

9.3.11 Home based business code

9.3.11.1 Application

- (1) This code applies to assessing development for Home based business if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

Note – Home based business excludes:

- Legitimate homestay arrangements organised by the Department of Education of up to 2 students, where accommodation is provided by a host family in their own dwelling to local or overseas students studying or training at an Australian educational establishment.
- Legitimate telecommuting (where an employee of an off-site business or organisation works from their dwelling and conducts work-related activities and communications electronically).

Note – Home based business includes:

- Bed and breakfast is the sub-ordinate use of a dwelling providing tourist and visitor short-stay accommodation. Bed and breakfast facilities are operated and maintained by the resident host of the dwelling and guests are generally provided with breakfast. A bed and breakfast does not include short term accommodation or rooming accommodation.
- Dog-day care facility for the residential care of, feeding and exercising of pets, excluding overnight boarding and does not include animal keeping.
- Home based child care is a home-based service providing care for a small group of children within a private dwelling. Home based child care does not include the care of children in the child's own home or care by relatives.
- Home based swimming tuition where involving a domestic sized swimming pool (i.e. – not purpose built for commercial use) and not involving the training of more than 3 non-resident children at any one time.

Note – For a proposal to be self –assessable, it must meet all the self- assessable outcomes of this code and any other applicable code. Where it does not meet all self-assessable outcomes, the proposal becomes assessable development and a development application is required. Where a development application is triggered, only the specific acceptable outcomes that the proposal fails to meet need to be assessed against the corresponding performance outcomes. Other self-assessable outcomes are that are met are not assessed as part of the development application.

9.3.11.2 Purpose

- (1) The purpose of the Home based business code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) home based business activities are a small-scale business operating in association with the primary use of the dwelling without compromising the safety of, and amenity enjoyed by adjoining and nearby residents;
 - (b) home based businesses are:
 - (i) a small component of a dwelling;
 - (ii) operated by occupiers of the dwelling;
 - (iii) unobtrusive in nature and operation.
 - (c) The operation of a home based business:
 - (i) is conducted at times suited to a residential environment;
 - (ii) minimises adverse impacts on privacy and amenity of adjoining residential premises;
 - (iii) does not involve the repairing or maintaining of motor vehicles or boats;
 - (iv) does not involve the storage of dangerous goods;
 - (v) does not produce trade waste
 - (vi) does not involve the display of goods;
 - (vii) generates minimal visitor volumes, and generally on an appointment basis only;
 - (ix) generates vehicle types and volumes no greater than reasonably expected in a residential setting.

9.3.11.3 Criteria for assessment

Table 9.3.11.3.a – Home based business code – assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
<p>PO1 The use:</p> <ul style="list-style-type: none"> (a) is associated with a dwelling that is being used as a private residence; (b) is low-key in terms of scale, operating characteristics and the number of non-resident employees; (c) does not adversely impact on nearby residential amenity; (d) is compatible with domestic scale infrastructure. 	<p>AO1.1 The use is located within a dwelling unit or a domestic outbuilding and uses no more than 75m² of gross floor area or 30% of the total floor area of the dwelling, whichever is the lesser.</p> <p>Note – Bed and breakfast, home based child care, a dog day care facility or home based swimming tuition may include use of the rest of the site (i.e. these uses are not restricted to operating within an enclosed structure).</p> <p>AO1.2 The use is conducted by a resident or residents of the premises and:</p> <ul style="list-style-type: none"> (a) in a dwelling house has a maximum of 1 non-resident employee on site at any one time; (b) in a dual occupancy or multiple dwelling, has no other non-resident employees. <p>AO1.3 The use does not:</p> <ul style="list-style-type: none"> (a) involve the public display of goods or materials; (b) include hiring goods or equipment from the site; (c) impose an adverse load on utility infrastructure in comparison to normal domestic use of the premises; (d) involve more than 8 separate client visits per day. <p>AO1.4 The home based business is conducted between the hours of 8.00am to 8.00pm Monday to Saturday (excluding public holidays), except where the home based business comprises office activities such as book-keeping or computer work. These hours include delivery vehicles.</p> <p>AO1.5 Not more than one vehicle associated with the use is parked, on or adjacent, to the premises and such vehicle does not exceed a capacity of 2.5 t (including delivery vehicles).</p> <p>AO1.6 Signage is limited to one non-illuminated sign:</p> <ul style="list-style-type: none"> (a) no greater than 1.0 metre in length and 0.3 metres in width; (b) no higher than 1.5 metres in height; (c) displaying the occupier’s name, business and contact details only. <p>AO1.7 The home based business does not generate</p>

Performance outcomes	Acceptable outcomes
	<p>noise that is clearly audible and creates a disturbance with nearby sensitive land uses.</p> <p>AO1.8 The home based business: (a) has a source of power not exceeding a total connect load of 2.0kW; (b) places a demand on reticulated water supply of not more than 3L per day per m² of the floor area related to the business; (c) does not involve the discharge of trade waste.</p> <p>AO1.9 The home based business does not store or use flammable and combustible liquids on site in amounts that exceed what is permitted for a residential dwelling under AS 1940-2004 The storage and handling of flammable and combustible liquids.</p>
<p>PO2 The home based business is conducted such that buildings on the site retain a residential appearance and character.</p>	<p>AO2 The external appearance and character of the dwelling is not modified to accommodate the home based business.</p>
If for bed and breakfast – additional requirements	
<p>PO3 In the case of bed and breakfast accommodation, the accommodation remains ancillary to the primary residential use.</p>	<p>AO3.1 In 'Urban areas', no more than 2 bedrooms (a maximum of 4 bed spaces) and optional ensuites within a dwelling are used for bed and breakfast accommodation.</p> <p>AO3.2 In 'Urban areas', no kitchen or cooking facilities, with the exception of those located within the existing dwelling on site are provided in association with the bed and breakfast.</p> <p>AO3.3 In 'Other areas', no more than 4 bedrooms (a maximum of 8 bed spaces) and optional ensuites are used for bed and breakfast accommodation.</p> <p>AO3.4 In 'Other areas', bed and breakfast accommodation can be located in a maximum of 4 separate buildings to the existing house, provided that each building is a maximum of 50m² (inclusive of verandahs / patios etc.) and located within 50 metres of the existing house and on the same lot.</p> <p>AO3.5 In 'Other areas', no kitchen or cooking facilities, with the exception of those located within the existing dwelling on site are provided in association with the bed and breakfast.</p>

Performance outcomes	Acceptable outcomes
	<p>AO3.6 In areas north of the Daintree River, the maximum number of bed spaces is set out in the Cape Tribulation and Daintree Coast local plan, with all other provisions for 'Other areas' set out above in AO3.4 and AO3.5 herein, being applicable.</p>
<p>P04 Guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.</p>	<p>AO4 Development involves guests staying a maximum of 14 consecutive nights.</p>
<p>P05 If outside a sewerage area, development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.</p>	<p>AO5 Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.</p>