

9.3.3 Home based business code

9.3.3.1 Application

This code applies to:

- (1) accepted development subject to requirements and assessable development identified as requiring assessment against the Home based business code in the level of assessment tables in Part 5 of this Planning Scheme; and
- (2) impact assessable development for a home based business not specifically identified in a level of assessment table in Part 5 of this Planning Scheme.

When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3, in Part 5.

9.3.3.2 Purpose

The purpose of this code will be achieved through the following overall outcomes:

- (1) ensure a home based business is designed, located and operated in a manner that is compatible with the preferred amenity, character and function of the surrounding area and is appropriately integrated with the residential and other activities on the site and on adjoining sites; and
- (2) ensure that home based businesses do not impact on the primacy of the *residential activity* on the site and the residential character of any residential zone.

The purpose of the Home based business code will be achieved through the following overall outcomes:

- (1) A home based business is domestic in scale and subordinate to the primary residential use of the dwelling; and
- (2) A dwelling that contains a home based business is not distinguishable from other nearby dwellings in terms of visual appearance, noise emissions or traffic generation.

9.3.3.3 Assessment benchmarks

Table 9.3.3.1 – Home based business code:

- **Assessment benchmarks for assessable development and**
- **Requirements for accepted development**

Performance outcomes	Acceptable outcomes
Amenity, Safety and Scale of Use	
<p>PO 1 The operation of the <i>home based business</i> is limited in size, scale and the type of activity so that it:</p> <p>(a) remains ancillary to, and does not encroach upon the residential use of the <i>dwelling</i>; and</p> <p>(b) does not compromise the amenity or safety of the surrounding neighbourhood and primary residential use of the <i>dwelling</i>, having particular regard to:</p> <p style="margin-left: 20px;">(i) hours of operation; and</p> <p style="margin-left: 20px;">(ii) noise; and</p> <p style="margin-left: 20px;">(iii) odour; and</p> <p style="margin-left: 20px;">(iv) dust; and</p> <p style="margin-left: 20px;">(v) number of visitors and employees on the <i>site</i>; and</p> <p style="margin-left: 20px;">(vi) visual amenity impacts; and</p> <p style="margin-left: 20px;">(vii) use of potentially hazardous materials; and</p> <p style="margin-left: 20px;">(viii) traffic, access and car parking.</p>	<p>AO 1.1 Only one <i>home based business</i> is permitted per <i>dwelling</i>.</p> <p>AO 1.2 A permanent resident of the <i>dwelling</i> conducts the <i>home based business</i>.</p> <p>AO 1.3 The workspace of the <i>home based business</i> activity is totally separated from the primary residential use of the <i>dwelling</i> by a wall(s) and closable door(s).</p> <p>AO 1.4 The <i>home based business</i> does not include any type of motor vehicle service or repair (with the exception of repairs to auto-electrics or air-conditioning) on the <i>site</i> unless within the low impact industry or medium impact industry zones.</p> <p>AO 1.5 For a <i>home based business</i> (other than a bed and breakfast or farm stay conducted in a <i>dwelling house</i>):</p> <p>(a) the total <i>gross floor area</i> used for the home based business does not exceed 30 per cent of the <i>gross floor area</i> of the <i>dwelling</i>, or 50m²; whichever is less; and</p> <p>(b) outdoor use areas including parking areas do not exceed 10 per cent of the area of the <i>site</i> on which the <i>dwelling</i> house is located or 50m², whichever is less; and</p> <p>(c) outdoor use areas are fenced with a 1.8 metre solid screen fence along the common boundary with a <i>site</i> containing a <i>sensitive land use</i>; and</p> <p>(d) no more than two clients or customers are present at any one time and no more than eight clients or customers attend the home based business in any one day; and</p> <p>(e) the <i>home based business</i> only employs persons who are residents of the <i>dwelling</i>.</p> <p>AO 1.6 For a <i>home based business</i> conducted within a <i>dual occupancy, dwelling unit or multiple dwelling</i>:</p>

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- **Requirements for accepted development**

Performance outcomes	Acceptable outcomes
	<p>(a) the home based business does not involve a bed and breakfast or farm stay; and</p> <p>(b) the total <i>gross floor area</i> used for the <i>home based business</i> does not exceed 30 per cent of the <i>gross floor area</i> of the <i>dwelling</i> or 20m², whichever is less; and</p> <p>(c) the <i>home based business</i> does not involve an outdoor component or use area; and</p> <p>(d) no more than two clients or customers are present at any one time and no more than six clients or customers attend the <i>home based business</i> in any one day; and</p> <p>(e) the <i>home based business</i> only employs persons who are residents of the <i>dwelling</i>.</p> <p>AO 1.7 For a <i>home based business</i> operating as a bed and breakfast or farm stay:</p> <p>(a) at least one bedroom within the <i>dwelling house</i> is excluded from use by guests; and</p> <p>(b) the use complies with Table 9.3.3.2: Maximum number of bedrooms, guests and non-resident employees for bed and breakfast or farm stay.</p> <p>AO 1.8 Unless otherwise specified in the applicable zone code, for a <i>home based business</i> other than a bed and breakfast, farm stay or home based child care the hours of operation are limited to:</p> <p>(a) Monday to Saturday – 8.00am to 6.00pm; and</p> <p>(b) no operation on Sundays and Public Holidays.</p> <p>AO 1.9 Development does not result in any emissions, including noise, dust, odour or other emissions:</p> <p>(a) beyond the boundaries of the <i>site</i> for a <i>dwelling house</i>; or</p> <p>(b) beyond the <i>dwelling</i>, for a <i>multiple dwelling, dwelling unit</i> or <i>dual occupancy</i>.</p> <p>AO 1.10 Quantities of chemicals or gases or other hazardous materials used in association with</p>

