

# Home Occupations and Home Businesses Relative to Sexual Services Businesses

<b>Policy Type: Local Planning Policy</b> <b>Policy Owner: Director Urban Planning</b>	<b>Policy No. LPP3.5</b> <b>Last Review Date: 20 September 2016</b>
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## Background

The issue of Sexual Service businesses operating as Home Occupations or Home Businesses has emerged since assent of the Prostitution Amendment Act 2008. This legislation has not been proclaimed to date, and is under review by the current State Government. As such the policy remains relevant for the City.

It is clear that the existing Home Occupation and Home Business provisions of the scheme have some ability to control these activities in the residential Living Area Precincts of the City. However, these provisions do not prevent this type of activity from establishing in such areas and the decisions taken by the City in restricting the establishment of such uses within its Living Area Precincts can be the subject of review at the State Administrative Tribunal. This presents a risk to the City and its residents.

Council considers that in order to safeguard the amenity of its residents from the adverse impacts that can result from the establishment of such businesses, that LPS6 should be amended to specifically preclude the operation of this type of business activity within the City's residential areas.

## Policy Objectives

This Policy is prepared to assist in the determination of applications for Home Occupation or Home Business approval relative to Sexual Services Businesses.

The key objective is the protection of the City's residential environment by prohibiting the establishment of Sexual Services businesses within residential properties.

The aims of this policy are as follows:

1. To restrict businesses of a sexual service nature within the Living Area Precincts of the City of Melville.
2. Provide greater clarity with regard to the term "Nuisance" in the determination of all home occupations.

## Policy Statement

1. Council will not grant approval for a Home Occupation or Home Business where that occupation consists of the establishment and conduct of a Sexual Service Business.
2. In order to provide clarity on appropriate uses within a residential environment, and in this context, 'Nuisance' is defined as unreasonable, unwarranted, excessive or unlawful use of one's property to the extent of unreasonable annoyance or inconvenience to a neighbour or to the public.

### References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005 Prostitution Amendment Act 2008 Planning and Development (Local Planning Schemes) Regulations 2015
Procedure, Process Maps, Work Instructions:	Planning Application Directorate Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	Local Planning Scheme No. 6
Delegated Authority No:	DA-020: Planning and Related Matters

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### ORIGIN/AUTHORITY

Ordinary Meeting of Council

19/08/2008

### Item No.

P08/3044

### REVIEWS

Ordinary Meeting of Council

15/03/2011

P11/3188

Ordinary Meeting of Council

18/03/2014

P14/3471

Ordinary Meeting of Council

20/09/2016

P16/3718