

HOME OCCUPATION / HOME BASED BUSINESS CODE

1 Purpose of the Code

The Purpose of this code is to encourage and allow for small scale and low impact businesses that operate from home in a manner that does not adversely:

- impact on any other premises used for a residential purpose; or
- affect the local amenity or streetscape, or
- undermine the viability or potential of an Area, or a Precinct within any Area, set aside specifically with an intent for Commercial or Industrial purposes.

2 Application of the Code

This section is applicable to Code Assessable development, made Code Assessable by;

- (1) the Level of Assessment Table for an Area; or
- (2) because the development may have been listed as Self Assessable development in the Level of Assessment Table for an Area but was unable to comply with an Acceptable Solution in its applicable primary code(s).

For code assessable development, the code for assessment consists of:

- (A) the primary code(s) listed in the relevant Level of Assessment Table; and
- (B) the secondary code(s) listed below.

However, where a code assessment is required as a result of not complying with an Acceptable Solution in self assessment (refer to item (2) above in this section), the code for assessment consists of the primary code(s) and any secondary code(s) referred to in the particular Acceptable Solution in the primary code with which the development did not comply. In all other cases the secondary codes that comprise the code for assessment include:

- Airport Code; and
- Bushfire Risk Minimisation Code – where located on Bushfire Prone Land; and
- Demolition Code – where on a site where the code applies; and
- Flood Prone Land Code – where any part of the proposal is within the Q100 flood line shown on the Area maps; and
- Heritage Code - where on a Heritage Place or on a site adjoining a Heritage Place; and
- Parking and Access Code.

3 Definitions

The definitions of a Home Occupation or a Home Based Business are set out in Chapter 3 of the Rockhampton City Plan. Any proposal for a Home Occupation or a Home Based Business that does not comply with the Acceptable Solutions set out under the heading of 'Scale of Use' within this Code cannot be defined as a Home Occupation or a Home



Based Business. Instead such a Use would be defined differently in the Rockhampton City Plan (for example as a Commercial Premises). In addition to this, other definitions of words or terms specific only to this Code are set out below;

Curtilage: The area of land appurtenant to the building.

House: Within this Code means both a House and a Small Lot House as defined in Chapter 3 of this Planning Scheme.

Person: In the context of the maximum number of persons involved with the use and not a permanent resident at the site, means any number of individuals who together in total do not work more than 40 hours in any calendar week and who do not work at the site at the same time.

E.g. A Home Based Business could involve a permanent resident but then may also involve 2 other individuals who are both part-time employees and job sharing a position with the business.

4 Explanation

This code sets out the performance criteria that apply to any Material Change of Use for the purposes of a Home Occupation or Home Based Business. The Performance Criteria applicable to a Home Occupation are set out in Part A of section 5 of this code whereas the Performance Criteria applicable to a Home Based Business are set out in Part B of section 5 of this code. The performance criteria set out within this code for each use also apply to the ongoing use of any premises for the purposes of a Home Occupation or Home Based Business. New Home Occupations or Home Based Businesses are required to comply with the Acceptable Solutions column set out in this code, under their respective Part. Proposals not complying with any Acceptable Solution will need to demonstrate that they are able to comply with the relevant Performance Criteria.

Within Rockhampton City there are in excess of 700 persons already working from home (Census 1996). Home Occupations or Home Based Businesses are becoming increasingly important in local job creation and as an initial step for new small business development. This reflects such trends and influences as:

- growth in service sector employment;
- improvements in telecommunications (including computing);
- increasing numbers of part-time, casual and "shared jobs", and
- growth in self employment.

The Strategic Framework within the City Plan recognises the importance of Home Occupations or Home Based Businesses within the community today and into the future. However this is only when they do not impact on the amenity of a Residential Area or compete with the strategies in



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the Strategic Framework focused on creating and protecting Areas specifically set aside for industrial or commercial purposes. As a result, Home Occupations and Home Based Businesses in Rockhampton City will be businesses of a small and limited nature that operate relatively unnoticed in the Area they are located in.



