

SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO.7 LOCAL PLANNING POLICY

Title:	Home Occupations/Home Businesses
File No:	PS.DV.2
Minute No:	13.07.33
Statutory Environment:	The Shire of Ashburton Town Planning Scheme No. 7 Planning & Development Act 2005
Adopted:	Adopted at the Ordinary Meeting of Council held on 20 September 2005
Last Review Date :	Ordinary Meeting of Council 17 November 2009

1.0 PURPOSE:

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

2.0 SCOPE:

A Local Planning Policy is not part of the Scheme and does not bind the Shire in respect of any application for planning approval but the Shire 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.

3.0 OBJECTIVES:

3.1 To assist in the control of Home Occupations and Home Businesses, and provide guidance and additional requirements for the control of such land uses.

4.0 HOME OCCUPATIONS

4.1 Definitions:

Home Occupation means: an occupation carried out in a dwelling or on land around a dwelling by a resident 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 20m²;*
- d) *does not display a sign exceeding 0.2m² in area;*
- e) *does not involve the retail sale, display or hire of goods of any nature;*
- f) *in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not involve 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.*

Home Business means: *A business, service or profession carried out in a dwelling or on land around a dwelling which:*

- a) *does not employ more than two people not members 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 50m²,*
- d) *does not involve the retail sale, display or hire of goods of any nature,*
- e) *in relation to vehicles and parking, will 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.*

4.2.1 Application Procedure:

An Application for Planning Approval form as included as Schedule 5 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') must be completed and accompanied by the appropriate fee as set out in the schedule of Fees and Charges.

Attached with the Application, a plan at a scale of 1:100 or 1:50 showing the area of the dwelling, outbuilding or site where the use will be conducted, the location of any proposed sign and the provision for on-site parking (if applicable) must be provided.

A separate licence may be required for signage.

4.3 Advertising:

4.3.1 Home Occupation:

Applications must be accompanied by letters of no objection from abutting land owners and of properties directly opposite (excluding vacant land). If for acceptable reasons letters of no objection cannot be provided, the Shire will direct advertising in accordance with Clause 5.7 of the Scheme. An additional fee for advertising will be applicable.

4.3.2 Home Business

All applications within the Residential, Commercial & Civic, Tourism and Rural Living Zones, are to be advertised in accordance with the provisions of Clause 5.7 of the Scheme.

4.4 Assessment:

All applications are to be assessed in accordance with This Local Planning Policy and the provisions of the Scheme.

4.5 Conditions:

The following conditions are likely to be applied (but not limited to) any Approval:

- a) Without the further written Approval of Council, the Home Occupation may only operate within the following hours:-

Monday – Saturday	8.00am to 8.00pm
Sunday	10.00am – 5.00pm

- b) This Planning Approval prohibits the preparation of food for commercial purposes or for sale.

This Planning Approval lapses on *(insert date one year from date of this Approval)*. With the permission of the Shire of Ashburton, this Planning Approval may be extended.

- c) This Planning Approval is issued to *(insert the name of the Applicant)* and this Planning Approval is not transferable.

For Home Occupation:

- d) This Planning Approval requires that the use complies with the definition of 'Home Occupation' as defined in the Shire of Ashburton Local Planning Scheme No. 7 as follows:

“Home Occupation means an occupation carried out in a dwelling or on land around a dwelling by a resident 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 20m²;*
- (d) *does not display a sign exceeding 0.2m² in area;*
- (e) *does not involve the retail sale, display or hire of goods of any nature;*
- (f) *in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not involve 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”.*

For Home Business:

- e) This Planning Approval requires that the use complies with the definition of 'Home Business' as defined in the Shire of Ashburton Local Planning Scheme No. 7 as follows:

Home Business means: *A business, service or profession carried out in a dwelling or on land around a dwelling which:*

- a) *does not employ more than two people not members 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 50m²,*
- d) *does not involve the retail sale, display or hire of goods of any nature,*
- e) *in relation to vehicles and parking, will 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.*

5.0 REFERENCE:

The Shire of Ashburton Town Planning Scheme No. 7 and the Planning & Development Act 2005.

6.0 RESPONSIBILITIES:

Register and further authority is delegated to the Chief Executive Officer.

7.0 ADOPTION: