

# CHAPTER 2.16 HOME BASED EMPLOYMENT

## 2.16.1 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 Central Coast Local Environmental Plan (LEP) 2018.

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 may be considered 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.

### 2.16.1.1 Relationship to other Chapters and Policies

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

- Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development
- Chapter 2.13 – Transport and Parking
- Chapter 2.15 - Signage and Advertising

## 2.16.2 HOME OCCUPATION

A home occupation, as defined in Central Coast LEP, 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:

- a Businesses, including tradesmen, that use a premises for office purposes only and attract 1 to 2 clients a day for consultation;
- b Businesses that involve the making or manufacturing of products on the site and delivery off the site by the resident;
- c 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;
- d 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.

## 2.16.3 HOME OCCUPATION (SEX SERVICES)

A 'home occupation (sex services)' requires development consent from Council and must comply with the requirements outlined in Chapter 2.11: Restricted and Sex Services Premises. Please refer to this chapter of the DCP for requirements.

## 2.16.4 HOME-BASED CHILD CARE

Home-based child care is considered exempt or complying development under *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

*Note: The provisions regarding the number and age of children form part of the definition of home based child care and cannot be exceeded.*

## 2.16.5 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.

### 2.16.5.1 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 National Construction Code, 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.*

*Note: The above-mentioned floor space requirements are established under Central Coast LEP 2018 and cannot be varied.*

## 2.16.5.2 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.

## 2.16.5.3 Traffic Generation

### OBJECTIVE

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

### REQUIREMENT

- a 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.

### 2.16.5.4 Car Parking

#### OBJECTIVE

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

#### REQUIREMENTS

- a Refer to Chapter 2.13 Transport and Parking.

### 2.16.5.5 Signage

#### OBJECTIVE

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

#### REQUIREMENT

- a 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
- b Refer to Advertising and Signage Exempt Development Code under the Codes SEPP and Chapter 2.15 Signage and Advertising, for further details.

### 2.16.5.6 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

- a 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 request for modification application must be lodged with Council prior to the end of the initial twelve month period.