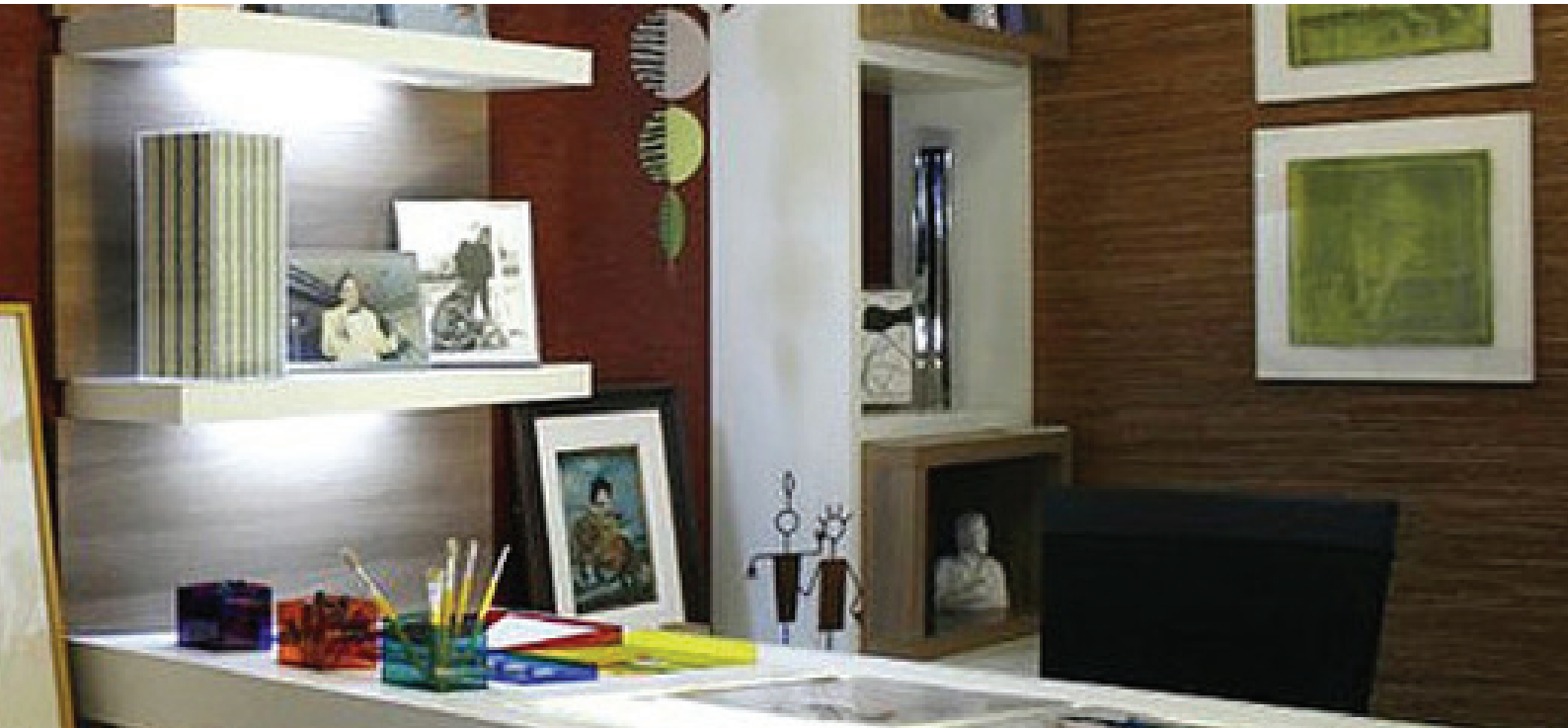


NOTE: This Chapter should not be read in isolation. You may need to consider other chapters of this DCP when preparing your application.



CHAPTER G19: HOME BASED BUSINESS ACTIVITIES

Chapter G19: Home Based Business Activities

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Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	3 December 2019	18 December 2019	Amendment

1 Purpose

The purpose of this Chapter is to provide guidelines for home based business activities including:

- Home businesses
- Home industries
- Home occupations
- Home based food businesses

2 Application

This Chapter applies to all land where home business, home industry and home occupations are permitted with development consent.

3 Context

Home based business activities include home occupations, home business and home industries. The nature of home based business activities is evolving with the emergence of information technology, the internet in most homes and the growing trend of telecommuters (those who work remotely from home).

