

TOWN CLERK/GENERAL MANAGER'S SUPPLEMENTARY REPORT

GENERAL PURPOSE COMMITTEE MEETING - 29TH JUNE 1993

SECTION 2 - PLANNING AND DEVELOPMENT

29. HOME ACTIVITY - MANUFACTURE AND REPAIR OF CERAMIC GARDEN POTS, FISH TANKS AND TERRINES AND CULTIVATION OF BONSAIS - LOT 1, DP783233, 208 RICHMOND ROAD, CLARENDON - MR D & MRS G MOSS. DA107/93

Owner	:	Mr and Mrs Moss
Statutory Provisions	:	Hawkesbury Local Environmental Plan, 1989
Area	:	3269m ²
Zone	:	Rural 1(c)
Advertising	:	Advertised with no objections
Date Received	:	6th May 1993

Key Issues

- Recent History
- Shop

Only blackboard sign

Recommendation

Approval

Report

Proposal

Application has been made to establish a 'home activity' involving the manufacture of various glass items, ceramic garden pots and cultivation of Bonsais. For the ceramic pots, moulds will be kept on site to make the final product. Fish tanks and Terrines will be repaired and/or manufactured from materials delivered to the site. The bonsai's have been described as a 'hobby' of the applicants, and will be cultivated on-site.

History

Since submitting their development application, the owner/applicants have been subject to various site inspections with respect to carrying out a prohibited use - 'a shop'. This activity involved the display of unauthorised signs and a prohibited use - that being a shop.

Located within the garage were goldfish tanks stocked with goldfish and various 'dry good' products normally associated within pet shops. Mr and Mrs Moss indicated that the products that were on display were 'stock' from their pet shop in Windsor, which they closed down and were going to be transported to the markets.

Mr and Mrs Moss were advised to cease their unauthorised activity and await a determination with respect to their submitted development application.

Statutory Situation

There are two definitions within which the application might reasonably fall, these being a 'shop' and a 'home activity'.

A 'shop' as contained within the Model Provisions of the Environmental Planning and Assessment Act, 1979 basically means *"a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials..."*

The broader definition of a 'home activity' states that *"...only goods made or produced therein as a result of activity or pursuit and goods ancillary thereto are displayed or sold..."* and that this is carried out only by the residents of the dwelling.

Shops are prohibited however, 'home activities' are permissible with consent. The objectives of this zone are:-

- (a) to primarily provide a rural residential living style; and
- (b) to prevent the establishment of traffic generating development along main and arterial roads.

Planning Comments

Adjoining owners were notified, however, no submissions were received.

Amenity

The subject site is located opposite the Richmond RAAF base to the north.

The activity will be carried out within and behind the existing garage. Given the scale and nature of the proposal, no detrimental effect on the area's amenity is likely.

Access/Parking

Submitted plans are not to scale and the driveway is located adjacent to the western boundary. Suitable area is provided for the provision of parking and it is considered that as the employee's reside on-site, two spaces and adequate manoeuvrability should be provided. These can be overcome by the imposition of appropriate conditions.

No new structures are proposed. Conditions imposed upon home activities severely constrain the expansion of any commercial activities, therefore the application is considered suitable for approval and given the nature of the activity, the application is supported.

The requirement for the operator to reside on site and a home activity is to encourage smaller operators to work from home whereby they may not have sufficient business to move to a commercial or industrial area. Home activity also encourages people to work from home where, in the absence of such an allowable use, people may become unemployed.

✓ IT IS RECOMMENDED THAT consent be granted subject to:-

1. The development, being a home activity involving the assembly/repair to fish tanks and terrines, manufacture of ceramic garden pots and the cultivation of bonsais shall be carried out generally in accordance with plans and supporting documentation submitted with the application.
2. No goods shall be stored between the building and the street alignment.
3. Operating hours shall be limited to 10am to 5.00pm, 7 (seven) days a week. Any alteration of these hours will require Council consent.
4. Parking shall be provided for 2 (two) vehicles in accordance with Council's regulations and Parking Policy. Parking spaces, accessways and aisle widths to conform to Council's specifications and to be constructed of brick pavers, drained and marked. The parking spaces are to be relocated as necessary to provide optimum manoeuvring on the site and ensure all vehicles enter and leave the site in a forward direction.
5. Compliance with the following requirements of a 'Home Activity' as defined in HLEP, 1989:-
 - a. Only goods made or produced therein as a result of the activity or pursuit and goods ancillary thereto are displayed or sold; and
 - b. "the activity or pursuit does not:-
 - (i) Interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
 - (ii) involve exposure to view from any public place of any unsightly matter;

- (iii) require the provision of any essential service, main of a greater capacity than that generally available in the locality;
- (iv) involve the employment of persons other than residents of the dwelling-house or dwelling;
- (v) involve the exhibition of any notice, advertisement or sign (other than a notice or sign not exceeding 1 (one) metre by 0.6 (zero point six) metres exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident thereof)."