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1.2.9 Approach to Businesses Operating from Residential and Rural Properties without Development Approval

Background & Issues

Often business operators host their business from residential, rural residential and rural type properties usually associated with their permanent place of residence. It is apparent that a significant number of these business operations exist without development approval.

Typically the use of the premises is for storage, maintenance and the general business base for commercial activities that occur off site. (For example trades such as plumbers, electricians, painters, builders, auto electricians, furniture makers plus earthmoving contractors, transport companies, metal fabricators, and other mobile operators significantly make up the majority of operators drawn in by this Policy).

The reasons why business operators tend to undertake this practice are:

- Significantly reduced cost and greater business viability;
- Convenience;
- Security for machinery, equipment and products; and
- Lack of availability of suitable land / premises elsewhere.

Under existing Town Planning Scheme No:2 and/or proposed Local Planning Scheme No:4 the options to approve such business activities would generally be limited to either:

- a “Home Business” as defined below; or
 - “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 our 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.

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- a “Home Occupation” as defined below;

“home occupation” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ any person not a member 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 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of good of any nature;
- (f) 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; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

Both definitions are reasonably narrow and inherently restrictive and it would be expected that a significant percentage of operators would struggle to conform to either the “Home Business” or “Home Occupation” land use definitions and would be forced to cease operations or relocate to an approvable area if compliance requirements were enforced. Clearly the costs of relocation are likely to be significant and may potentially jeopardise the viability of many local businesses, particularly those at an embryonic stage. Forcing operators out of business is also not in the best interest of any local community.

Objectives

The objectives of the Policy are to:

1. Protect the amenity of neighbours and ensure that adverse environmental impacts do not occur from any unapproved development;
2. Not unnecessarily jeopardise the viability of low intensity businesses operating without development approval; and
3. Conserve human and financial resources of the Shire of Manjimup.

Area of Application

The whole Shire of Manjimup local government district

Policy Measures

That Council only enforces compliance with the current Local Planning Scheme against business operators based on properties across the district without a relevant development approval on a complaint basis or where the scale of the

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operation is significantly obvious and likely to impact on the amenity or environment of the area.

Administration

The administration of this policy is by the Statutory Services Division.

Adoption and Date Due for Revision

ADOPTED 6 MAY 2010
NEXT DUE FOR REVIEW MAY 2014

The Administration of this Policy is by Statutory Services Division.