Home based business activities provide an opportunity for a person to work from home as long as the use is compatible with the adjoining residential use of land. This land use can also provide support services such as doctors, accountants, hairdressers and the like in outlying villages where commercial centres and some industrial areas are remote.

Home based business activities must balance the growth of new business without negatively impacting upon the growth and uptake of business zoned land.

Note: Shoalhaven LEP 2014 details the number of people that may be employed at a home based business activity (if any), whether goods produced at the dwelling can be sold by retail and the maximum floor area for your activity.

Under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, a home business, home industry or home occupation may be exempt development. In this case, development consent is not required from Council.

Any home based business activity that is not exempt, or that has a negative impact on amenity, will require development consent from Council.

4 Objectives

The objectives are to:

- i. Encourage the growth and **development** of business and employment opportunities within defined areas without compromising the objectives of business zones or facilitating unfair competition.
- ii. Ensure that the external appearance of the premises remains domestic in scale and in character with the streetscape or area.
- iii. Encourage quality that improves the streetscape and character of surrounding **development** and objectives of the prevailing zone.
- iv. Safeguard the amenity of the neighbourhood and immediately adjoining and adjacent property owners.
- v. Ensure that the traffic and access needs associated with a **home activity** are compatible with the character of the neighbourhood or area.
- vi. Ensure that the activity does not have any impact on the environment unless appropriately moderated.
- vii. Clarify and make provision for rural/urban differences.
- viii. Ensure domestic premises used for commercial catering meet all relevant Act, Regulation, Code and Policy requirements.

5 Controls

5.1 Streetscape and Character

Performance Criteria	Acceptable Solutions
<p>P1 Development:</p> <ul style="list-style-type: none"> • Remains domestic in scale and appearance. • Remains in character with the streetscape or area. • Does not resemble a shop, commercial premises, office building or industrial premises. 	<p>A1.1 The floor area of the activity shall not exceed 60m².</p> <p>A1.2 Despite A1.1, the floor area of the activity does not exceed 100m² in the following zones:</p> <ul style="list-style-type: none"> • RU1 Primary Production. • RU2 Rural Landscape. • RU4 Primary Production Small Lots. • R5 Large Lot Residential. • E3 Environmental Management. • E4 Environmental Living. <p>A1.3 Despite A1.1 and A1.2, the floor area of the activity is not to exceed 10% of the floor area of the storey of the building.</p>

Note: If the area exceeds 10%, the classification of the **building** will change in accordance with the National Construction Code.

- A1.4 If the activity is not conducted within a **building**, the site area occupied should not exceed:
- 25% or 100m² (whichever is the lesser); or
 - 200m² in the following zones:
 - RU1 Primary Production.
 - RU2 Rural Landscape.
 - RU4 Primary Production Small Lots.
 - R5 Large Lot Residential.
 - E3 Environmental Management.
 - E4 Environmental Living.
- A1.5 The activity should not require the upgrading of any essential service infrastructure.
- A1.6 The height of any new **building** associated with the home based business activity is not to exceed 4.5m in height above existing **ground level**.
- A1.7 Only one home based activity shall operate per allotment.

5.2 Amenity

Performance Criteria		Acceptable Solutions	
P2	The activity does not generate noise or other emissions that could adversely affect the amenity of neighbouring premises.	A2.1	Between 8am to 6pm - Monday to Saturday - any noise generated by the activity is not to exceed 5dBA above the background noise level at the property boundary.
		A2.2	Between 6pm to 8am - Monday to Saturday, and all day Sunday and Public Holidays – no noise generated by the activity is to be audible at the property boundary.
		A2.3	The activity is not to cause perceptible odours (including cooking odours),

