

Home Occupation

Do You Need Council Approval to Work From Home?

Summary

This summary has been prepared for anyone interested in establishing a **low-key** home based business within the Lismore Local Government Area. It gives definitions, requirements and specific issues which are common to the establishment of home occupations.

Definition of Home Occupation

In accordance with the Lismore Local Environmental Plan 2012, 'Home Occupation' is defined as follows:

'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;*
- (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 or grit, oil or otherwise;*
- (c) the display of goods, whether in a window or otherwise; or*
- (e) the exhibition of any signage (other than a business identification sign); or*
- (f) 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 premises.

What is a Resident?

A person accepted as a 'permanent resident' within the definition of Home Occupation must be a person who ordinarily resides in that dwelling and does not either regularly or from time to time return home to some other place.

Is Council Consent Required?

Lismore Local Environmental Plan 2012 provides that development consent is not required to be obtained from the Council for the establishment of a Home Occupation providing:

- the home occupation does not involve the manufacturing of food products or skin penetration procedures
- no building works are required to be undertaken and it is not being undertaken in an area where a vehicle is housed i.e. garage, shed or a non-habitable room
- the development must not involve the change of building use

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Issues

If Council receives a complaint from an adjoining resident concerning an alleged breach of the Home Occupation definition (such as interference with local amenity), and Council supports the issues raised in the objection, then the home occupation is unable to comply with the definition parameters

This will deem the home occupation activity as unlawful as it does not satisfy the relevant criteria. The home occupation will be required to cease, and a Development Application may be required to be submitted to Council for a "Home Industry" or "Home Business" if the use is consistent with relevant provisions of the Lismore Local Environmental Plan 2012. The application will then be assessed and a decision made on whether the activity should be approved or refused.

What do I need to do

Assess your proposal against the provisions of the Lismore Local Environmental Plan 2012 and if you deem your proposal to be a home occupation, you are able to operate under the provisions of the Lismore Local Environmental Plan 2012.

Keep a record of your assessment for future reference including the date. This may be required to be provided to Council if a complaint is received regarding the activity being undertaken.

If your proposal falls outside the home occupation definition, proceed to lodge a development application for either a home business or home industry in accordance with council's lodgement process. Information about lodging a development application can be found on Council's website at www.lismore.nsw.gov.au

Ancillary Approvals

Should the operation involve food preparation/cooking, hair dressing or a beautician, you are required to contact Council's Compliance Section prior to operation. Approval is required for certain activities and you must register your business with Council. An inspection of the premises is required before commencing operations.

Further Information

If you require further information in relation to home occupations, please contact Council's Duty Planner on 1300 87 83 87.