



**POLICY NO. LPP 2.5**

**HOME BUSINESSES AND FAMILY DAY CARE**

**PURPOSE**

To provide guidance for the assessment and determination of applications involving a home-based activity.

**POLICY STATEMENT**

**1. APPLICATION OF POLICY**

This Policy applies to all applications seeking Development Approval for a Family Day Care, and/or Home Business.

**2. OBJECTIVES**

- (a) To provide guidance on Development Applications for Home Businesses and/or Family Day Care.
- (b) To ensure Home Businesses and/or Family Day Care do not have an unreasonable impact on the amenity of the local area.
- (c) To provide economic growth and employment opportunities by facilitating Home Businesses and/or Family Day Care where appropriate.

**3. DEFINITIONS**

The following terms are used throughout this Policy:

*Family Day Care* means premises used to provide family day care within the meaning of the *Children and Community Services Act 2004*.

*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 2 people not members 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 50 square metres;
- (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.



**4. POLICY**

**(a) General Requirements**

- (i) All Home Businesses and/or Family Day Care must be of an appropriate scale and be compatible with the setting.
- (ii) All Home Businesses and/or Family Day Care must comply with the *Environmental Protection (Noise) Regulations 1997* and any relevant Local Law or City Policy at all times.
- (iii) All Home Businesses and/or Family Day Care may incorporate one advertising sign, no greater than 0.2m<sup>2</sup> in area.
- (iv) Council will only support Home Businesses and/or Family Day Care proposals that involve visitations to the property on strata lot sites, where the subject site has direct frontage and access to the road network.
- (v) All applications for Home Businesses will be advertised to adjoining landowners for comment. Applications for Family Day Cares will be advertised to adjoining landowners where variations to this Policy are proposed.
- (vi) When determining whether a Home Businesses and/or Family Day Care has an impact on the amenity of the surrounding properties, Council will take into consideration the nature and scale of the business, noise, emissions, traffic generation, carparking requirements and hours of operation.
- (vii) All applications for Home Businesses and/or Family Day Care require, in addition to the car parking bays required for the dwelling, a minimum of two car parking bays that adequately cater for the expected number of clients and/or employees attending the site at any one time. Car parking in the driveway is not to obstruct footpaths.

**(b) Family Day Care**

- (i) The maximum number of children accommodated by a Family Day Care operation (including the applicant's children) shall be determined as follows:

Lot area (m <sup>2</sup> )	Approval without advertising	Requires advertising	Unacceptable
0-350	Proposal not supported		
350-449	2	3-4	5
450-549	3	4 - 5	6 or more
550-649	4	5 - 6	7 or more
650+	5	6 - 7	8 or more

- (ii) A Family Day Care shall only operate between 6am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays unless it can be demonstrated that the use will not impact on the amenity of surrounding properties.



- (iii) Any outdoor play area is to be a minimum of 1.0m from lot boundaries. Play areas may be required to be separated from the boundary by a physical barrier.
- (iv) A Family Day Care must operate within the standards of the *Children and Community Services Act 2004*.
- (v) Family Day Cares within designated Bushfire Prone Areas will require a Bushfire Management Plan, jointly endorsed by the City and the Department of Fire and Emergency Services.

**(c) Home Businesses**

- (i) Hours of operation are to be between 8am and 6pm Monday to Saturday, unless it can be demonstrated that the use will not adversely impact on the amenity of surrounding properties.
- (ii) The retail display, sale or hire of goods is not permitted on-site directly to customers, unless;
  - (a) the retail of goods are ordered by customers via telephone or internet sales that are dispatched via post; or
  - (b) the sale of goods is associated with and incidental to the primary service offered by the Home Business (for example, such as the provision of hair care products from a home based hairdresser).

**(d) Garage Sales**

- (i) Garage sales generally will not require Development Approval, however, in the event that a property accommodates more than one garage sale in any 30 day period, it shall be considered a Home Store, and be subject to the provisions of Town Planning Scheme No. 6.

**GOVERNANCE REFERENCES**

<b>Statutory Compliance</b>	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 City of Gosnells Town Planning Scheme No. 6
<b>Industry Compliance</b>	Children and Community Services Act 2004 Environmental Protection (Noise) Regulations 1997
<b>Organisational Compliance</b>	
<b>Process Links</b>	

**LOCAL PLANNING POLICY ADMINISTRATION**

<b>Directorate</b>		<b>Officer Title</b>		<b>Contact:</b>	
Planning & Development Services		Manager Development Services		9397 3000	
<b>Risk Rating</b>	Low	<b>Review Cycle</b>	Triennial	<b>Next Due:</b>	2024
<b>Version</b>	<b>Decision To Advertise</b>	<b>Decision to Adopt</b>	<b>Synopsis</b>		
1.	OCM 365/09/08/2011		Advertised with a 21-day submission period.		
2.		OCM 528/08/11/2011	To provide clear guidance on the assessment and determination on proposals involving Family Day Care,		



			Home Business and Home Occupation uses.
3.	OCM 414/28/08/2012		Advertised with a 21-day submission period.
4.		OCM 545/13/11/2012	To clarify when planning approval is required for a garage sale or a genuine hobby and what constitutes a home based activity as well as determining low impact applications which do not necessarily meet the hours of operation or location requirements.
5.	OCM 291/23/08/2016		Advertised with a 21-day submission period.
6.		OCM 403/08/11/2016	Amended Clause 3 to add a sub-clause for Family Day Care, Clause 5.1 to add a sub-clause to clarify home based activity proposals involving visitors and Amended sub-clause 5.2 to clarify family day care maximum numbers.
7.		OCM 418/18/12/2018	Extensive changes throughout policy.
8.		Exec Team Meeting 15/06/2020	Administrative typographical corrections to the definitions of Home Occupation and Home Business
9.		OCM 35/09/03/2021	Deleting reference to the Home Occupation Use through the Policy