

## 9.3.8 Home Based Business Code



### 9.3.8.1 Application

This code applies to development identified as requiring assessment against the Home Based Business Code by the tables of assessment in **Part 5 Tables of Assessment**.

### 9.3.8.2 Purpose

- (1) The purpose of the Home Based Business Code is:
  - (a) to allow and encourage small scale business to establish and develop; and
  - (b) to ensure business activities are integrated within a dwelling, whilst ensuring the primary use of the land remains residential and the amenity of the residential neighbourhood is maintained.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Home based business:
    - (i) is domestic in scale and operates in a manner that is subservient and ancillary to the primary residential use on the premises;
    - (ii) integrates visually with the surrounding built and natural environment;
    - (iii) is managed so that impacts that have the potential to cause *environmental harm* or *environmental nuisance* are managed within the site itself;
    - (iv) does not require the services, facilities, accessibility or amenities of a commercial or industrial centre or would not be more appropriately located in a commercial or industrial zone;
    - (v) does not include Industrial Activities other than *minor industrial activities* in *residential areas*, or in close proximity to residential uses;
    - (vi) operates in a manner that maintains acceptable standards to protect the health and amenity of the community both on and adjacent to the site; and
    - (vii) immediately accesses a road of a standard that can safely carry traffic generated by the use.

### 9.3.8.3 Assessment Benchmarks

**Table 9.3.8.3.1— Criteria for Accepted and Assessable Development**

Performance Outcomes	Acceptable Outcomes
<b>Scale and Operation</b>	
<b>PO1</b> The <i>Home based business</i> : (1) is of a scale and nature that is consistent with	<b>AO1.1</b> A <i>Home based business</i> ; (1) is carried out by residents of the <i>dwelling</i> and

Performance Outcomes	Acceptable Outcomes
<p>that of a single dwelling; and            (2) maintains the safety and amenity of the locality and            (3) does not impact on the amenity of surrounding premises as a result of emissions including odour and noise.</p>	<p>involves only one non-resident employee on the site at one time;            (2) is conducted entirely within the <i>dwelling</i> and/or any associated <i>domestic outbuilding</i> on the site; and            (3) stores equipment, goods and materials associated with the use inside the <i>dwelling</i> or associated <i>domestic outbuilding</i>.</p> <p><b>AO1.2</b>            A <i>Home based business</i> does not:            (1) hire out materials, goods, appliances or vehicles stored on-premises; or            (2) involve the display of products that are visible from the site's road frontage or an adjoining property; or            (3) service or repair lawn mowers, outboard engines or motors; or            (4) store goods external to a building; or            (5) store chemicals, gases or other hazardous materials; or            (6) involve <i>Industrial Activities</i> other than <i>minor industrial activities</i>.</p> <p><b>AO1.3</b>            Except for <i>bed and breakfast</i> or home based childcare, the total <i>gross floor area</i> used exclusively for all <i>home based business</i> activity on the site, including storage, is a maximum of 50m<sup>2</sup>.</p> <p><b>AO1.4</b>            With the exception of noise generated by the arrival and departure of vehicles to the premises, a <i>Home based business</i> does not generate any noise audible beyond the boundary of the site.</p>
<b>Advertising Devices</b>	
<p><b>PO2</b>            The <i>Home based business</i> ensures that advertising devices are discrete and complementary to the character of the surrounding area.</p>	<p><b>AO2</b>            Only 1 advertising device is displayed on the premises and the sign:            (1) has a maximum sign face area of:                (a) 0.3m<sup>2</sup> where located on a site not exceeding 2,000m<sup>2</sup> in area; or                (b) 0.5m<sup>2</sup> located on a site exceeding 2,000m<sup>2</sup> in area;            (2) is attached to a fence or wall; and            (3) is not illuminated, flashing, moving or rotating.</p>
<b>Operating Hours</b>	
<p><b>PO3</b>            The operating hours of a <i>Home based business</i>:            (1) is compatible with the nature and type of use on adjoining premises; and            (2) does not have an adverse impact on the amenity of adjoining residences.</p>	<p><b>AO3</b>            A <i>Home based business</i>, other than for office activities, <i>domestic boarding</i> or a <i>bed and breakfast</i>, must only be conducted:            (1) between the hours of 7am to 7pm Monday to Saturday; and            (2) not on Sundays or public holidays.</p>

