



#### 4.5.11 Home Based Business Code

##### Purpose

The purpose of this Code is to ensure that:

- the amenity of the area in which the Home Based Business is intended to operate is protected from any adverse impacts;
- the operation of the business is secondary to the residential use, whether or not the residential use is carried out in a residential area; and
- the traffic, both pedestrian and vehicular, generated by the use can be accommodated within the local Road network without adverse impacts on the network.

##### Applicability

This Code applies to assessable development for a Material Change of Use for a Home Based Business, including Bed and Breakfast Accommodation , Forest Stay Accommodation and Host Farm Accommodation.

#### Elements of the Code

##### *Siting and Design*

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P1 The Home Based Business is compatible with adjacent uses and is small scale and secondary to the primary residential use.</p>	<p>A1.1 The Home Based Business is conducted by residents of the House and no more than 2 persons, who are not residents of the House, employed in association with the business.</p> <p>A1.2 The Home Based Business is located within the House and is limited to a designated area of the House which is less than one third of the entire roofed area of the House.</p> <p style="text-align: center;">OR</p> <p>If the Home Based Business (other than Bed &amp; Breakfast, Forest Stay and Host Farm Accommodation) is located separate to the House, it is located in only one Building which has a maximum area of 30m<sup>2</sup>; and is located within 20 metres of the House.</p>



<p>P2 The Home Based Business provides adequate car parking on Site for the traffic generated by the use in association with car parking for the residents.</p>	<p>A2.1 Car parking is located to provide easy Access to the premises from which the Home Based Business will operate.</p>
<p>P3 Any new Building/s to be Erected in association with a Home Based Business complement existing Buildings on Site and create no significant visual impacts from adjoining public Roads.</p>	<p>A3.1 Buildings are small scale and low key and are designed to be in character with the predominant built character and streetscape of the area. AND The exterior building materials and colours are consistent with any existing Buildings on Site and complement the surrounding natural landscape.</p>
<p>P4 The Home Based Business does not adversely affect the amenity of the locality containing the Site.</p>	<p>A4.1 The Home Based Business does not produce any odour, dust, vibration or electrical interference which is detectable at the boundary of the Site.</p> <p>A4.2 The Home Based Business does not produce any noise which exceeds the background noise level plus 5dB(A) (8.00 am to 6.00 pm).</p> <p>A4.3 No more than one commercial vehicle, not exceeding 4.49 tonnes gross vehicle mass is associated with the Home Based Business and is garaged/parked on the Site.</p> <p>A4.4 No vehicle or machinery is fuelled, serviced or repaired on the Site.</p> <p>A4.5 No sign other than a sign not exceeding 0.3 m<sup>2</sup> and having only the name and occupation of the operator/operation is displayed.</p> <p>A4.6 The Home Based Business (other than Bed and Breakfast, Forest Stay and Host Farm Accommodation) is conducted between the hours of 8.00 am to 6.00 pm Monday to Friday and 8.00 am to 6.00 pm Saturday. The Home Based Business is not conducted at all on Sundays or on Public Holidays</p>



***Bed and Breakfast Accommodation – Additional Provisions***

<p>P5 In the case of Bed and Breakfast Accommodation, the accommodation remains ancillary to the primary residential use.</p>	<p>A5.1 In Urban Areas no more than 2 bedrooms (a maximum of 4 Bed Spaces) and optional ensuite within a House are used for Bed and Breakfast Accommodation for the travelling public.</p> <p>A5.2 In Urban Areas no kitchen or cooking facilities, with the exception of those located within the existing House on the Site, are provided in association with the Bed and Breakfast Accommodation.</p> <p>A5.3 In Other Areas, no more than 4 bedrooms (a maximum of 8 Bed Spaces) and optional ensuite are used for Bed and Breakfast Accommodation for the travelling public.</p> <p>A5.4 In Other Areas, Bed and Breakfast Accommodation can be located in a maximum of 4 separate Building/s to the existing House, provided that each Building is a maximum of 50m<sup>2</sup> (inclusive of verandahs, patios etc) and located within 20 metres of the existing House and on the same lot.</p> <p>A5.5 In Other Areas, no kitchen or cooking facilities, with the exception of those located within the existing House on the Site, are provided in association with the Bed and Breakfast Accommodation.</p> <p>A5.6 In the Settlement Areas North of the Daintree River Locality the maximum number of bedrooms, (Bed Spaces), is as set out in the Locality Code and with all other relevant provisions for Other Areas set out above, in A5.4 and A5.5, being applicable.</p>
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**Forest Stay Accommodation – Additional Provisions**