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			fumes, smoke, gas, vapours, steam, soot, ash, dust or grit.
		A2.4	The activity is not to cause vibration to be felt at neighbouring premises.
		A2.5	Traffic movements shall be limited outside 8am to 6pm - Monday to Saturday.
P3	The activity does not discharge any wastes that may damage the environment or adversely affect the amenity of the neighbourhood or area.	A3.1	No liquid waste is to be generated on site that would not normally be discharged from domestic premises into the sewerage system.
		A3.2	No contaminated waste is generated as a result of the activity.
P4	Adequate on-site provision for the collection, storage and disposal of waste products is provided in a way that does not adversely affect neighbouring premises or the environment.	A4.1	Collection and disposal of waste should be through Council's regular collection service.
			Note: Council's regular collection service may be supplemented, as necessary, by additional Council or private services.
		A4.2	The activity should not cause the accumulation of waste materials on the site unless they can be properly stored and disposed of by a regular collection service.
P5	Storage does not adversely affect the amenity or safety of the neighbourhood or area.	A5.1	The activity should not require the external storage of goods, materials, heavy plant or equipment or any unsightly matter.
		A5.2	No dangerous goods are to be stored on the site.
P6	The activity does not impact upon the privacy or solar access of neighbouring properties.	A6.1	Structures are not to impede the solar access of habitable rooms or overshadow private open space, recreation areas or affect the privacy of neighbouring premises.
P7	The carrying out of repairs and/or maintenance to vehicles, plant and/or equipment does not adversely affect the amenity of the neighbourhood.	A7.1	Mechanical and/or structural repairs or maintenance to any vehicle, plant or equipment associated with the activity should not be undertaken:
			<ul style="list-style-type: none"> • In any area of the property outside of the designated home-based activity area; • On the public road reserve adjacent
	Note: A vehicle repair station is a defined term in SLEP 2014 and is not a home business/occupation		

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		to the property; or
		<ul style="list-style-type: none"> In view of any public road, public place or neighbouring property.
	A7.2	Tools or equipment should not interfere with radio or TV reception in the neighbourhood.
P8	An activity located in a dual occupancy or multi dwelling housing development does not have any adverse impacts upon the amenity of other residents within the development .	A8.1 Where the activity is located within a dwelling comprising part of a dual occupancy or multi dwelling housing development , it must be demonstrated that the activity will not have any negative impacts upon the amenity of other residents within the development .

5.3 Economic Impact

Performance Criteria		Acceptable Solutions
P9	Opportunities for physical expansion are limited.	A9.1 Opportunities for expansion of your activity will only be considered where: <ul style="list-style-type: none"> The activity will be conducted on land adjoining your dwelling/site; and The residents of that dwelling also conduct the activity.

5.4 Traffic, Car Parking and Access

Notes: Refer to Chapter G21: Car Parking and Traffic for car parking requirements.

Consideration should be given for disabled access. If an activity requires a change in classification of the **building**, disabled access must be provided.

Performance Criteria		Acceptable Solutions
P10	Patterns of vehicle usage are compatible with the neighbourhood or area to ensure that traffic safety along the local area road network is maintained.	A10.1 The activity should not involve the parking or use of any vehicle (including deliveries) that cannot be driven by a Class C licensed driver. A10.2 The activity does not involve the parking or use of any plant or equipment for which a licence to

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Performance Criteria		Acceptable Solutions
		operate is required from WorkCover.
P11	The number of traffic movements will not adversely impact upon the amenity of the neighbourhood or area.	A11.1 Additional traffic movements associated with the activity are minimal (20 or less) during normal business hours .
P12	The standard of road access is adequate for the use and vehicular access is adequate for the activity and compatible with the character of the neighbourhood or area.	<p>A12.1 Public road access is available and adequate.</p> <p>A12.2 A standard footpath crossing is adequate for the activity.</p> <p>A12.3 A standard gutter crossing for areas without kerb and gutter is adequate for the activity.</p> <p>A12.4 In rural and environmental protection zones, a standard rural indented access and table drain crossing is adequate for the activity.</p>

5.5 Environmental

Performance Criteria		Acceptable Solutions
P13	<p>The activity:</p> <ul style="list-style-type: none"> • Protects scenic and landscape qualities. • Minimises the clearing of native vegetation. • Conserves habitats. • Protects important natural and cultural environments. • Conserves water and energy resources. 	<p>A13.1 The activity should not require the removal of any native vegetation.</p> <p>A13.2 The activity is to be adequately screened from any public vantage points.</p>

5.6 Home Based Food Businesses

Note: It is not intended to prevent the preparation of low **risk** products, such as jams, confectionary and cakes for sale at charity functions. Charitable organisations should refer to the Food Stands Australia New Zealand for further information about the preparation of food for sale.

Operators must be aware of the expense in properly setting up the kitchen area, not only to

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comply with the requirements of the *Food Act 2003*, Food Regulation 2010 and Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 of the Australian New Zealand Food Standards Code, but also with the requirements of [Council's Food Premises Policy](#) and development consent conditions.