Performance Outcomes	Acceptable Outcomes
<b>Traffic</b>	
<p><b>PO4</b> Vehicles associated with and vehicle movements generated by a <i>Home based business</i> do not cause noise nuisance or generate more traffic than reasonably expected in the zone.</p>	<p><b>AO4.1</b> A <i>Home based business</i> does not involve or require the use of or visit by a vehicle larger than a small rigid vehicle.</p> <p><b>AO4.2</b> Loading or unloading activities are undertaken within the site.</p> <p><b>AO4.3</b> A <i>Home based business</i> does not generate more than 15 <i>vehicle trips per day</i> excluding vehicle trips of residents of the <i>dwelling</i> or employees.</p>
<b>Parking</b>	
<p><b>PO5</b> Sufficient on-site car parking is available to satisfy the needs of the <i>Home based business</i>.</p>	<p><b>AO5</b> A <i>Home based business</i> provides that all vehicles associated with the use can be, and are, parked on the site at all times.</p>
<b>Additional Matters - Bed and Breakfast</b>	
<p><b>PO6</b> A <i>bed and breakfast</i> is small-scale and subordinate to the <i>Dwelling house</i> or <i>Dual occupancy</i> and ensures: (1) the primary function of the <i>Dwelling house</i> or <i>Dual occupancy</i> is retained; (2) the number of residents, including permanent residents and guests, is consistent with the residential capacity of the dwelling; and (3) the use is compatible with the character and built form expectations for development in the zone.</p>	<p><b>AO6</b> A <i>bed and breakfast</i>: (1) is conducted from a <i>Dwelling house</i> or <i>Dual occupancy</i> by a permanent resident of the <i>dwelling</i>; (2) ensures at least one bedroom within the <i>dwelling</i> is excluded from use by guests; (3) uses a maximum number of three (3) bedrooms per dwelling to accommodate guests; (4) accommodates a maximum number of six (6) guests per <i>dwelling</i> at any one time; and (5) is contained within a single building under the same roof and not in a separate building to the <i>dwelling</i>. <b>Editor's Note</b> - A <i>bed and breakfast</i> includes a <i>farm stay</i> which involves short-term accommodation in a house occupied by residents of the farm. <b>Editor's Note</b> - See Short-term accommodation in regard to letting dwellings for tourists or travellers where the use is not conducted by a permanent resident of the <i>dwelling</i>.</p>
<p><b>PO7</b> <i>Bed and breakfast</i> accommodation is provided for short-term stay only.</p>	<p><b>AO7</b> Guests stay no more than 14 consecutive nights.</p>
<p><b>PO8</b> Privacy is provided for guests of the <i>bed and breakfast</i>.</p>	<p><b>AO8</b> Guests are provided with a bedroom capable of being enclosed and secured to prevent visual or other intrusion by other persons.</p>
<p><b>PO9</b> Sufficient parking spaces are provided on the site to cater for guests of the <i>bed and breakfast</i>.</p>	<p><b>AO9</b> A minimum of 1 (one) on-site car parking space per guest bedroom is provided in addition to the car parking spaces required for a <i>dwelling house</i> or <i>dual occupancy</i>.</p> <p><b>Note</b> - car parking spaces may be provided in a tandem configuration, provided that all spaces are wholly contained within</p>

Performance Outcomes	Acceptable Outcomes
	<i>the site such that parked vehicles do not protrude into the road reserve.</i>
<b>Additional Matters - Domestic Boarding</b>	
<p><b>PO10</b>  <i>Domestic boarding</i> is small-scale and subordinate to the <i>Dwelling house</i> or <i>Dual occupancy</i> and ensures:  (1) the primary function of the <i>Dwelling house</i> or <i>Dual occupancy</i> is retained;  (2) the number of boarders is consistent with the residential capacity of the <i>dwelling</i>; and  (3) the use is compatible with the character and built form expectations for development in the zone.</p>	<p><b>AO10</b>  <i>Domestic boarding</i>:  (1) is conducted within a self-contained <i>dwelling</i>;  (2) is conducted by a permanent resident of the <i>dwelling</i>; and  (3) accommodates not more than three boarders at any one time.</p>
<p><b>PO11</b>  Privacy is provided for boarders.</p>	<p><b>AO11</b>  Boarders are provided with a bedroom capable of being enclosed and secured to prevent visual or other intrusion by other persons.</p>

**Editor's note -**

*Compliance with the requirements of the planning scheme does not, on its own, provide authorisation for a home based business to operate. Home based businesses, in certain circumstances and locations may also require:*

- *an Approval pursuant to Councils local laws, particularly accommodation and food uses*
- *development approval being a building or plumbing permit*

*When considering commencing a home based business, contact Council for further details*