

Division 23 Home Business Code

23.1 Overall Outcomes

- (1) The overall outcomes are the purpose of this code.
- (2) The overall outcomes sought by the Home Business Code are the following:-
 - (a) The siting and physical form of outdoor activity areas are appropriate to the desired character and environmental values of the area in which the facility is situated;
 - (b) Acceptable levels of natural light, natural ventilation and privacy for occupants of the premises and the occupants of adjoining premises are provided and maintained;
 - (c) Safe, convenient and adequate on-site parking facilities are provided on each premises for both business and residential purposes; and
 - (d) The business component of the facility is established and operated in such a manner as not to have a significant adverse effect on the desired or established character of the area in which the premises are situated.

23.2 Compliance with the Home Business Code

- (1) Self assessable development that complies with the acceptable solutions of the Development Requirements *Table 6.1.23A – Assessment Criteria for Self Assessable Development* contained in Section 23.4 complies with the Home Business Code.
- (2) Assessable development that is consistent with the specific outcomes of the Development Requirements *Table 6.1.23B – Assessment Criteria for Assessable Development* contained in Section 23.4 complies with the Home Business Code.

23.3 Development Requirements

Since a **home business** involves the use of premises for a combination of both residential and business purposes, the development requirements of this code relate to the following elements:-

- (1) Access to the Premises by Members of the Public
- (2) On-site Display and Sale of Goods
- (3) Scale of Business Operation
- (4) Car Parking
- (5) Outdoor Business Activities
- (6) Tall Structures
- (7) On-Site Advertising of the Business

23.4 Development Requirements Tables

Table 6.1.23A: Assessment Criteria for Self Assessable Development

Acceptable Solutions For Self Assessable Development
Access to the Premises by Members of the Public
AS 1.1 Except where the primary residential component of the facility takes the form of a detached house , there is no access to the business component of the premises, except for construction or equipment maintenance purposes, by members of the public at any time.
OR
AS 1.2 Where the primary residential component of the facility takes the form of a detached house , the home business does not open to the public on Christmas Day, Good Friday, ANZAC Day or outside of the hours of 8am to 6pm on any other day.
On-Site Display and Sale of Goods
AS 2.1 Any on-site display of goods associated with the operation of a home business is undertaken in such a manner that the goods cannot be seen from beyond the confines of the site .
AND
AS 2.2 No goods, other than those manufactured or fabricated on the site , or those products used as part of an activity conducted on the site , are sold to customers on the site .
Scale of Business Operation
Employment of Other Persons
AS 3.1 Except where the home business operations are conducted from a detached house on land which is zoned either Rural or Rural Residential, no persons other than those residents on the site are employed on the premises as part of the home business .
OR

Acceptable Solutions For Self Assessable Development
<p>AS 3.2 Where the home business operations are conducted from a detached house on land which is zoned either Rural or Rural Residential no more than one person who is not resident on the site is employed on the premises as part of the home business. Where the residential component does not take the form of a detached house, no persons other than those resident on the site are employed on the premises as part of the home business.</p> <p style="text-align: center;">AND</p> <p>Impact of Vehicles</p> <p>AS 3.3 Except where the home business operations are conducted on land which is zoned either Rural or Rural Residential, the business operation does not involve the parking or storage of any heavy vehicle on, or adjacent to, the site.</p> <p style="text-align: center;">AND</p> <p>AS 3.4 Except where the home business operations occupy more than 30m² of gross floor area or involve some external recreational or educational facility, the operation does not involve the parking or storage of more than 1 vehicle on or adjacent to the premises, as a direct result of the business facility.</p>
Car Parking
<p>There is no requirement under this element to provide car parking facilities, (other than those required for the concurrent land uses), on the site except where the home business operations:-</p> <ol style="list-style-type: none"> (1) occupy more than 30m² of gross floor area; or (2) involve some external recreational or educational activity. <p>AS 4 Where the home business operations occupy more than 30m² of gross floor area or involve some external recreational or educational facility, no fewer than 4 car parking spaces¹, in addition to those spaces required for the residential use on the land, are provided on site.</p> <p>AS 5 Customer and employee car parking facilities provided under AS 4 are buffered from the road and side boundaries of the site by landscaped areas having a width of no less than 3m and these landscaped areas are developed and maintained while preserving the necessary sight lines².</p>
Outdoor Business Activities
<p>AS 6.1 Where, except for customer activities, the home business operations involve some activity external to buildings, the operation is located clear of the minimum road boundary clearance for the residential use on the land and is buffered from the road, side and rear boundaries of the site by landscaped areas³ having a width of not less than 3m.</p> <p>For purposes of this provision, the property boundary includes any identified probable future land acquisition line.</p> <p style="text-align: center;">AND</p> <p>AS 6.2 The illumination resulting from artificial lighting associated with the outdoor activity does not exceed the "recommended maximum values of light technical parameters for the control of obtrusive light" given in Table 2.1 of <i>Australian Standard AS 4282-1997</i>.</p> <p>For the purpose of that table "curfewed hours" are taken to be those hours between 10pm and 7am on the following day.</p>
Tall Structures
<p>AS 7.1 Structures such as light pylons, antennae, masts, aerials and telecommunication structures are limited in height so that no part of those structures, or attachments to the structures, projects more than the lesser of:-</p> <ol style="list-style-type: none"> (1) the maximum height permitted under an applicable acceptable solution in another code within this planning scheme which is applicable⁴ to the particular development site; and (2) 10m above natural ground surface. <p style="text-align: center;">AND</p> <p>AS 7.2 Transmission and receiving dishes are no larger than:-</p> <ol style="list-style-type: none"> (1) 1.2m diameter in a residential area; or (2) 1.8m diameter in a rural area.
On-Site Advertising of the Business
<p>AS 8 Signage associated with the operation of the home business:-</p> <ol style="list-style-type: none"> (1) is limited in its content to:- <ol style="list-style-type: none"> (a) the nature of the business conducted on the land; (b) the name of the business and its operator; and (c) contact details; (2) is wholly contained within the premises from which the business is operating; (3) has an aggregate face area of no more than:- <ol style="list-style-type: none"> (a) in a Home Industry zone – 0.6m²; or (b) in any zone other than a home industry zone – 0.3m²; (4) is not fixed to trees or shrubs; (5) if illuminated by artificial lighting, is lit by static illumination only; and (6) does not incorporate any moving, rotating or animated parts.