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Performance outcomes	Acceptable outcomes
	<p>the <i>home based business</i> do not exceed the quantities normally associated with a <i>dwelling</i>.</p> <p>AO 1.11 Where goods are offered for sale from the premises, there is no public or external display of such goods.</p> <p>AO 1.12 The <i>home based business</i> does not include <i>industry activities</i>.</p>
Built Form and Character	
<p>PO 2 The <i>dwelling</i> in which the <i>home based business</i> activity is established and any associated structure must maintain the residential character of the site.</p>	<p>AO 2.1 Except for the placement of any <i>advertising device</i> permitted by this Planning Scheme, the external residential appearance and character of the <i>dwelling</i> is not modified to accommodate the <i>home based business</i>.</p> <p>AO 2.2 Any building constructed to accommodate a <i>home based business</i> that is visible from the street has an architectural style and colours that are the same as the primary <i>dwelling</i>.</p> <p>AO 2.3 <i>Advertising devices</i> erected on the <i>site</i> in connection with a <i>home based business</i>:</p> <ul style="list-style-type: none"> (a) include only the business name and contact details of the home based business that is lawfully conducted on the <i>site</i>; and attached to a wall or fence and is not free standing; and (b) are not illuminated, neon, flashing or in motion; and (c) are not to exceed 0.5m² in the Rural zone, and 0.3m² in any other zone; and (d) are limited to one <i>advertising device</i> on each <i>road frontage</i> of the allotment, except for a <i>dual occupancy, dwelling unit or multiple dwelling</i> where only one <i>advertising device</i> for way-finding purposes is permitted on the <i>site</i>. <p>Note—Applicants should seek agreement to any advertising device from the body corporate and the decision of the body corporate in relation to common property is final.</p>

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Performance outcomes	Acceptable outcomes
Traffic, Parking and Loading	
<p>PO 3 Traffic impacts generated by the <i>home based business</i> are no greater than that which might reasonably be expected in the residential location.</p>	<p>AO 3.1 A maximum of one motor vehicle required for the operation of the <i>home based business</i> with a carrying capacity not exceeding 2.5 tonnes is parked or garaged on the <i>site</i>.</p> <p>AO 3.2 Commercial deliveries or collections are limited to:</p> <p>(a) a vehicle with a carrying capacity not exceeding 2.5 tonnes; and</p> <p>(b) no more than two deliveries or collections per day.</p> <p>AO 3.3 Loading or unloading activity is undertaken entirely within the <i>site</i> in which the <i>home based business</i> is located.</p>
Storage and waste management	
<p>PO 4 Storage areas for equipment, goods, materials, and refuse containers are provided which are:</p> <p>(a) screened from the street and <i>adjoining land</i>; and</p> <p>(b) adequately sized to accommodate the refuse generated on-site; and</p> <p>(c) conveniently accessible to collection and delivery vehicles; and</p> <p>(d) able to be kept clean and dust free at all times.</p>	<p>AO 4.1 The <i>home based business</i> does not generate refuse in excess of the quantities normally associated with a <i>dwelling</i>.</p> <p><small>Note—compliance with this acceptable outcome is achieved if refuse does not exceed that which can be accommodated within a standard Council supplied residential bin (wheelie bin).</small></p> <p>AO 4.2 Equipment, goods and materials associated with the <i>home based business</i> are stored inside the <i>dwelling</i> or another fully enclosed structure such as a shed or garage on the same <i>site</i> as the <i>dwelling</i>.</p>
<p>PO 5 The risks associated with the storage of chemicals and a hazardous substance is minimised.</p>	<p>AO 5.1 Storage of flammable and combustible liquids complies with the minor storage provisions of <i>Australian Standards AS1940:2017 – The storage and Handling of Flammable and Combustible Liquids</i>.</p>

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Performance outcomes	Acceptable outcomes
Additional requirements for specific <i>home based businesses</i>	
<p>PO 6 For a bed and breakfast or farm stay:</p> <p>(a) accommodation is provided for short-term stay only; and</p> <p>(b) guests are provided an acceptable level of privacy and comfort.</p>	<p>AO 6.1 Guests stay no more than four consecutive nights for a bed and breakfast, and 14 consecutive nights for a farm stay.</p> <p>AO 6.2 Guest bedrooms and outdoor private areas are configured in a manner that is separated from the host living rooms and spaces and does not allow casual visual intrusion from hosts, guests or the public.</p> <p>AO 6.3 A separate bathroom and toilet facility is provided within the <i>dwelling house</i> for the exclusive use of guests.</p>

Table 9.3.3.2 Maximum number of bedrooms, guests and *non-resident employees* for bed and breakfast and farm stay.

	Maximum number of guest rooms	Maximum number of paying guests	Maximum number of non-resident employees
Where in the Rural zone	6	No specific limit	3
Where in any other zone	31	62	21