

9.3.7 Home based business code

9.3.7.1 Application

This code applies to accepted development subject to requirements and assessable development:-

- (a) being a material change of use for home based business; and
- (b) identified as requiring assessment against the Home based business code by the tables of assessment in **Part 5 (Tables of assessment)**.

9.3.7.2 Purpose and overall outcomes

- (1) The purpose of the Home based business code is to facilitate legitimate home based business conducted in a manner which is appropriate to the preferred character of the area and protects the amenity of surrounding premises.
- (2) The purpose of the code will be achieved through the following overall outcomes:-
 - (a) a home based business is domestic in scale and operates in a manner that is subservient and ancillary to the residential use of the premises;
 - (b) a home based business is conducted in a manner that maintains the residential character and amenity of the locality;
 - (c) a home based business is operated in a safe manner and does not impose an unreasonable load on infrastructure services.

9.3.7.3 Assessment benchmarks and requirements

Table 9.3.7.3.1 Assessment benchmarks for assessable development and requirements for accepted development

Performance outcomes		Acceptable outcomes	
Operation as bona fide working from home activity			
PO1	The home based business is conducted as a bona fide working from home activity.	AO1	Other than a bed and breakfast, the home based business is conducted:- (a) on, in, under or within the curtilage of a dwelling house or dual occupancy or another enclosed structure such as a shed or a garage on the same site as the dwelling; or (b) within a multiple dwelling. OR For a home based business operating as a bed and breakfast, the bed and breakfast is conducted within the dwelling house.
Scale of use and protection of amenity			
PO2	The home based business is limited in size and scale so that:- (a) the amenity of the existing neighbourhood is protected; and (b) the home based business remains ancillary to the residential use of the premises.	AO2.1	For a home based business, other than a bed and breakfast, conducted in association with a dwelling house or dual occupancy:- (a) the total area (both in and outside of the dwelling) used for the home based business does not exceed:- (i) 40m ² where the dwelling is located on a lot not more than 2,000m ² in area; or

Performance outcomes		Acceptable outcomes	
			<ul style="list-style-type: none"> (ii) 80m² where the dwelling is located on a lot more than 2,000m² in area; (b) no more than 2 customers or clients are present at any one time and no more than 8 customers or clients are present in any one day; and (c) the home based business does not involve more than:- <ul style="list-style-type: none"> (i) 2 persons, including residents of the dwelling; or (ii) where the site is in the Rural zone, 4 persons, including residents of the dwelling. <p>OR</p> <p>For a home based business conducted within a multiple dwelling:-</p> <ul style="list-style-type: none"> (a) the total gross floor area used for the home based business does not exceed:- <ul style="list-style-type: none"> (i) 20m²; and (ii) 10% of the area of any floor level on which the home based business is located; (b) the home based business does not involve outdoor use areas; (c) no more than 2 customers or clients are present at any one time and no more than 8 customers or clients are present in any one day; and (d) the home based business involves only the persons who are residents of the dwelling. <p>OR</p> <p>For a home based business operating as a bed and breakfast:-</p> <ul style="list-style-type: none"> (a) the use is conducted from a dwelling house; (b) at least one bedroom within the dwelling house is excluded from use by guests; and (c) the maximum number of bedrooms used to accommodate guests is 3 and the maximum number of guests accommodated at any one time is 6.
		AO2.2	Not more than one home based business is conducted on the premises.
PO3	The home based business does not involve any materials, equipment or processes that cause nuisance or detrimentally impact on residential amenity.	AO3.1	The home based business does not produce any dust emissions.
		AO3.2	The home based business does not produce a noticeable smell in excess of 1 odour unit beyond the site boundaries.
		AO3.3	The home based business does not produce noise which exceeds the background noise level plus 5 dB(A) (8.00am – 6.00pm) (measured as an adjusted sound level).
		AO3.4	Loading or unloading of goods is not

