

COTTAGE INDUSTRY

LOCAL PLANNING POLICY



1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. OBJECTIVE

- 3.1 To provide clarity with regard to the establishment of a Cottage Industry, as opposed to a Home Occupation.
- 3.2 To provide opportunity for applications with sufficient justification and in appropriate locations to have the ability to retail goods produced on-site through the establishment of a small gallery.
- 3.3 To ensure that the use remains an ancillary use to the main dwelling or the principle land use on the property.

4. POLICY STATEMENT

- 4.1 The Shire's Local Planning Scheme No.3 defines the land use of 'Cottage Industry' as:

"industry – cottage" means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which –
(a) does not cause injury to or adversely affect the amenity of the neighbourhood;

- (b) *where operated in a residential zone, does not employ any person other than a member of the occupier's household;*
- (c) *is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;*
- (d) *does not occupy an area in excess of 50m² in area; and*
- (e) *does not display a sign exceeding 0.2m² in area;*

4.2 Permissibility of 'Cottage Industry' under the Scheme:

Zone	Permissibility
Residential	X
Rural Townsite	D
Urban Development	A
Rural-Residential	A
Rural Smallholdings	A
Rural	D
Commercial	D
Rural Enterprise	P

'D' means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

'A' means that the use is not permitted unless the Local Government has exercised its discretion by granting planning 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.

- 4.3 Cottage Industries can vary in nature from arts and crafts to pottery and sculpture, to the manufacture of fine furniture or even surfboards on a relatively small scale.
- 4.4 In some instances the standards can be relaxed where the Cottage Industry is proposed to be inclusive of a small gallery. This can occur where sufficient justification has been provided and the Council is satisfied that the Cottage Industry will not have a detrimental impact on the neighbouring properties, surrounding locality or the environment. A Cottage Industry that proposes a small gallery is also required to meet the minimum criteria and development standards specified in the Shire's Rural Tourism Development Local Planning Policy.
- 4.5 A Cottage Industry will only be supported where the Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, light spill, odour or visual intrusion on the neighbouring and/or nearby residents, or the environment.
- 4.6 A Cottage Industry can either be attached or detached from the dwelling located on the site. If new, detached, buildings are being developed to accommodate the new use, they should generally be clustered with existing buildings on the site and appropriately constructed on materials so as to complement the existing development.

- 4.7 The parking of vehicles associated with a Cottage Industry business is not permitted within a public carriageway, including the road verge.
- 4.8 In some instances the Council may only grant planning consent for a period of twelve (12) months upon which a renewal for the 'Cottage Industry' is required, including payment of all relevant fees.
- 4.9 Applications shall include the following information:
- a. Details of the proposed activity inclusive of any equipment used, proposed hours of operation, employees (if any) and their relationship to the occupier of the dwelling, frequency of clients or customers to the site and any other information considered relevant to the proposal; and
 - b. A site plan showing the dwelling and curtilage of the dwelling depicting where the activity is to take place, including areas for storage and/or administration and car parking provision where necessary.
- 4.10 Should the application be considered to meet the requirements of this Policy the application may be dealt with under delegated authority by Shire staff. However should the application not be considered to meet the requirements of the Policy or in the opinion of Shire staff require further consideration, the matter may be advertised in accordance with the Local Planning Scheme before being placed before a meeting of Council for determination.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Adopted at the 19 February 2014 Ordinary Meeting of Council