

# Fact Sheet 5

Development & Building Services



## Home Business & Home Occupation

Date issued: 1/7/19

*“The Blue Mountains has a large concentration of knowledge workers and creative industries. Growing the creative and learning industries, e-commerce and home-based employment is important to strengthening the local economy and community well being” Sustainable Blue Mountains 2025 Community Strategic Plan*

This fact sheet is intended to provide guidance and assistance for such home based businesses. It describes the planning processes related to starting a home business, when you might need approval, and where additional information can be found, should you need it.

### Do I need development consent to run my home business/home occupation?

**Home business** and **home occupation** are defined land uses under the *Blue Mountains Local Environmental Plan 2015 (LEP)*. The LEP permits **home business** and/ or **home occupation** in certain zones without Council consent if the related definitions can be met. These are State wide definitions and are provided overleaf.

**Home business** and/or **home occupation** are subject to self-assessment. Before proceeding, it is important to confirm that your intended use is consistent with the definition of **home business** or **home occupation**.

Please note, if your **home business** or **home occupation** involves food handling and production or skin penetration, please contact Council’s Customer Service Advisor - Development Planning on the number below.

### What zone am I in?

You can identify your zoning using the interactive maps tool at [www.bmcc.nsw.gov.au](http://www.bmcc.nsw.gov.au) or speak with the Customer Service Advisor - Development Planning during business hours.

### Home business/home occupation is permitted in the following zones without consent:

	Home business	Home occupation
<b>RU2</b> Rural Landscape	x	✓
<b>RU4</b> Primary Production Small Lots	x	✓
<b>R1</b> General Residential	✓	✓
<b>R2</b> Low Density Residential	✓	✓
<b>R3</b> Medium Density Residential	✓	✓
<b>B1</b> Neighbourhood Centre	✓	✓
<b>B2</b> Local Centre	✓	✓
<b>B7</b> Business Park	✓	✓
<b>IN1</b> General Industrial	✓	✓
<b>IN2</b> Light Industrial	✓	✓
<b>RE1</b> Public Recreation	x	✓
<b>RE2</b> Private Recreation	✓	✓
<b>E2</b> Environmental Conservation	x	✓
<b>E3</b> Environmental Management	✓	✓
<b>E4</b> Environmental Living	✓	✓

### Further Information:

Please do not hesitate to contact Council for clarification and guidance. We are here to help.

**Customer Service Advisor - Development Planning: (02) 4780 5499**

Hours: 8:30am to 5:00pm Monday to Friday

w: [bmcc.nsw.gov.au](http://bmcc.nsw.gov.au)

e: [council@bmcc.nsw.gov.au](mailto:council@bmcc.nsw.gov.au)

### Can I put up a business identification sign for my home business?

See Fact Sheet 6 Business Identification Signs (for home businesses and home occupation)



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## Definitions

These definitions are from Council's Blue Mountains Local Environmental Plan (LEP) 2015 and the State Environmental Planning Policy (Exempt and complying Development Codes) 2008 (the SEPP)

<http://www.legislation.nsw.gov.au/#/view/EPI/2008/572/full>

**Home business** is defined under the SEPP and LEP:

*"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"*

Note LEP clause 5.4(2) applies: *"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"*

**Home occupation** is defined under the SEPP and LEP:

*"home occupation means an occupation 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 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 display of goods, whether in a window or otherwise, 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,*

*but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premise"*

If what you want to do doesn't meet either of these definitions then it may be a **home industry**, which requires development consent. Please contact Council's Customer Service Advisor - Development Planning to discuss. See overleaf for contact details.

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### Disclaimer

This fact sheet provides an overview of requirements for home business and home occupation uses based on State and Local Government legislation. **Please check [www.bmcc.nsw.gov.au](http://www.bmcc.nsw.gov.au) to ensure you have the most current version of this document.** As it is not possible to address every scenario/issue, a discussion with the Customer Service Advisor - Development Planning at Council is highly recommended. Contact details are provided overleaf.