<p>P6 Forest Stay Accommodation provides a local economic opportunity for permanent residents of those parts of the Shire which are isolated and constrained by lack of urban services and facilities.</p>	<p>A6.1 Forest Stay Accommodation only establishes in the Settlement Areas North of the Daintree River Locality and the World Heritage Areas and Environs Locality.</p>
<p>P7 In the case of Forest Stay Accommodation, the accommodation remains ancillary to the primary residential use and the significant natural values of the land and the use is compatible with the surrounding amenity of the locality.</p>	<p>A7.1 The number of bedrooms (Bed Spaces) used for Forest Stay Accommodation and the number of staff accommodation (Bed Spaces) required to be provided are specified in the Locality Code.</p> <p style="text-align: center;">AND</p> <p>None of the accommodation, whether for guests or staff, is self contained as the use operates only in association with an existing House on the Site.</p> <p style="text-align: center;">AND</p> <p>Forest Stay Accommodation is located on a site which has an existing cleared area.</p> <p>A7.2 The natural values of the balance area of the site are protected and enhanced with organised tours being conducted for visiting guests.</p> <p>A7.3 If Forest Stay Accommodation is provided in Building/s which are separated from the House:</p> <ul style="list-style-type: none"> <li>• The maximum number of separate Building/s is determined based on each building containing a minimum of 2 Bed Spaces each, provided that each Building has a maximum area of 50 m<sup>2</sup> (inclusive of verandahs, patios etc);</li> </ul> <p style="text-align: center;">OR</p>



	<ul style="list-style-type: none"><li>• A maximum of one communal bunk house is provided with a maximum area of 150 m<sup>2</sup> to accommodate 10 guests (10 Bed Spaces) (inclusive of verandahs, patios etc);</li></ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><li>• A maximum of two communal bunk houses are provided with a maximum area of 150 m<sup>2</sup> each to accommodate a maximum of 20 guests (20 Bed Spaces) (inclusive of verandahs, patios etc);</li></ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"><li>• The Building/s is/are located within 50 metres of the existing House and on the same lot.</li></ul> <p>A7.4 No kitchen or cooking facilities, with the exception of those located within the existing House on the Site, are provided in association with the Forest Stay Accommodation.</p>
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***Host Farm Accommodation – Additional Provisions***

<p>P8 Host Farm Accommodation establish in areas where existing rural practices are not in conflict with the natural areas and not in areas of high environmental value.</p>	<p>A8.1 Host Farm Accommodation only establishes in the Rural Areas and Rural Settlements Locality and no further Host Farm Accommodation establishes in the Settlement Areas North of the Daintree River Locality or the World Heritage Areas and Environs Locality.</p>
<p>P9 In the case of Host Farm Accommodation, the accommodation remains ancillary to the primary rural use of the land and is compatible with the agricultural amenity of the locality.</p>	<p>A9.1 No more than 5 bedrooms (a maximum of 10 Bed Spaces) and optional ensuites, or a communal bunkhouse comprising 10 Bed Spaces and ablution facilities are used for Host Farm Accommodation for the travelling public.</p> <p>A9.2 There is no loss of GQAL as a result of the Host Farm Accommodation.</p> <p>A9.3 The productive rural use remains as the predominant use of the land.</p> <p>A9.4 If Host Farm Accommodation is provided in Building/s which are separated from the House:</p> <ul style="list-style-type: none"> <li>• A maximum of 5 separate Building/s (containing 2 Bed Spaces each) provided that each Building has a maximum area of 50m<sup>2</sup> (inclusive of verandahs, patios etc); or</li> <li>• A maximum of one communal bunkhouse (containing 10 Bed Spaces) with a maximum area of 150m<sup>2</sup> (inclusive of verandahs, patios etc).</li> </ul> <p style="text-align: center;">AND</p> <p>The Building/s is/are located within 50 metres of the existing House and on the same lot.</p> <p>A9.5 No kitchen or cooking facilities, with the exception of those located within the existing House on the Site, are provided in association with the Host Farm Accommodation.</p>