



ACT Planning &
Land Authority

Home Business General Code

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Introduction

Application of the Code

This code applies to proposals for home business operating from a residential lease.

Purpose of the Code

This Code is intended to:

- a) Ensure that the home business is ancillary to the primary use of the lease as a residence
- b) Protect the amenity of all lessees by ensuring the use and location on the site, and scale of the Home Business, is appropriate for the locality

Codes provide additional planning, design and environmental controls to support the zone objectives and assessable uses in the development tables.

The Codes are used by the Authority to assess development applications. The Codes therefore also provide guidance to intending applicants in designing their developments and preparing their development applications.

Each Code's controls are expressed as either **rules**, which are generally quantitative, or as qualitative **criteria**.

- Proposals in the **code track** must comply with all rules relevant to the development.
- Proposals in the **merit track** and **impact track** have the option to comply with the rules or criteria, unless the rule is mandatory. Where it is proposed to meet the criteria, the onus is on the applicant to demonstrate, by supporting plans and written documentation, that the proposed development satisfies the criteria and therefore the intent of the element.
- Proposals in the **impact track** also have the option to justify any non-compliance with the rules and the criteria, unless the rule is mandatory. Where it is proposed to not meet the rules and the criteria, the onus is on the applicant to justify the non-compliance by demonstrating that the proposed development is consistent with the relevant principles of the Statement of Strategic Directions. Supporting plans and written documentation, providing consideration of the relevant Intents of the Code and the Zone objectives, are to accompany the development application.

Further information

Please refer to the Planning Explained Guide, for more information on preparing applications under the Territory Plan, including the use of assessment codes.

Part A – General Development Controls

Element 1: Use

- a) Ensure that the home business is ancillary to the primary use of the lease as a residence
- b) Protect the amenity of all lessees by ensuring the use and location on the site, and scale of the Home Business, is appropriate for the locality

Rules	Criteria
1.1 Use	
R1 At least one worker who genuinely lives on the lease is employed at any one time by the business operating from the lease.	This is a mandatory requirement. There is no applicable criterion.
R2 Not more than three people (including resident workers) are employed at any one time by the business operating from the lease.	C2 The amenity of the area is protected by ensuring the scale of Home Business is compatible with the residential character of the locality.
R3 The area of the lease used for the business (including storage) is not more than 40m ² .	C3 The amenity of the area is protected by ensuring the scale of Home Business is compatible with the residential character of the locality.

Element 2: Building and Site Controls

- a) Ensure that the home business is ancillary to the primary use of the lease as a residence
- b) Protect the amenity of all lessees by ensuring the use and location on the site, and scale of the Home Business, is appropriate for the locality

Rules	Criteria
2.1 Storage	
<p>R4</p> <p>All goods and materials relating to the business (other than goods or materials kept on the lease) must be kept:</p> <ul style="list-style-type: none"> a) In buildings or structures that are lawfully on the lease; and b) In a way that the goods and materials cannot be seen from outside the lease. 	<p>This is a mandatory requirement. There is no applicable criterion.</p>
2.2 Parking	
<p>There is no rule applicable.</p>	<p>C5</p> <p>Any vehicles at the lease for the purpose of the business are parked:</p> <ul style="list-style-type: none"> a) On the lease in a driveway, garage, carport or location screened from any part of the road on which the lease is located; or b) If the business is operated from a unit under the <i>Unit Titles Act 2001</i> – in parking for the unit.
2.3 Signs	
<p>R6</p> <p>Signs meet the requirements of the Signs General Code</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 3: Amenity

- a) Ensure that the home business is ancillary to the primary use of the lease as a residence
- b) Protect the amenity of all lessees by ensuring the use and location on the site, and scale of the Home Business, is appropriate for the locality

Rules	Criteria
3.1 Amenity	
R7 Maximum of two approved Home Businesses that required approval per section.	C7 The amenity of the area is protected by restricting the agglomeration of non-residential activities.
There is no rule applicable.	C8 Retailing associated with the Home Business does not, or is unlikely to generate an increase in traffic, parking demand or noise, which is unreasonably deleterious to the amenity of the surrounding area.
There is no rule applicable.	C9 Traffic generated by the Home Business does not unacceptably affect the flow of local traffic.
There is no rule applicable.	C10 The operation of the Home Business does not cause unreasonable annoyance, offence, nuisance or danger to any tenant or occupant of adjoining leases.
There is no rule applicable	C11 The Home Business does not, or is unlikely to cause, pollution, create a health hazard or present danger which is prohibited under any relevant Territory legislation and/or Code of Practice (as may vary from time to time).