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5 Performance Criteria and Acceptable Solutions

PART A – DEVELOPMENT FOR A HOME OCCUPATION

Performance Criteria	Acceptable Solutions
Scale of Use	
<p>P1 Home Occupations operate from a site used for the primary purpose of residential accommodation for operators and employees of the Home Occupation.</p>	<p>A1.1.1 A Home Occupation involves a maximum of two (2) persons and at least one (1) is a permanent resident of the house.</p> <p style="text-align: center;">OR</p> <p>A1.1.2 A Home Occupation involves a maximum of two (2) persons and at least one (1) is a permanent resident of the dwelling unit where the Home Occupation is carried out.</p> <p style="text-align: center;">AND</p> <p>A1.2 The primary use on the site is residential</p>
<p>P2 The use does not adversely affect any other person who resides on the site not associated with the use.</p>	<p>A2 A Home Occupation is conducted only within a House or a dwelling unit within a Multi Unit Dwelling or Duplex.</p>
<p>P3 Only a small area at the premises is used to ensure that the use is low key in nature, size and employment, and consistent with the character of the Area.</p>	<p>A3.1 A Home Occupation does not use more than 30m² of floor area of a habitable room (whether temporarily or permanently) or 10% of the total Gross Floor Area of a House – whichever is the lesser when both are applicable.</p> <p>A3.2 AND For a Home Occupation, the area used solely for the purposes of garaging a business vehicle that has a Gross Vehicle Mass of less than of 4.5 tonne is not included.</p>
Neighbourhood Character	
<p>P4 The use conducted on the site is not visually intrusive or using methods that seek to attract 'passers by' inside.</p>	<p>A4 The use does not display any goods or services for sale or hire that is visible at any time from the street frontage or another residential site.</p>
<p>P5 Signage is limited to a single, small and relatively unobtrusive sign to protect the residential streetscape from non residential elements.</p>	<p>A5 A Home Occupation has a maximum of one (1) sign. Where the sign is required by a law to be displayed to identify a registered business, the sign is to be a size no greater than the minimum size required by the law. If no minimum is required by law or there is no law requiring a sign, the sign must be no larger than 0.3m² in area and bearing only any combination of the name of the occupant, the occupation / profession and the business name. The sign shall be attached to part of the house or located within 2 metres of the</p>



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PART A – DEVELOPMENT FOR A HOME OCCUPATION	
Performance Criteria	Acceptable Solutions
	pedestrian entrance to the site from the street.
Operation of the Use	
P6 The use is conducted only during times when surrounding residents are not likely to be disturbed.	<p>A6.1 Work that does not generate any audible noise outside of the building is conducted at a Home Occupation at any time on any day.</p> <p style="text-align: center;">AND</p> <p>A6.2 Work that does generate audible noise outside of the building is conducted at a Home Occupation only between the hours of 7am and 7pm, daily.</p> <p style="text-align: center;">AND</p> <p>A6.3 At a Home Occupation, customers, delivery persons or salespersons come to the site only at the following times;</p> <ul style="list-style-type: none"> (i) Monday – Friday, 8am – 5pm; (ii) Saturday, 8am – 12 noon; (iii) Sunday or Public Holiday's – Nil
P7 The use does not generate any noise, waste or other impact that adversely affects the residential amenity of the neighbourhood and does not impose any load on infrastructure greater than that which is normally associated with a house.	<p>A7.1 The use does not impose greater requirements on any public utility than what would reasonably be expected from a residential use at the same location.</p> <p style="text-align: center;">AND</p> <p>A7.2 There is no use of any machine, material, device or process that interferes with the amenity of the residential neighbourhood¹ by way of:</p> <ul style="list-style-type: none"> (i) the emission of noise, light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products; or (ii) the existence of machinery or apparatus that cause interference with the reception of radio and/or television signals.
Traffic and Parking	
P8 The use; <ul style="list-style-type: none"> (a) does not create a traffic problem; (b) does not generate the need for frequent visits by large commercial vehicles; (c) does not provide for work to be carried out on vehicles 	<p>A8.1 A Home Occupation does not use more than one (1) commercial vehicle in association with the business and that vehicle has a Gross Vehicle Mass of or less than 4.5 tonne.</p> <p style="text-align: center;">AND</p> <p>A8.2 All loading and unloading takes place within the site.</p> <p style="text-align: center;">AND</p> <p>A8.3 No more than one (1) delivery vehicle visits the site per day and that delivery vehicle has a</p>

¹ Any more than what would reasonably be expected from the site if the Home Occupation or Home Based Business did not exist.



