

HOME-BASED BUSINESS Frequently Asked Questions (FAQ)

This FAQ is intended to provide general information and guidance to common questions regarding a home-based business.

Planning Framework and Legislation

For detailed information, please refer links to the key planning framework and legislation.

- [Planning and Development \(Local Planning Schemes\) Regulations 2015](#)
- [City of Busselton Local Planning Scheme No. 21](#)
- [State Planning Policy 3.7 Bushfire](#)

What is a home-based business?

Home based business is a broad term that describes a dwelling, or land around a dwelling, used by an occupier of the dwelling, to carry out business activities. Depending on the specific nature of the activities, a home based business may be classified under one of the following categories of land use terms:

- Home Office
- Home Occupation
- Home Business

These land use terms are defined under Schedule 1: Interpretations of the *City of Busselton Local Planning Scheme No. 21* (Scheme) as follows:

“Home Office” means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –

- (a) is solely within the dwelling; and*
- (b) does not entail clients or customers travelling to and from the dwelling; and*
- (c) does not involve the display of a sign on the premises; and*
- (d) does not require any change to the external appearance of the dwelling.*

“Home Occupation” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation —

- (a) does not involve employing a person who is not a member 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 20m²; and*
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and*

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- (e) *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*
- (f) *does not —*
 - (i) *require a greater number of parking spaces than normally required for a single dwelling; or*
 - (ii) *result in an increase in traffic volume in the neighbourhood; and*
- (g) *does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
- (h) *does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
- (i) *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.*

“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 a business, service or profession —

- (a) *does not involve employing more than 2 people 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 involve the retail sale, display or hire of goods of any nature except where those goods are manufactured or produced at the residence; and*
- (d) *does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*
- (e) *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.*

Under Part 4.15 of the Scheme, the following provisions also apply to Home Business:

4.15 HOME BUSINESS

4.15.1 A home business shall —

- (a) *not occupy an area greater than 50m², provided further that the area within which it is conducted is not visible from the street or a public place;*
- (b) *be conducted only between the hours of 8.00am and 6.00pm on weekdays, 9.00am and 5.00pm on Saturdays and is not conducted on Sundays and public holidays;*
- (c) *not have more than one advertising sign and the sign displayed does not exceed 0.2m² in area; and*
- (d) *not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight.*

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4.15.2 *Where the local government grants development approval for a home business, such development approval –*

- (a) must be personal to the person to whom it was granted;*
- (b) must not be transferred or assigned to any other person;*
- (c) does not run with the land in respect of which it was granted; and*
- (d) must apply only in respect of the land specified in the development approval.*

What if my business activities do not meet the above definitions?

Under the planning framework, when determining land use classification, the specific activities that comprise the land use are of primary importance. In such cases, the more specific definition is to take precedence over the more general. If a land use falls within two definitions, the more specific definition is to prevail.

If your proposed business activities do not fall under the above definitions, please refer to Schedule 1: Interpretations of the Scheme for other land use terms.

Will my home-based business require development (planning) approval?

The requirement for development approval will depend on what land use term your business activities fall under and the zoning of your land.

- Home Office

Under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), the use of premises as a Home Office is exempt from the requirement to obtain development approval.

- Home Occupation and Home Business

Land use permissibility in the various zones is provided in Table 1 – Zoning Table of the Scheme. A summary of the land use permissibility in select zones is provided below. For land use permissibility in all zones, please refer to the Scheme.

The symbols used in the Zoning Table have the following meanings –

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;*
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;*
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions;*
- 'X' means a use that is not permitted by the Scheme.*

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| Zone / Use Class | Residential | Tourism | Rural | Viticulture and Tourism | Rural Residential | Rural Landscape | Conservation | Bushland Protection |
|------------------|-------------|---------|-------|-------------------------------|-------------------|-----------------|--------------|---------------------|
| Home Business | D | X | P | P | P | A | A | A |
| Home Occupation | P | P | P | P | P | P | P | P |

Important Note

Despite a Home Business that is a permitted (P) use in relation to the zone, you may still need to obtain the prior development approval where:

- the development is undertaken in a special control area, and the relevant provisions of the Scheme requires the prior development approval;
- The development involves works that are not exempt; or
- The development is within a designated bushfire prone area.

How do I find the zoning or density code of my land?

Please refer to the City's [Online Property Maps](#) to search general property information.

If you need assistance navigating the Online Property Maps, please refer to the [How to Guide - Online Property Maps \(Search General Property Information\)](#).

Bushfire Prone Areas

Where a Home Business is located within an area designated as bushfire prone on the [Map of Bushfire Prone Areas](#) additional requirements may be applicable. In accordance with *State Planning Policy 3.7*, a Home Business may be considered a 'Vulnerable Land Use' which will require the preparation of a Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP) prepared by a suitably qualified Bushfire Planning Practitioner.

What supporting information will I need to submit with my application?

Please refer to the [Planning Checklists](#).

How do I lodge an application for development (planning) approval?

Please refer to the [How-to Guide – Application for Development Approval](#).

What is the development (planning) application fees?

Please refer to the [Planning Fees and Charges](#).

How will my application for development (planning) approval be assessed?

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In considering an application for development (planning) approval, the local government shall have due regard to the matters to be considered under cl 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) and apply the principles of orderly and proper planning.

Other Legislations

Please be aware that this FAQ only refers to the planning framework. Additional requirements or approvals may be required under other legislations, such as the *Building Regulations 2012* or other regulations as established under the *Public Health Act 2016*.

Further Assistance

If you need further help, contact Planning at (08) 9781 1731 or lodge an enquiry request online:

<https://www.busselton.wa.gov.au/council/report-an-issue-or-request-assistance>

**** Disclaimer ****

This FAQ sheet is intended for general information purposes only and should not be relied upon as a comprehensive source of guidance. For accurate and official information, please consult the relevant planning framework, Local Laws and applicable legislation. The City of Busselton accepts no liability for any errors, omissions, or reliance on the information contained herein.

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