

**nhulunbuy** corporation

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## **HOME TRADING POLICY**

<b>Title</b>	<b>Home Trading Policy</b>
<b>Policy number</b>	26
<b>Type</b>	Community
<b>Owner</b>	Chief Executive Officer
<b>Responsible Officer</b>	Manager, Corporate and Community Services
<b>Approval date</b>	17 August 2016
<b>Next review date</b>	17 August 2018

## 1. Purpose

The policy establishes a framework to manage home trading within Nhulunbuy (Special Purposes Lease 214).

It has been developed to ensure that home trading businesses are established and operated in a manner that does not detract from residents' ability to enjoy their homes without being adversely impacted by businesses being conducted at nearby properties.

It is not the purpose of the policy to consider the potential economic viability of any home trading business on existing businesses within Nhulunbuy as it is not the Nhulunbuy Corporation's role to direct the feasibility of small business in the town.

## 2. Scope

This policy applies to all home businesses operating within Nhulunbuy. It does not extend to businesses operating in the Industrial Estate (Special Purposes Lease 250) or to businesses operating out of commercial spaces.

## 3. Definitions

**Amenity** means all those factors which combine to form the character of the area to residents and passers-by and shall include the present and likely future amenity.

**CEO** means Chief Executive Officer of the Nhulunbuy Corporation which is interchangeable with the title Town Administrator

**Dwelling** means a residence and the area around the residence on the same property in a residential area defined by the Lot description. It does not include a flat or a unit where there are more than four units on the property.

**Home trading** means a small business that is conducted in a dwelling or on the land around a dwelling by a resident of the dwelling and can only operate if it does not adversely affect the amenity of the surrounding neighbourhood in which it is located.

**Nhulunbuy Corporation** means the Nhulunbuy Corporation Limited

## 4. Policy

A dwelling may be used for the purpose of home trading where:

1. The occupation or profession is carried out only by persons permanently residing in the dwelling.

2. The person conducting the home trading must use the dwelling as their principal place of residence.
3. The occupation must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used
  - The parking of motor vehicles
  - The transporting of materials or goods to or from the dwelling
  - The hours of operation
  - Electrical interference
  - The storage of chemicals, gasses or other hazardous materials
  - Emissions from the site
  - Excessive noise, and
  - The presence, parking and garaging of a vehicle of more than two tonnes weight.
4. The total of the floor area of the dwelling plus the other areas of the site that are used for the home trading (including areas used temporarily) does not exceed 30m<sup>2</sup>. This includes areas used for the storage of any materials or goods.
5. The home trading business must not impose a load on any utility (power, gas, water, waste-water treatment and/or disposal) greater than normally required for domestic use.
6. The days and hours of operation for a home business shall generally be limited to the following:
  - i. 8am to 6pm - Monday to Friday
  - ii. 9am to 5pm - Saturday.

When determining an application, the number of hours and/or days of operation may be increased or further restricted through conditions where it is deemed necessary to protect the amenity of the surrounding area.

7. Only one commercial vehicle registered to a resident of the dwelling may be present at any time. The vehicle, which may include a commercial goods vehicle, commercial passenger vehicle, or a tow truck, shall not exceed two tonnes capacity, and may have a trailer. The vehicle must not be fuelled or repaired on the site.
8. No motor vehicle may be serviced or repaired for gain. Motor vehicle repairs, spray painting, panel beating etc. are not considered to be within the scope of home trading and should be located in the Industrial Estate.
9. The home trading business is ancillary to the primary use of the dwelling for residential purposes and is consistent with the terms of the sub-lease over the property and/or the terms of Special Purposes Lease 214 (Nhulunbuy).
10. Nhulunbuy Corporation approval is required prior to any structural changes, alterations, additions or new structures required for the home trading business. This is obtained through the Nhulunbuy Corporation's Building/Development Application process.
11. All home trading businesses must be undertaken in compliance with all relevant legislative requirements. It is the home trading business owner's responsibility to identify these requirements and ensure compliance. Legislative requirements may include (but are not

limited to) regulation of taxation, health, hygiene, fire safety, building and structural safety, occupational health and safety.

12. All home trading businesses must comply with all relevant insurance requirements (particularly, professional indemnity and public liability). Home trading business owners must agree to indemnify and release Rio Tinto Gove Operations and the Nhulunbuy Corporation from any potential liability that Rio Tinto Gove Operations and the Nhulunbuy Corporation may incur as a result of the home trading business.
13. If a business is registered to a residential address for taxation purposes and business activities are conducted either at that property or at other non-public sites throughout Nhulunbuy (ie. other residences), that dwelling is still considered to be used for home trading purposes and the business owner must adhere to this policy.

## 5. Process

An application for a permit to set up a home trading business must consist of:

- A fully completed Application Form
- A plan (to scale) of the property and buildings within the property
- A plan (to scale) of the floor area to be used for home trading
- A letter of approval for the home trading business from the property owner (if not the applicant)
- Payment of a one-off fee in accordance with the Nhulunbuy Corporation's Schedule of Fees and Charges
- Confirmation of the duration of intended trade, including:
  - Hours per day
  - Days per week
  - Anticipated number of days per year (include specific dates if known)

### *Acceptable Home Trading businesses*

Not all home trading businesses are compatible within the residential neighbourhood. Unacceptable home trading includes, but is not limited to:

- Industry
- Hobby or shop
- Warehouse
- Transport depot
- Sexual services of any kind
- Illegal activities of any kind.

Acceptable home trading businesses may include, but are not limited to, the following:

- Professional services: real estate, engineering, surveying, planning, architecture, valuation, secretarial, legal, finance, photography, security, travel
- Human services: beauty, therapeutic
- Trades: builder, plumber, electricians, mobile hairdressing
- Goods and services: food, commercial goods
- Tourism: fishing charters, 4WD and adventure tours

### *Permit fee*

The Nhulunbuy Corporation will not issue a home trading permit until it has received payment of the appropriate one-off permit fee as determined by the Corporation. Fees shall be charged in line with the Nhulunbuy Corporation's Schedule of Fees and Charges.

### *Approval*

The Nhulunbuy Corporation will provide details of any applications to the Nhulunbuy Town Board for consideration and recommendation.

The CEO is delegated the authority to give final approve applications which are recommended for approval by the Town Board and meet the requirements of this policy.

A letter of approval will be provided to each home trading business owner if successful with their application. This must be kept with the home trading business owner during their business operations and produced on request by the Nhulunbuy Corporation.

The Nhulunbuy Corporation maintains a register of all approved and current home trading businesses. These can be found on the Nhulunbuy Corporation's website.

### *Renewal of permit*

Home trading permits are valid for one year (12 months) from the date of approval. At the end of the 12 month approval period, home traders are required to re-register with the Nhulunbuy Corporation otherwise the approval will lapse. No additional permit fees are required to be paid.


If there are no changes to the application from the preceding permit, the application will not be required to be provided to the Town Board for consideration. However, this may occur at the discretion of the CEO.

## **6. Non-compliance**

If the Nhulunbuy Corporation becomes aware of a home trading business which is operating contrary to this policy or an approval application, the application may be revoked and/or the matter referred to Rio Tinto as Nhulunbuy's Head Lease holder for enforcement action.

## **7. Review process**

This policy will be reviewed two years from the date of adoption.

<b>Date</b> 17/8/16	<b>Director (Name)</b> C WALTERS	<b>Signature</b> 
<b>Chief Executive Officer (Name)</b> ANGELA MacMILLAN		<b>Signature</b> 