

## CHAPTER 2.5 HOME BASED EMPLOYMENT

### 1.0 INTRODUCTION

This Chapter outlines Council's requirements for persons wishing to use their home for home based employment. Home Based Employment includes Home Business, Home Industry, Home Occupation and Home Occupation (sex services) as defined in WLEP 2013.

If you are considering operating a business in a rural or a residential zone, there are a number of factors relating to the type and scale of the business that may impact the quality of life in the surrounding locality. It is Council's intention to ensure that any activity undertaken from the home does not have a detrimental effect on other people's living environment.

This Chapter should be used as a guideline for all home based employment. In certain circumstances Home Business, Home Industry and Home Occupation will be Exempt Development under State Environmental Planning Policy (Exempt and Complying Development) 2008 (The Codes SEPP). Where they do not meet the standards or the criteria for exempt development under the Codes SEPP the provisions in this chapter will apply.

### 1.1 Relationship to other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

Chapter 2.1 – Housing and Ancillary Structures

Chapter 2.11 – Parking and Access

### 2.0 HOME OCCUPATION

A home occupation, as defined in WLEP 2013, does not require development consent from Council.

The activities which generally fall into this category are mainly small service oriented businesses involving only people who live in the dwelling and which have minimal impact on adjoining properties. These include:

- businesses, including tradesmen, that use a premises for office purposes only and attract 1 to 2 clients a day for consultation;
- businesses that involve the making or manufacturing of products on the site and delivery off the site by the resident;
- businesses that involve the making or manufacturing of a product which require the attraction of clientele to the site on an infrequent basis (1 to 2 clients per day) for consultation, e.g. dressmaker;
- mobile businesses which use the subject site for office purposes only which provide a service to other residential sites and which do not attract clients other than residents of those sites.

Where it is not clear whether an activity constitutes a home occupation, representation should be made to Council describing the activity you wish to undertake. Outline where the activity will be located (e.g. in one room of the house, the garage etc.), if goods and materials require storage on site, any noise that may be generated, if any traffic may be associated with the activity and any other impact.

### 3.0 HOME OCCUPATION (SEX SERVICES)

A 'home occupation (sex services)' requires development consent from Council and must comply with the requirements outlined in Chapter 2.14 - Restricted Premises and Sex Services Premises. Please refer to this chapter of the DCP for requirements.

### 4.0 HOME-BASED CHILD CARE

Home-based child care in certain circumstances is considered exempt development under the Codes SEPP. Home based child care proposals that do not meet the criteria of the SEPP and that are 'permitted with consent' under the WLEP 2013 are to comply with the provisions outlined in Chapter 2.8 Child Care Centres.

### 5.0 HOME BUSINESS AND HOME INDUSTRY

A home business or home industry that does not constitute Exempt Development under The Codes SEPP will require development consent from Council, prior to commencing operation of the business, and must satisfy all of the criteria in this section.

Such activities may take the form of an office, or the small scale manufacture of goods carried out in the dwelling or an outbuilding within the curtilage of the dwelling. These include activities such as hairdressers, accountants, health care specialists, medical practitioners, beauticians, drafting services and equipment repairs provided they satisfy the criteria outlined below.

#### 5.1 Maximum Floor Area

##### OBJECTIVE

- To ensure the size and operation of a home business or home industry carried out by the permanent residents of a dwelling is compatible with the amenity of the neighbourhood in which the home business or home industry is to be carried out

##### REQUIREMENTS

- a If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- b If development for the purposes of a home industry is permitted under this Plan, the carrying on of the industry must not involve the use of more than 50 square metres of floor area.

*Note: Under the Building Code of Australia, a change of building use involving a floor area greater than 10% of the floor area of a building would result in a change to the building class.*

## 5.2 Residential Amenity

### OBJECTIVE

- To ensure that such activities undertaken from the home do not detrimentally affect neighbouring residents or the amenity of the area

### REQUIREMENTS

A home business or home industry is required to satisfy the following criteria:

- a the activity is not a motor vehicle related use, for example repairs, panel beating, spray painting;
- b the activity will not cause nuisance by way of dust, odour, or fumes, for example the use of fibreglass components;
- c the activity does not generate an offensive noise (or a noise greater than 5 dB(A) above the normal background noise level);
- d the activity does not generate a potential fire risk;
- e the activity does not involve the boarding of animals on the property other than during their immediate treatment;
- f the activity is carried on within normal business hours (9.00 am to 5.00 pm) Monday to Saturday. The Council may consider a variation to these operating hours where it can be clearly demonstrated that the activity will not adversely impact the amenity of the area;
- g the activity does not involve the parking of more than one commercial vehicle driven by the permanent residents of the dwelling house;
- h the activity is conducted in a dwelling or outbuilding which is in keeping with the existing residential amenity.

## 5.3 Traffic Generation

### OBJECTIVE

- To ensure traffic generation does not exceed that of a standard residential area

### REQUIREMENT

In any location, a home business or home industry is not to generate more than 20 additional vehicular trips (10 clients) to and from the site per day. This allows for a total of 30 vehicular trips to be generated by the site, given that normal household vehicle trips average 10 per day.

## 5.4 Carparking

### OBJECTIVE

- To ensure adequate carparking is provided for the home business or home industry

### REQUIREMENTS

- a Council currently requires the provision of a minimum of two carparking spaces per dwelling house. Additional on-site carparking for a home business is to be provided at the rate of one space per non-resident employee and one space per client using the site at any one time. On street carparking can be assumed to accommodate one space per dwelling.
- b Home businesses which involve owner/operators, for example a truck and bobcat operator, must be owned and solely operated by the resident of the dwelling and shall be restricted to one truck and one piece of machinery, both of which shall be parked wholly within the property. Such activities are restricted to rural properties, due to the potential impact on adjoining residents.

## 5.5 Signage

### OBJECTIVE

- To ensure that signage does not detract from the residential amenity of the area

### REQUIREMENT

One business identification sign may be exhibited on the dwelling or within the curtilage of the dwelling to indicate the name and occupation of the resident and which would fit within a rectangular figure 0.8 metres in length by 0.4 metres in width. This sign will not require separate development consent.

## 5.6 Time Limited Consents

### OBJECTIVE

- To provide Council a mechanism to monitor home business operation and ensure minimal impact on the amenity of the surrounding area

### REQUIREMENT

Any consent granted for a home business will be for an initial maximum period of twelve months. Further extension of the consent beyond this time will take into account any representations which may have been received during this period. In order to extend the consent beyond the twelve month period a Section 96 application must be lodged with Council prior to the end of the initial twelve month period.