Code of Australia.

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 two people 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 50m²;
- (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.

Note: Should the area occupied by the home business exceed 10% of the floor area of the dwelling that part of the dwelling will require reclassification and upgrading in order to comply with the Building Code of Australia.

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 20m²;
- (d) does not display a sign exceeding 0.2m² in area;
- (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 two 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.

Note: Should the area occupied by the home occupation exceed 10% of the floor area of the dwelling that part of the dwelling will require reclassification and upgrading in order to comply with the Building Code of Australia.

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.

What approvals do I need?

A Home Office, as per the above definition, does not require development approval; however, a completed Home Office Registration Form must be submitted to the satisfaction of the City.

To operate a Cottage Industry, Home Business or Home Occupation, a development approval must be obtained from the City. If the City issues development approval to operate one of these types of home-based business, a Home-Based Business Licence will also be issued. This licence must then be renewed annually, which will involve the payment of a (pro rata) annual licence fee, in accordance with the City's schedule of fees and charges. If you fail to maintain a valid Home-Based Business Licence, your approval for the use will be invalidated. If you then continue the use, it will be in breach of the Town Planning Scheme and subject to compliance action.

The City also reserves the right to revoke a Home-Based Business Licence, where it is of the opinion that the use is negatively impacting upon the amenity of the surrounding residential area, or is causing a public nuisance.

In addition to development approval, you may have to obtain other approvals from the City, dependent on the nature of the business and any works that may be proposed. These may include a building permit for reclassification of part or all of a building, environmental health approvals for

food and personal body care businesses and technical approvals, should you be required to upgrade or construct a crossover and/or parking area.

How should I manage my home-based business?

Home-based businesses should be managed in a way that results in the least possible impact on the character and amenity of the surrounding residential area.

Any business activity should be confined inside the house or outbuilding as approved, with operating hours generally limited to between 7:00 a.m. and 7:00 p.m., excluding Sundays and public holidays.

Customer visits to the site should be limited as much as possible and generally by appointment, with offset times to avoid multiple visitors being on the site at once.

All car parking should be provided on the site and the public road verge should not be developed or relied upon for parking. Parking requirements will be determined in accordance with the Residential Design Codes of Western Australia, plus additional bays for any employees and an additional customer parking bay. Resident and staff car parking will be permitted in tandem, to minimise the manoeuvring area required. If additional vehicle parking is still required, then it may be necessary to locate it to the rear of the building, in which case it should be arranged in such a way that all vehicles can leave the site in a forward gear.

Can I put up a sign?

The City of Bayswater Town Planning Scheme No. 24 allows the operator of a Cottage Industry, Home Business or Home Occupation to install a sign of up to 0.2m² in area. The sign should be designed in such a way that it does not detract from the character and amenity of the surrounding residential area.

What information do I need to submit?

All applications shall be accompanied by the following additional information:

- a completed and signed Application for Development Approval form;
- a completed 'Home-Based Business – Applicant Checklist' form;
- a scaled site plan showing the locations of buildings, vehicle crossovers and parking areas, pedestrian paths and the location of any bins / waste storage;
- a scaled floor plan showing the internal layout of the building(s), the use of each room and identifying the area to be used for the business;
- a covering letter detailing:
 - the operator(s) of the business;
 - the number of staff that will be employed on the premises at any one time;
 - the nature of the proposed business;
 - the proposed days and hours of operation;
 - how visitors to the site will be managed; and
 - any waste generated, its storage and the method of disposal.

Should any additional information be required to assess your proposal, a City Officer will contact you to request this.

Further information

Application guidance, forms and fees are available on the City's website. Should you require any further information please contact Development Approvals.

Phone: (08) 9272 0622

E-mail: mail@bayswater.wa.gov.au

Website: www.bayswater.wa.gov.au