This Section provides provisions for the preparation of food at domestic premises for consumption off site e.g. preparation for a catering function elsewhere; preparation of food for a business which then sells the food at one or more commercial food premises; preparation of food for sale at a local market, festival or show etc.

Development consent is required from **Council** prior to the commencement of the operation of a home based food business.

Performance Criteria	Acceptable Solutions
<p>P14 The level of construction is adequate for the nature of the home based food business.</p>	<p>A14.1 The size of the kitchen area and storage area shall be adequate for the intended use.</p> <div style="background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p>Note: Where the potential food safety hazard is sufficient, Council may require a higher construction standard being a separate room or building provided exclusively as a 'commercial kitchen' physically separated (by a self-closing lockable door or a wall) from the rest of the domestic environment in accordance with the requirements and standards prescribed under the Food Act and Regulation and Council's Food Premises Policy.</p> </div> <p>A14.2 The hot water system shall be of a sufficient capacity to cope with the intended workload and maintain a temperature complying with the requirements of Food Safety Standards 2001.</p> <p>A14.3 Equipment complies with Council's Food Premises Policy.</p> <div style="background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p>Note: For example, thermometers are provided to all refrigeration units, commercial grade double bowl sinks and filtered mechanical ventilation.</p> </div>
<p>P15 Every person in the food preparation and storage area complies with the relevant state legislation.</p> <div style="background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p>Note: For example, the Public Health Act</p> </div>	<p>A15.1 A Food Safety Supervisor qualification is required for any person/s processing potentially hazardous foods.</p> <p>A15.2 Family members or other persons not connected with food preparation are</p>

2010 and the Food Act 2003.

restricted in their access to the area where the food is prepared and contamination may occur.

A15.3 No person shall smoke in the food preparation, handling or storage areas.

A15.4 The carrying out of normal duties in the food preparation, handling or storage areas is not permitted (e.g. the changing of nappies).

A15.5 Pets shall not have access to the food preparation, handling or storage areas. Pet food must not be stored in the food preparation area.

A15.6 All food preparation surfaces must be smooth, durable, impervious to moisture and easy to clean.

Note: For example, decorations, pot plants or curtains are not to be stored in the preparation, handling or storage area if they prevent the surface from being properly cleaned.

A15.7 The food for sale must comply with the requirements of the Food Safety Standards including labelling where packaged.

A15.8 Household chemicals, medicines etc must be kept separate from food preparation, handling and storage areas.

A15.9 Any domestic food which is kept in the home based food business kitchen, for whatever reason, is deemed 'food for sale' and therefore must comply with the Food Safety Standards.

P16 Food transportation meets Food Safety Standard requirements.

A16.1 Food transportation must comply with Clause 10 of the Food Safety Standard 3.2.2.

Note: Clause 10 of the Food Safety Standard 3.2.2 requires that:

A food business must, when transporting food:

(a) Protect all food from the likelihood of contamination;

(b) Transport potentially hazardous food under temperature control; and

(c) Ensure that potentially hazardous food which is intended to be transported frozen remains frozen during transportation.

A16.2 Adequately sealed containers and hot boxes are to be provided to transport food and must be fitted with thermometers accurate to within 1 degree Celsius.

A16.3 Where further preparation is to be carried out or the food is being sold directly from a vehicle, then it must comply with the requirement of the [Shoalhaven Local Approvals Policy](#).

6 Advisory Information

6.1 Business Identification Signage

[Business identification signage](#) is the only form of [signage](#) permissible for home-based business activities.

The Codes SEPP details the requirements for [business identification signage](#) as [exempt development](#). [Development consent](#) is not required from [Council](#) if the exempt criteria is met. If a [signage](#) proposal is not considered [exempt development](#), refer to Chapter G22: Advertising and Signage of this [Development Control Plan](#).

6.2 Other legislation or policies you may need to check

Note: This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application

Council Policies & Guidelines	<ul style="list-style-type: none">• Council's Food Premises Policy• Shoalhaven Local Approvals Policy
External Policies & Guidelines	<ul style="list-style-type: none">• Food Safety Standards 2001• Australian New Zealand Food Standards Code (Food Safety Standards 3.1.1, 3.2.2 and 3.2.3)
Legislation	<ul style="list-style-type: none">• Food Act 2003 and Food Regulation 2010• Public Health Act 2010
