



Byron Shire Council Development Factsheet

Home-Based Business Requirements

A home-based business is a business that is run from a residential premises or a building in which the owner of the business lives.

When setting up a home-based business, it is important to consider the type of business you intend to carry out at home. Council has three different types of home based business definitions. It should be noted that only home businesses that can comply with the 'home occupation' definition are permissible in your home without any development consent from Council.

When considering your home based activity you will need to consider issues such as: will I employ a staff member, what type of vehicle movements will my business generate?, will there be any noise from my business activity, is my business likely to disrupt the neighbourhood and how?, does my business require me to display or advertise goods for sale in my home?, will I require signage?. The answers to these types of questions will help you determine the category and definition which best describes your 'home-based business'.

If you need some help in trying to define your 'home-based business', Council does offer a free 'Duty Town Planner' service which can assist you in determining the category of your business and whether development consent is required. The 'Duty Town Planner' service is offered Monday to Friday from 9am to 1pm, the number to contact is 6626 7025.

Definitions of home business fall into three categories:

Home industry means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:

- (a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and
- (b) the industry does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
 - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality.

Home office means a room or a number of rooms attached to, detached from or within a dwelling-house used by one or more professionally qualified practitioners (such as an accountant, architect, engineer, solicitor, doctor, dentist or health care professional) who are the permanent residents of the dwelling-house, where such office would not involve:

- (a) the employment of more than one person 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, or otherwise,
- (c) the display of goods, whether in a window or otherwise,
- (d) the exhibition of any notice, advertisement or sign (other than a notice or sign exhibited on the dwelling-house to indicate the name and occupation of the resident), or
- (e) a change in the appearance of the dwelling-house or land on which it is erected that is out of character with that of the surrounding area.

Home occupation means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:

- (a) the registration of the building under Factories, Shops and Industries Act 1962; or the employment of 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, or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident), or
- (e) the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail.

Do I need to lodge a development application?

If you are considering a **Home Office** or **Home Industry** you **will** require development consent from Council prior to operation. Issues you will need to address in your statement of environmental effects include a written report that describes what you intend to do is a good way of summarising your proposal and how you intend to conduct your Home Business. It should be a brief document that describes each aspect and refers to other detailed plans and reports that may accompany your application. The description of your proposal is to include:

1. A brief description of the location and the development site i.e. where you plan to conduct your business.
2. A statement of what you intend to do.
3. A description of any existing buildings, including the building to be used for the Home Industry.
4. Services provided or to be provided (water, sewerage, stormwater, telecommunications etc.).
5. Other site developments – open spaces, landscaping, parking and driveway provision, lighting, signage etc.
6. A brief statement of the potential environmental effects and how you plan to minimise them.

A **Home occupation** is classified as 'Exempt' development; therefore you may not need to lodge a DA providing it meets the conditions mentioned above.

Further information

Further information on exempt development can be found in [Councils DCP 16 – Exempt and Complying Development](#) or [State Environmental Planning Policy \(Exempt and Complying Development\) 2008](#)

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Other helpful guides

Business.gov.au - Home based businesses

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