

## 9 HOME BUSINESS AND HOME INDUSTRY

This section of the DCP provides Council's specific requirements for Home Business and Home Industry developments. Other requirements are contained in the relevant general development part (Parts 2 to 7) and/or Area Plans (Parts 10 to 12) of this DCP. Where a conflict exists between this section and the general development part of LM DCP 2014, this section prevails.

Home Business and Home Industry are separate uses under LM LEP 2014, for the purpose of this DCP they have the same objectives and some similar controls as well as specific use controls. Development for the purposes of Home Business or Home Industry must comply with the definitions below.

**Note:** Health, safety, certification or registration requirements may regulate Home Activities. Refer to the *Building Code of Australia*, WorkCover Authority and verify with Council's Environmental Health and Building Officers when preparing an application for assessment by Council.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

### 9.1 DEVELOPMENT LOCATION, DESIGN AND OPERATION

#### *Objectives*

- a. To encourage and support home-based employment opportunities where they are of a low-key scale suitable to a dwelling and do not unreasonably impact on surrounding residences.

### ***Controls***

#### For Home Business and Home Industry:

1. Where the development has the potential to negatively affect the amenity of the neighbourhood, it must be demonstrated that measures will be implemented to mitigate those potential impacts.
2. The development must not impose greater demand on any public utility than would be reasonable from residential use in the same premises.
3. The development must be located close or easily accessible to the client base and public transport.
4. The development must not involve the boarding of animals on the property, other than during their immediate treatment.
5. The hours of operation for development that requires the use of machinery must be restricted to minimise adverse impacts on surrounding development. It must be demonstrated that the proposed hours of operation will not adversely affect the amenity of the area and surrounding properties.
6. The development must not require deliveries by vehicles greater than 2.5 tonnes.
7. The development must not involve:
  - i. parking for more than two vehicles on the property or on a street to which the property fronts, at any time;
  - ii. the provision of car parking within the front setback area, except as stacked parking provided on an existing driveway.
8. Where the development relies on vehicles as an inherent component (such as delivery vans, tow-truck operations, transport vehicles, mobile service vehicles, or similar) these should be limited to two vehicles and must be accommodated on-site at the side or rear of the existing dwelling. If a development requires more than two vehicles, they must be accommodated off-site.
9. The development should provide for non-discriminatory access.
10. The development must not involve the hiring out of materials, goods or vehicles.
11. The maximum amount of waste that can be generated by the home business or industry is limited by the availability of sufficient waste storage space. The space needed for waste storage cannot subtract from the minimum required landscaped area and private open space, nor displace a car from a garage or carport where the car will then occupy a visitor parking space or neighbour's kerbside.
12. The maximum amount of waste that can be generated by the home business or industry is also limited by the availability of sufficient waste space for collection of that waste on the kerbside, unless the waste will be regularly removed by the home business or industry operator in their own vehicle for delivery to legal waste management facilities.
13. The maximum commercial waste that can be generated by the home industry or home business per week is 1920 litres in mobile waste bins including household wastes.
14. To minimise disturbance in residential areas, commercial waste can only be collected a maximum of once per week (maximum of one waste collection vehicle per waste stream per week).

#### For Home Industry only:

15. The development must not emit unacceptable levels of vibration, odour, fumes, smoke, vapour, ash, dirt, oil, radio or electrical interference.
16. The development must not generate wastewater that requires connection to a trade waste facility.
17. The development must not require a licence under the NSW *Protection of the Environment Operations Act 1997* nor generate waste that requires collection by a licensed waste transporter. The business must also not store more than 12 waste tyres on the premises at any one time.

#### For Home Business only:

18. Where the development is within a Residential Flat Building, sufficient public or on-street parking should be located in proximity to the development.

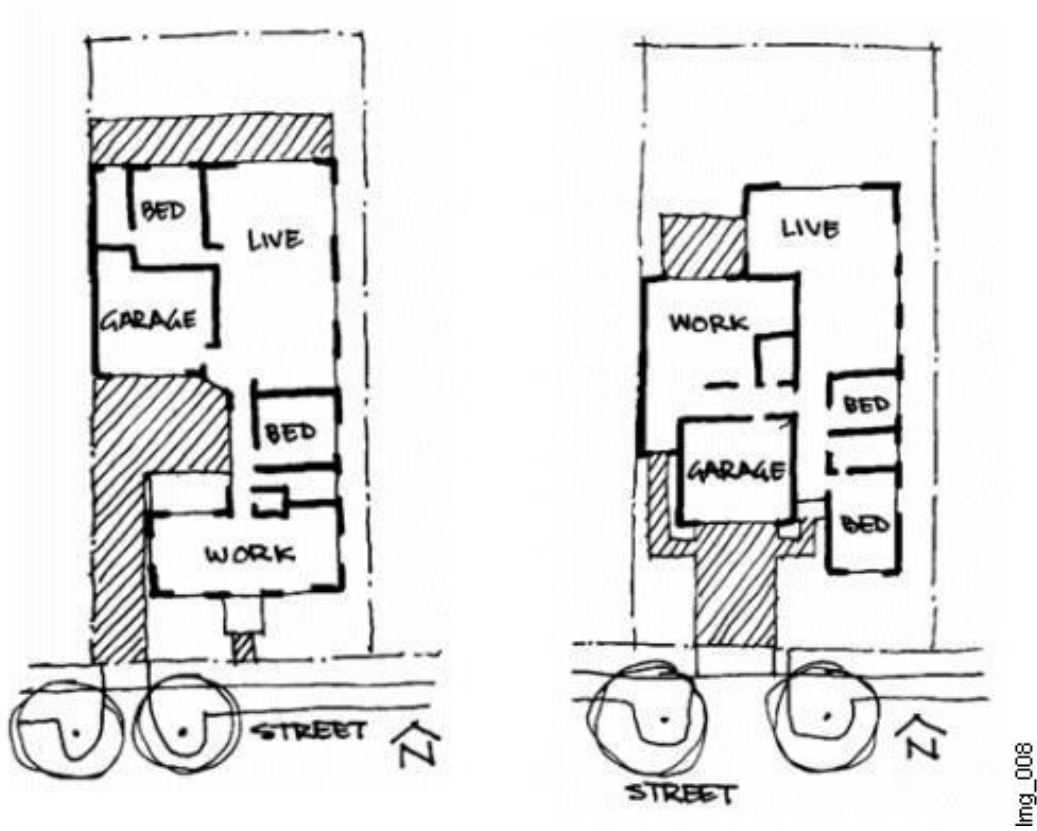


Figure 1 - Examples of house floor plans being used for home business

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