Table 6.1.23B: Assessment Criteria for Assessable Development

Specific Outcomes for Assessable Development	Probable Solutions
Access to the Premises by Members of the Public	
<p>SO 1 Times for access to the business component of the premises by members of the public is regulated in such a manner as to:-</p> <ol style="list-style-type: none"> (1) not have a significant adverse effect on the desired or established residential character of the area; (2) not encourage excessive vehicular traffic to or from the site of the home business during twilight hours; and (3) not encourage excessive vehicular traffic to or from the site of the home business over an extended period of time. 	<p>PS 1.1 Except where the primary residential component of the facility takes the form of a detached house, there is no access to the business component of the premises, except for construction or equipment maintenance purposes, by members of the public at any time.</p> <p>OR</p> <p>PS 1.2 Where the primary residential component of the facility takes the form of a detached house, the home business does not open to the public on Christmas Day, Good Friday, ANZAC Day or outside of the hours of 8am to 6pm on any other day.</p>
On-Site Display and Sale of Goods	
<p>SO 2 The on-site display and sale of goods associated with the operation of a home business is conducted in a manner which:-</p> <ol style="list-style-type: none"> (1) does not adversely impact on the existing or desired streetscape for the area; and (2) is in keeping with the desired or established character of the area. 	<p>PS 2.1 Any on-site display of goods associated with the operation of a home business is undertaken in such a manner that the goods cannot be seen from beyond the confines of the site.</p> <p style="text-align: center;">AND</p> <p>PS 2.2 No goods, other than those manufactured or fabricated on the site, or those products used as part of an activity conducted on the site, are sold to customers on the site.</p>
Scale of Business Operation	
<p>SO 3 The home business is undertaken on a scale which:-</p> <ol style="list-style-type: none"> (1) does not have a significant adverse effect on the desired or established residential character of the area; (2) does not encourage excessive traffic movement to or from the site; (3) does not encourage heavy vehicle traffic to or from a site which gains access from a road designed primarily for use by light passenger vehicles only; and (4) is subordinate to the use of the premises for private residential purposes. 	<p>Employment of Other Persons</p> <p>PS 3.1 Except where the home business operations are conducted from a detached house on land which is zoned either Rural or Rural Residential, no persons other than those residents on the site are employed on the premises as part of the home business.</p> <p>OR</p> <p>PS 3.2 Where the home business operations are conducted from a detached house on land which is zoned either Rural or Rural Residential no more than one person who is not resident on the site is employed on the premises as part of the home business. Where the residential component does not take the form of a detached house, no persons other than those resident on the site are employed on the premises as part of the home business.</p> <p style="text-align: center;">AND</p> <p>Impact of Vehicles</p> <p>PS 3.3 Except where the home business operations are conducted on land which is zoned either Rural or Rural Residential, the business operation does not involve the parking or storage of any heavy vehicle on, or adjacent to, the site.</p> <p style="text-align: center;">AND</p> <p>PS 3.4 Except where the home business operations occupy more than 30m² of gross floor area or involve some external recreational or educational facility, the operation does not involve the parking or storage of more than one vehicle on or adjacent to the premises, as a direct result of the business facility.</p>