Performance outcomes		Acceptable outcomes	
		<p>AO3.5</p> <p>AO3.6</p> <p>AO3.7</p> <p>AO3.8</p> <p>AO3.9</p> <p>AO3.10</p>	<p>undertaken by a vehicle larger than a small rigid vehicle (SRV).</p> <p>A maximum of 1 commercial vehicle (not including a heavy rigid vehicle (HRV) or articulated vehicle (AV)) associated with the home based business is parked/garaged on the premises.</p> <p>No vehicle is fuelled, serviced or repaired on the premises.</p> <p>Materials or equipment used or goods manufactured, serviced or repaired are stored within a building on the premises.</p> <p>Trade person's storage and horticultural activities are located at the rear of the dwelling and any vehicle, or stored equipment or materials, is screened from view from all public places and adjoining residential premises.</p> <p>The home based business does not involve any activity defined as an environmentally relevant activity in the <i>Environmental Protection Regulation 2008</i>.</p> <p>Where goods are offered for sale from the premises, there is no public display of such goods.</p>
PO4	The hours of operation of the home based business do not cause a nuisance or detrimentally impact on residential amenity.	AO4	<p>The hours of operation of the home based business are limited to:-</p> <p>(a) between 8.00am and 6.00pm, Mondays to Saturdays; and</p> <p>(b) not at all on Sundays or public holidays.</p> <p>Note—the above hours of operation do not apply to a bed and breakfast or the office activities of a home based business.</p>
On-site car parking			
PO5	Sufficient and convenient on-site car parking is provided to accommodate the needs of the home based business.	AO5	<p>In addition to the parking required for the primary residential use, the following on-site parking is provided where the home based business attracts customer vehicles to the premises:-</p> <p>(a) 1 space for customer parking; plus</p> <p>(b) 1 space per non-resident employee; or</p> <p>(c) 1 space per guest room for a bed and breakfast.</p> <p>Any required on-site parking spaces may be provided in tandem to the residential parking spaces.</p>
Signage			
PO6	Signage associated with the home based business is small, unobtrusive and appropriate to its location and setting.	AO6	<p>Not more than 1 advertising device is erected on the premises and the sign:-</p> <p>(a) includes only the name of the occupier and/or the business conducted on the premises;</p> <p>(b) has a maximum sign face area of 0.3m²;</p>

Performance outcomes		Acceptable outcomes	
			(c) is attached to a fence or wall; and (d) is not illuminated or in motion.
Services and utilities			
PO7	The home based business does not detrimentally impact on the capacity of infrastructure services.	AO7	No greater load is imposed on any public utility than would reasonably be expected from that normally associated with a residential activity.
Storage of chemicals			
PO8	The risk to occupiers, employees and neighbouring residents from the storage of chemicals and hazardous substances is minimised.	AO8.1	Quantities of chemicals or gases or other hazardous materials do not exceed the limits normally associated with a residential activity.
		AO8.2	Storage of flammable and combustible liquids complies with the minor storage provisions of <i>Australian Standards AS1940 – The Storage and Handling of Flammable and Combustible Liquids</i> .
Additional assessment benchmarks and requirements for bed and breakfast accommodation			
Temporary accommodation			
PO9	Bed and breakfast accommodation is provided for short-term stay only.	AO9	Guests stay no more than 14 consecutive nights.
Guest facilities			
PO10	An acceptable standard of facilities is provided for guests of the bed and breakfast.	AO10.1	Guests are provided with a bedroom capable of being enclosed to prevent visual or other intrusion by members of the host family or other guests.
		AO10.2	A separate bathroom and toilet facility is provided within the dwelling house for the exclusive use of guests.
Supporting small scale commercial activities			
PO11	Small scale commercial activities that support the Farm Stay or Bed and Breakfast home based business does not detract from the predominant residential or rural amenity of the site or surrounding area.	AO11.1	Small scale commercial activities that support farm stay or bed and breakfast home based business are limited to:- (a) Tea house; (b) Art gallery; (c) Private museum; (d) Cellar door; or (e) Boutique retail.
		AO11.2	Small scale commercial activities must be associated with an operational bed and breakfast or farm stay home based business.
		AO11.3	Only one small scale commercial activity can occur on site.
		AO11.4	The hours of operation of the home based business are limited to between 9.00am and 5.00pm, Mondays to Sundays.
		AO11.5	No more than twelve (12) customers can access the small scale commercial activity at any time.
		AO11.6	A minimum of one (1) car parking space per two (2) customers are provided for customer car parking on-site.