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PART A – DEVELOPMENT FOR A HOME OCCUPATION

Performance Criteria	Acceptable Solutions
<p>associated with the business; and (d) ensures that vehicle movements to and from the site do not disrupt the residential amenity of surrounding properties.</p>	<p>maximum Gross Vehicle Mass of 4.5 tonne.</p> <p>A8.4 AND Not more than 10 vehicle trips per day are generated by the use and the use does not require the visits to be made in vehicles that have greater than a Gross Vehicle Mass of 4.5 tonne. Vehicle trips includes customer and delivery vehicles as well as vehicle movements associated with the use.</p> <p>A8.5 <i>Note. One (1) trip equals arriving to and departing the site.</i></p> <p>AND</p> <p>A8.6 There is a maximum of one (1) customer vehicle at the site at any one time.</p> <p>AND The fuelling, maintenance or repairing of any commercial vehicle associated with the business is not carried out on the site.</p>
<p>P9 The use does not cause a vehicle parking problem</p>	<p>A9.1 Where the only persons involved with the use are permanent residents at the site, there is one (1) vehicle parking space provided on site that is in addition to and separate from those parking spaces required for a house in the Parking and Access Code.</p> <p>A9.2 OR Where there is a person involved with the use that is not a permanent resident of the site, there is two (2) vehicle parking space provided on site that is in addition to and separate from those parking spaces required for a house in the Parking and Access Code.</p>
Location	
<p>P10 The home occupation is protected from adverse flooding and does not put damage to property at high risk.</p>	<p>A10 The Home Occupation is carried out in a location that has a floor level 500mm above the level of the Q100 flood event.</p>



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PART B – DEVELOPMENT FOR A HOME BASED BUSINESS	
Performance Criteria	Acceptable Solutions
Scale of Use	
P1 Home Based Businesses operate from a site used for the primary purpose of residential accommodation for operators and employees of the Home Based Business.	<p>A1.1 A Home Based Business involves a maximum of two (2) persons and at least one (1) is a permanent resident of the house.</p> <p style="text-align: center;">AND</p> <p>A1.2 The primary use on the site is residential.</p>
P2 The use does not adversely affect any other person who resides on the site not associated with the use.	A2 A Home Based Business is conducted on the same site as a House, where the site would otherwise only be used for the purposes of that House.
P3 Only a small area at the premises is used to ensure that the use is low key in nature, size and employment, and consistent with the character of the Area.	<p>A3.1 A Home Based Business uses in total a maximum area (whether temporarily or permanently) of 80m² or 10% of the area of the site – whichever is the lesser - that is either;</p> <ul style="list-style-type: none"> (i) wholly located within the curtilage of a House; or (ii) wholly within a shed, garage or any non habitable rooms as defined under the Building Code of Australia; or (iii) any combination of a Home Occupation with (a) and/or (b) above. <p style="text-align: center;">AND</p> <p>A3.2 For a Home Based Business, the area used solely for the purposes of garaging a business vehicle that has a Gross Vehicle Mass of less than of 4.5 tonne is not included.</p>
Neighbourhood Character	
P4 The use conducted on the site is not visually intrusive or using methods that seek to attract passers by inside.	A4 The use does not display any goods or services for sale or hire that is visible at any time from the street frontage or another residential site.
P5 Signage is limited to a single, small and relatively unobtrusive sign to protect the residential streetscape from non residential elements.	A5 A Home Based Business has a maximum of one (1) sign. Where the sign is required by a law to be displayed to identify a registered business, the sign is to be a size no greater than the minimum size required by the law. If no minimum is required by law or there is no law requiring a sign, the sign must be no larger than 0.3m ² in area and bearing only any combination of the name of the occupant, the occupation / profession and the business name. The sign shall be attached to part of the dwelling or located within 2 metres of the pedestrian entrance to the site from the street.



