

Home Based Business Information Sheet and FAQ's

This Information Sheet and FAQ's should be used as a guide only. It is recommended that the advice and assistance of the Shire's Town Planning staff be sought in conjunction with any enquiries concerning the use of land within the Shire. Before undertaking any development, please discuss your intentions with the Shire. If you need to make a development application your time and money can be saved if you are thoroughly prepared.

A Home Based Business proposal cannot be considered if the proposal:

- Has an area greater than 50m²; or
- Involves the retail sale, display or hire of goods; or
- Employs two (2) or more people that are not a member of the occupier's household.

PART A – DO I NEED TO LODGE A DEVELOPMENT APPLICATION?

There are three (3) different types of home based business; Home Office, Home Occupation and Home Business.

A 'Home Office' is an 'as of right' use in residential areas which means that it can be undertaken from any dwelling within the Shire without planning approval, provided that it operates within the limitations as defined in the Planning Scheme and Local Planning Policy.

Home Office is limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- entail clients or customers travelling to and from the dwelling;
- involve any advertising signs on the premises; or
- require any external change to the appearance of the dwelling.

A 'Home Occupation' and 'Home Business' will need the submission and approval of a Development Application by the Shire

Home Occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- does not employ any person not a member of the occupier's household;
- will not cause injury to or adversely affect the amenity of the neighbourhood;
- does not occupy an area greater than 20 square metres;
- does not display a sign exceeding 0.2 square metres;
- does not involve the retail sale, display or hire of goods of any nature;
- 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;

- 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;

- does not employ more than 2 people not members of the occupier's household;
- will not cause injury to or adversely affect the amenity of the neighbourhood;
- does not occupy an area greater than 50 square metres;
- does not involve the retail sale, display or hire of goods of any nature;
- 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
- does not involve the use of an essential service of greater capacity than normally required in the zone.

PART B – WHAT IS THE COST OF APPLYING?

The application fee payable to the Shire at time of lodgement is \$222. Payment must be received at time of lodgement for assessment to begin.

Under no circumstances may the Home Occupation or Home Business commence operation without all the necessary approvals being granted. If the Home Occupation or Home Business has already commenced, a penalty of \$666 applies.

PART C – HOW DO I LODGE A DEVELOPMENT APPLICATION?

1. Land Owners consent must accompany any development application. If the property where the Home Occupation or Home Business is to be operated from is owned by Rio Tinto, you must obtain approval from Rio Tinto first as the land owner.
2. All Home Based Business Development Applications need to complete three (3) forms for submission. All of these forms can be found on the Shire's website:
 - Form 1 - Application for Development Approval;
 - Home Based Business Assessment Check;
 - Neighbour Consent Letter.
3. Provide a Site Plan which indicates where in the dwelling the Home Occupation or Home Business will be located. The site plan should include building dimensions (i.e.: length and width of rooms), location of any storage required for goods or equipment and location and number of car parking spaces. Hand drawn plans are acceptable – please use the graph paper provided in the *Home Based Business Assessment Check* form or an accurately drawn and scaled plan of the dwelling.

4. Attach signed Neighbour Consent Letter from neighbouring residents adjoining, behind and opposite the subject property – this may prevent the need for the Shire to advertise the Development Application for comment. If you are unsure if a neighbour requires consultation, it is usually best to seek their endorsement, or contact the Town Planning staff.
5. Submit your development application in one of the following ways:

Mail	Chief Executive Officer Shire of Ashburton Attention: Town Planning PO Box 567 Tom Price WA 6751
Email	townplanning@ashburton.wa.gov.au
In Person	At Shire Reception

Payment of the application fee must accompany your development application.

PART D – HOW LONG WILL THE ASSESSMENT PROCESS TAKE?

The proposal is assessed by the Town Planner for compliance with the Shire of Ashburton Town Planning Scheme and any relevant Local Planning Policies. The Town Planner may choose to advertise the application for comment, you will be advised if this is the case. Further fees may apply if advertising is needed.

Following advertising, the assessment of the application and consideration of any submissions will be undertaken by the Town Planner. Once determined, the applicant will be advised and a Notice of Determination will be issued to the applicant.

In the event that any of the adjoining neighbours object to the proposal, or if the Town Planner considers the matter controversial or otherwise requiring consideration by Council, the application may be referred to the next available Ordinary Council Meeting.

Assessment can take up to 60 days, and 90 days if advertising is required.

PART E – WHAT DOES SHIRE APPROVAL ENTAIL?

The Notice of Determination to the applicant will advise that the Home Occupation or Home Business is either Approved or Refused.

If approved, the approval:

- Is granted to the person to whom it was issued at the residence stated on the approval (generally the applicant); and is not capable of being transferred or assigned to any other person;
- On the sale of the property or moving of residence, the home occupation or business entitlement ceases;
- May be withdrawn at any time for any valid reason;
- May have conditions attached to the approval.

PART F – DO I REQUIRE ANY OTHER APPROVALS?

Once a development application has been determined and approval has been issued, you may also require separate approval from the Shire's Health Department (i.e.: if your proposal/application involves food or is for a beautician or hairdresser etc.). Please contact the Environmental Health department for application forms/enquiries, etc.

If your proposal involves the use or conversion of your shed or carport for the business, then you are strongly urged to speak to the Shire's Building Department prior to making this application. There are strict requirements that you need to be aware of that could influence the feasibility of your Home Occupation or Home Business development application.

Once approved, the Shire may inspect the premises at any time to ensure that all conditions on the Development Approval have been met. If breaches of the approval are observed by the Shire or adjoining neighbours, the Shire will investigate to determine whether the approval should be withdrawn or any other action is required.