

### Introduction

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This Policy establishes the Shire's position in relation to the use of homes for a range of business or commercial purposes, ancillary to the main use of those dwellings as somewhere to live.

The Policy details the Shire's approach to the assessment of development applications and the operation of home-based business activities in association with the primary residential use in accordance with the policy objectives.

This Local Planning Policy has been adopted by the Shire of Capel in accordance with the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

### Purpose

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The objectives of this Policy are to:

1. Promote the economic and lifestyle importance of home-based businesses in the Shire of Capel and to acknowledge evolving work practices and technology;
2. Ensure that home-based business activities operate as an ancillary use to a residential use on the same lot/development site;
3. Ensure that home-based business activities or functions do not cause nuisance or have any adverse impact on the residential character, amenity, or environment of adjoining properties and/or the surrounding residential area; and
4. Ensure that home-based business activities do not adversely impact on vehicular circulation or compromise the safety of road users and pedestrians.

### Application

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This Local Planning Policy applies to all residential premises within the Shire of Capel.

For the purposes of this Local Planning Policy, the term 'home-based business' refers to the following use classes, as defined in the Shire of Capel Local Planning Scheme No.8 –

- a) Home Business;
- b) Home Occupation;
- c) Home Office;
- d) Home Store;
- e) Rural Home Business; and
- f) Family Day Care

This Policy applies to zoned land under the Shire of Capel Local Planning Scheme No.8. In addition, to this Local Planning Policy, development approval for home-based businesses is required where:

- a) the land is identified as a heritage-protected place; or
- b) the land is in a Bushfire Prone Area, where the provisions of Deemed Provisions clause 78D(3) would apply; or

- c) a Greater Bunbury Region Scheme (GBRS) application is triggered.

Prior to the commencement of a home-based business use, land owners and applicants are encouraged to discuss all development proposals with Shire officers to determine whether the terms and requirements of this policy apply.

## Policy Statement

Development approval for a home-based business will be granted, provided that:

- a) it complies with the provisions in Table 1 below for the Zone in which it is located; and
- b) The specific land use class is not identified as an 'X' use (not permitted) in clause 17 Table 3 – Zoning Table of the Shire of Capel Local Planning Scheme No.8; and
- c) it does not vary any standards or requirements prescribed in the Shire of Capel Local Planning Scheme No.8 or the Planning and Development (Local Planning Schemes) Regulations 2015.

Development approval is not required for a "Home Office" or a "Home Occupation" where the use is listed as a "P" use in the Table 3 of the Shire of Capel Local Planning Scheme No.8 and no works are proposed as per Regulation 61(2)(b) and 61(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Table 1 – Additional development requirements for Home-Based Businesses**

Land Use Class	Zone	Additional Requirements
Home Business	Residential; Mixed Use Residential; Urban Development <sup>1</sup>	<ul style="list-style-type: none"> <li>• The business is located and conducted within a single detached dwelling on lots with a minimum area of 500m<sup>2</sup>;</li> <li>• The business component is clearly identifiable from the primary residential use of the dwelling;</li> <li>• Signage to be in accordance with standards set out in the Shire of Capel Local Planning Policy relating to signage control.</li> <li>• Operating hours limited to Monday to Saturday, 7am to 7pm;</li> <li>• The business activities or functions do not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding residential area;</li> <li>• Storage of chemicals, gases or other hazardous materials is no more than the amount normally associated with a domestic activity;</li> <li>• 1 vehicle parking bay per employee in addition to the residential requirements outlined under the Residential Design Codes.</li> </ul>
	Rural Residential; Rural; Priority Agriculture	<ul style="list-style-type: none"> <li>• The business component is clearly identifiable from the primary residential use of the dwelling;</li> <li>• Signage to be in accordance with standards set out in the Shire of Capel Local Planning Policy relating to signage control.</li> <li>• Operating hours limited to Monday to Saturday, 7am to 7pm;</li> <li>• The business activities or functions do not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding residential area;</li> <li>• 1 vehicle parking bay per employee.</li> </ul>
Home Store	Residential; Mixed Use Residential; Urban Development <sup>1</sup> ; Private Community Purpose	<ul style="list-style-type: none"> <li>• The business is located and conducted within a single detached dwelling on lots with a minimum area of 800m<sup>2</sup>;</li> <li>• The business component is clearly identifiable from the primary residential use of the dwelling;</li> <li>• Signage to be in accordance with standards set out in the Shire of Capel Local Planning Policy relating to signage control.</li> <li>• Operating hours limited to Monday to Saturday, 7am to 7pm;</li> </ul>

		<ul style="list-style-type: none"> <li>The business activities or functions do not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding residential area;</li> <li>Storage of chemicals, gases or other hazardous materials is no more than the amount normally associated with a domestic activity;</li> <li>1 vehicle parking bay per employee and 2 vehicle parking bays for customers, in addition to the residential requirements outlined under the Residential Design Codes;</li> </ul>
Rural Home Business	Rural Residential; Rural; Priority Agriculture	<ul style="list-style-type: none"> <li>The business component is clearly identifiable from the primary residential use of the dwelling;</li> <li>Outbuildings and all other incidental development constructed to accommodate or support the business have a similar appearance (materials and finishes) with existing outbuildings</li> <li>Signage to be in accordance with standards set out in the Shire of Capel Local Planning Policy relating to signage control.</li> <li>Operating hours limited to Monday to Saturday, 7am to 7pm;</li> <li>The business activities or functions do not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding area; and</li> <li>1 vehicle parking bay per employee.</li> </ul>
Family Day Care	Residential; Mixed Use Residential; Urban Development <sup>1</sup>	<ul style="list-style-type: none"> <li>The business is located and conducted within a single detached dwelling on lots with a minimum area of 500m<sup>2</sup>;</li> <li>Signage to be in accordance with standards set out in the Shire of Capel Local Planning Policy relating to signage control. Operating hours limited to Monday to Saturday, 7am to 7pm;</li> <li>The business activities or functions do not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding residential area;</li> <li>Solid fencing should be installed to a height of 1.8m behind the front building façade to any outdoor living area associated with the use to provide a safe, screened and secure site; and</li> <li>1 vehicle parking bay in addition to the residential requirements outlined under the Residential Design Codes.</li> </ul>
	Rural Residential; Rural; Priority Agriculture	<ul style="list-style-type: none"> <li>The business component is clearly identifiable from the primary residential use of the dwelling;</li> <li>Signage to be in accordance with standards set out in the Shire of Capel Local Planning Policy relating to signage control.</li> <li>Operating hours limited to Monday to Saturday, 7am to 7pm;</li> <li>The business activities or functions do not cause nuisance or have any adverse impact on the amenity of adjoining properties or the surrounding area; and</li> <li>1 vehicle parking bay for visitors.</li> </ul>

Notes:

<sup>1</sup> only where identified as Residential in an approved Local Structure Plan;

## Procedure

Advertising of Home-based businesses will be undertaken in accordance with the Shire of Capel Local Planning Scheme No.8.

Before carrying out any development, any other licences, permits or approvals required must be obtained in accordance with any other law.

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Reviewer:		Legislation:	Local Government Act 1995 Planning and Development Act 2005

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Amended:

Risk:

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