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<p>P6 A Home Based Business is carried out in a part of a site that does not adversely impact upon the residential amenity of the streetscape and any surrounding residential property.</p>	<p>P6.1.1 A Home Based Business is carried out only on that part of a site that is located a minimum of 6 metres behind the outermost projection of any face of the house fronting onto or within 45° of a street (but not a laneway) as generally shown in the diagrams below;</p> <div style="text-align: center;"> <p>Home Based Business area</p> </div> <p style="text-align: center;">OR</p> <p>6.1.2 Any area within a site used by a Home Based Business is located;</p> <ul style="list-style-type: none"> (i) inside the house or directly below it, or (ii) within a shed or garage that has no openings, doors or windows facing onto a street (but not including a laneway) <p style="text-align: center;">AND</p>

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	<p>P6.2.1 Any area within a site used by a Home Based Business is screened from view to any adjoining property used for a residential purpose with a 1.8 metre high fence constructed of opaque materials that have not been recycled.</p> <p style="text-align: center;">OR</p> <p>P6.2.2 Any area within a site used by a Home Based Business is screened from view to any adjoining property used for a residential purpose with dense evergreen landscaping that up to 1.8 metres above natural ground level, prevents any visibility of the area from an adjoining residential property.</p>
Operation of the Use	
<p>P7 The use is conducted only during times when surrounding residents are not likely to be disturbed.</p>	<p>A7.1 Work is conducted at a Home Based Business only in the hours of 7am – 7pm, Monday to Saturday and not at all on Sunday or Public Holiday's. This excludes any part of the Home Based Business located in a habitable room within a house where the permitted hours of work are 7am – 9pm, daily.</p> <p>A7.2 AND At a Home Based Business, customers, delivery persons or salespersons come to the site only at the following times; (i) Monday – Friday, 8am – 5pm; (ii) Saturday, 8am – 12 noon; (iii) Sunday or Public Holiday's – Nil</p>
<p>P8 The use does not generate any noise, waste or other impact that adversely affects the residential amenity of neighbourhood and does not impose any load on infrastructure greater than that which is normally associated with a house.</p>	<p>A8.1 The use does not impose greater requirements on any public utility than what would reasonably be expected from a residential use at the same location.</p> <p>A8.2 AND There is no use of any machine, material, device or process that interferes with the amenity of the residential neighbourhood, any more than what would reasonably be expected from the site if the Home Based Business did not exist, by way of: (i) the emission of noise, light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products; or (ii) the existence of machinery or apparatus that cause interference with the reception of radio and/or television signals.</p>
Traffic and Parking	
<p>P9 The use; (a) does not</p>	<p>A9.1 A Home Based Business does not use more than one (1) commercial vehicle in</p>



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Performance Criteria	Acceptable Solutions
<p>create a traffic problem;</p> <p>(b) does not generate the need for frequent visits by large commercial vehicles;</p> <p>(c) does not provide for work to be carried out on vehicles associated with the business; and</p> <p>(d) ensures that vehicle movements to and from the site do not disrupt the residential amenity of surrounding properties.</p>	<p>association with the business and that vehicle has a Gross Vehicle Mass of or less than 4.5 tonne.</p> <p>A9.2 AND All loading and unloading takes place within the site.</p> <p>A9.3 AND No more than one (1) delivery vehicle visits the site per day and that delivery vehicle has a maximum Gross Vehicle Mass of 4.5 tonne.</p> <p>A9.4 AND Not more than 10 vehicle trips per day are generated by the use and the use does not require the visits to be made in vehicles that have greater than a Gross Vehicle Mass of 4.5 tonne. Vehicle trips includes customer and delivery vehicles as well as vehicle movements associated with the use.</p> <p>A9.5 <i>Note. One (1) trip equals arriving to and departing the site.</i></p> <p>AND</p> <p>A9.6 There is a maximum of one (1) customer vehicle at the site at any one time.</p> <p>AND The fuelling, maintenance or repairing of any commercial vehicle associated with the business is not carried out on the site.</p>
<p>P10 The use does not cause a vehicle parking problem</p>	<p>A10.1 Where the only persons involved with the use are permanent residents at the site, there is one (1) vehicle parking space provided on site that is in addition to and separate from those parking spaces required for a house in the Parking and Access Code.</p> <p>OR</p> <p>A10.2 Where there is a person involved with the use that is not a permanent resident of the site, there is two (2) vehicle parking space provided on site that is in addition to and separate from those parking spaces required for a house in the Parking and Access Code.</p>
Location	
<p>P11 The home based business is protected from adverse flooding and does not put damage to property</p>	<p>A11 The Home Based Business when located on Flood Prone Land complies with the requirements of the Flood Prone Land Code.</p>



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Performance Criteria	Acceptable Solutions
at high risk.	

