



6.1.6 HOME BASED BUSINESS

Purpose

The purpose of this policy is to outline the requirements for all forms of Home Based Businesses within the Shire of Manjimup and the procedure to be followed by staff when considering such applications.

Objectives

The objectives of this policy are to promote, support and guide the establishment and ongoing operation of home based business activity within the Shire of Manjimup in a manner so as to protect the amenity of the area and ongoing viability of commercial and industrial areas within the Shire.

Interpretation

For the purpose of this policy, all terms and references shall have the same meaning as given by the provisions of the Shire of Manjimup Local Planning Scheme No 4 (LPS No 4) and the *Planning and Development Act 2005* and associated regulations.

Application

The provisions of this policy apply to all uses falling within the land use classifications of Home Based Business, Home Occupation, Rural Home Business and Cottage Industry as defined by LPS No 4.

Permissibility

In accordance with Schedule 2 – Clause 61(2) (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the operation of a Home Office in all zones does not require the approval of the Shire.

All other types of businesses operated from a dwelling or land around a dwelling require the Shire's prior development consent. Advertising of the application may be required.

Application Requirements

Where an application is to be made for Council's Development Consent, the submitted details should include:

- a) A completed Application for Development Consent (Form 1) and payment of the required fee in accordance with the Shire of Manjimups adopted budget;
- b) Payment of all costs associated with advertising of the proposal for public comment (where advertising is required);

- c) Site and Floor Plans plan confirming the area of the home, associated outbuildings and parking to be utilised for the business.
- d) Correspondence confirming all activities to be undertaken, hours of operation, the proposed number of employees associated with the business and their relationship to the occupier of the home.

Assessment

In considering applications for approval to Home Based Businesses, Council shall have regard to the following:

- a) Compliance with the respective definitions for Home Business, Home-Occupation, Rural Home Business and Cottage Industry and those matters detailed in Schedule 1 of LPS No. 4.
- b) The provision of off street/on-site parking for the business requirements. All applications for Home Based Businesses 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. Verge parking will not be supported.
- c) Any application for approval to a home based business involving more than one commercial vehicle shall only be determined by Council following advertising of the proposal.
- d) A Home Based Business shall employ a maximum of two (2) staff, including members of the family, excluding Rural Home Business.
- e) No Home Occupation or Home Based Business proposed within the Residential Zone may involve the parking of a commercial vehicle at the property.
- f) All applications for Home Based Business and Cottage Industry shall be advertised to adjoining or affected landowners for comment.
- g) All permits for Home Based Business, Home Occupation and Cottage Industry shall be limited to 12 months.
- h) **Garage Sales** generally will not require Development Approval, however, in the event that a property accommodates more than two garage sales in any 30 day period, it shall be considered a Home Store, and be subject to the provisions of Local Planning Scheme No. 4.

Delegation

Where no objections are received in response to advertising of the proposal, the Chief Executive Officer is granted delegated authority to conditionally approve the application without any further consideration of Council.

Conditions of Approval

Conditions of approval shall be applicable as deemed necessary by the Director of Development and Regulation. Without limiting the generality of the foregoing, approvals are to contain conditions to address the following:

- a) The development approval is granted for a period expiring on 30th June 20.., only after which period the use shall cease unless an application to renew this use is submitted prior to the expiration of this period seeking approval for the Home Occupation to be continued for a further period of 12 months has been submitted and approved by the Shire of Manjimup.
- b) All parking associated with the activity hereby approved shall be wholly contained on the property boundary to the satisfaction of the Shire of Manjimup.
- c) Prior to the commencement of the approved use, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup.
- d) The approved home occupation must not:
 - (i) cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of emission of noise, light, vibration, electrical interference;
 - (ii) employ any person not a member of the occupier's household;
 - (iii) occupy an area of land and/or building greater than 20m²;
 - (iv) display a sign exceeding 0.2m² in area;
 - (v) involve the retail sale, display or hire of goods of any nature;
 - (vi) result in the requirement for a greater number of parking facilities than is normally required for a single dwelling, or an increase in the volume of traffic in the neighbourhood;
 - (vii) involve the use of, or attendance at the premises of a vehicle more than 2 tonnes in tare weight, or the fuelling, repair and maintenance of any vehicles at the subject residence; and
 - (viii) involve the use of any essential service of greater capacity than normally required on a single lot in the subject zone.
- e) The approved home based business must not:
 - (i) cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, vibration, electrical interference, odour, fumes, smoke or other pollutant, vapour, steam, soot, ash, dust, waste water, water products, grit, oil or impact on public safety or otherwise;
 - (ii) employ more than two (2) people who are not members of the occupier's household;
 - (iii) occupy an area of land and/or building greater than 50m²;
 - (iv) involve the retail sale, display or hire of goods of any nature;
 - (v) in relation to vehicles and parking, result in traffic difficulties as a result of the inadequacy of parking or in increase in the volume of traffic in the subject neighbourhood or involve the presence of or the use and calling of a vehicle more than 3.5 tonnes tare weight; and
 - (vi) involve the use of an essential service of greater capacity than normally required on a single lot in the subject zone.

ADOPTED – 26 March 2020

EFFECTIVE – 8 April 2020

NEXT DUE FOR REVIEW – January 2024

The Administration of this Policy is by the Development and Regulation Division.