Specific Outcomes for Assessable Development	Probable Solutions
Car Parking	
<p>SO 4 Sufficient space is available on <i>site</i> to accommodate the likely parking demand of the residential and business components of the on-site land use.</p>	<p>There is no requirement under this element to provide car parking facilities, (other than those required for the concurrent land uses), on the <i>site</i> except where the home business operations:-</p> <ol style="list-style-type: none"> (1) occupy no more than 30m² of gross floor area; or (2) involve some external recreational or educational activity. <p>PS 4 Where the home business operations occupy more than 30m² of gross floor area or involve some external recreational or educational facility, no fewer than four car parking spaces¹, in addition to those spaces required for the residential use on the land, are provided on <i>site</i>.</p>
<p>SO 5 Where, under this code,:-</p> <ol style="list-style-type: none"> (1) customers are permitted on <i>site</i>; or (2) employees, (other than those resident on the <i>site</i>), are permitted; <p>on-site car parking for the customers and employees is so located as to:-</p> <ol style="list-style-type: none"> (3) not adversely impact on the existing or desired streetscape for the area; and (4) be in keeping with the desired or established character of the area. 	<p>PS 5 Customer and employee car parking facilities provided under probable solution <i>PS 4</i> are buffered from the road and side boundaries of the <i>site</i> by landscaped areas having a width of no less than 3m and these landscaped areas are developed and maintained while preserving the necessary sight lines².</p>
Outdoor Business Activities	
<p>SO 6 Home business operations which take the form of activities external to buildings are sited and operated in such a manner as not to cause unreasonable disturbance to any person or animal on adjacent land.</p>	<p>PS 6.1 Where, except for customer activities, the home business operations involve some activity external to buildings, the operation is located clear of the minimum road boundary clearance for the residential use on the land and is buffered from the road, side and rear boundaries of the <i>site</i> by landscaped areas³ having a width of not less than 3m.</p> <p>For purposes of this provision, the property boundary includes any identified probable future land acquisition line.</p> <p style="text-align: center;">AND</p> <p>PS 6.2 The illumination resulting from artificial lighting associated with the outdoor activity does not exceed the “recommended maximum values of light technical parameters for the control of obtrusive light” given in Table 2.1 of <i>Australian Standard AS 4282-1997</i>.</p> <p>For the purpose of that table, “curfewed hours” are taken to be those hours between 10pm and 7am on the following day.</p>
Tall Structures	
<p>SO 7 Structures such as light pylons, antennae, masts, aerials and telecommunication structures which are ancillary to the use of premises for a home business are restricted to a height and appearance which:-</p> <ol style="list-style-type: none"> (1) does not adversely impact on the existing or desired streetscape for the area; and (2) is in keeping with the desired or established character of the area. 	<p>PS 7.1 Structures such as light pylons, antennae, masts, aerials and telecommunication structures are limited in height so that no part of those structures, or attachments to the structures, projects more than the lesser of:-</p> <ol style="list-style-type: none"> (1) the maximum height permitted under another code within this planning scheme which is applicable⁴ to the particular development <i>site</i>; and (2) 10m above natural ground surface. <p style="text-align: center;">AND</p> <p>PS 7.2 Transmission and receiving dishes are no larger than:-</p> <ol style="list-style-type: none"> (1) 1.2m diameter in a residential area; or (2) 1.8m diameter in a rural area.

Specific Outcomes for Assessable Development	Probable Solutions
On-Site Advertising of the Business	
<p>SO 8 The form, location and extent of signage associated with the operation of the home business allows for the reasonable commercial needs of the business operator while:-</p> <ol style="list-style-type: none"> (1) being subservient to the desirable characteristics of the built and natural environment of the immediate surrounds to the signage; (2) not having a significant adverse effect on the desired or established character, streetscape and environmental values of the area; (3) minimising any potential adverse effects on adjacent premises; (4) minimising any potential distractive effect on vehicular traffic in the vicinity of the signage; (5) minimising any potential visual clutter; and (6) taking into account the rights of all users of public areas in terms of access and safety. 	<p>PS 8 Signage associated with the operation of the home business:-</p> <ol style="list-style-type: none"> (1) is limited in its content to:- <ol style="list-style-type: none"> (a) the nature of the business conducted on the land; (b) the name of the business and its operator; and (c) contact details; (2) is wholly contained within the premises from which the business is operating; (3) has an aggregate face area of no more than:- <ol style="list-style-type: none"> (a) in a Home Industry zone - 0.6m²; or (b) in any zone other than a home industry zone - 0.3m²; (4) is not fixed to trees or shrubs; (5) if illuminated by artificial lighting, is lit by static illumination only; and (6) does not incorporate any moving, rotating or animated parts.

¹ Physical attributes of on-site parking facilities are set out in detail in the Access and Parking Code.

² Physical attributes of required sight lines are set out in detail in the Access and Parking Code.

³ Physical attributes of the landscape buffers are set out in detail in the *Planning Scheme Policy PSP30 Landscape Design*.

⁴ Those codes identified in the assessment table and any overlay code relevant to the land.