

## NORTH BURNETT REGIONAL COUNCIL

## Planning Scheme

## Home based business

## Info Sheet

Working from home is a relatively easy way to start some types of businesses. The planning scheme enables residents to trade from a 'dwelling house' under certain circumstances. This information sheet explains Council's requirements for starting a business from home. It includes a simple checklist that may be all you need to do before starting.

## 15

## 'HOME BASED BUSINESS' EXPLAINED

## What does 'Home based business' mean?

The 2014 planning scheme defines 'Home based business', the focus of this information sheet—

*A dwelling used for a business activity where subordinate to the residential use.*

That definition needs further explanation of such terms such 'dwelling', 'business activity' and 'subordinate'.

## Dwelling

The planning scheme defines 'Dwelling' as—

*A building or part of a building used or capable of being used as a self-contained residence that must include the following—*

- a) *food preparation facilities;*
- b) *a bath or shower;*
- c) *a toilet and wash basin;*
- d) *clothes washing facilities.*

*The term includes outbuildings, structures and works normally associated with a dwelling.*

Examples include a dwelling house (i.e. an ordinary house), an apartment, or townhouse.

## Business activity

The activity needs to be commercial in nature and not merely a hobby activity. If its purpose is for profit or reward then it is most likely a 'business activity'. Sometimes activities start as a hobby or pastime but change and evolve into a business activity. At some point in that progressive change, there is a start to business activity that constitutes a home based business.

## Subordinate

The primary activity at the dwelling is to be 'residential'. The business activity is to be *subordinate*, meaning that it must be of lesser importance than the residential component. If the space devoted to the business activity is greater than the residential component then it is probably not subordinate. The building is to remain primarily used as a residence and secondarily a place operating a business.

## APPROVALS REQUIRED?

### Home based business approval

Under the right circumstances, a home based business does not need a Council planning approval. It may still require approval under other legislation e.g. *Food Act 2006* if food preparation is involved.

### Requirements / acceptable outcomes

In the following zones—

- Centre zone
- Community facilities zone
- General residential zone
- Rural residential zone, and
- Township zone

if the home based business complies with all the 'acceptable outcomes for accepted development' in the home based business code, then no planning approval is required.

(See the checklist included on the opposite page.)

### Rural zone

The Rural zone is a special case. If accommodating no more than six guests at a time, a bed and breakfast or farm stay is 'accepted' and can simply commence—provided it is not in the 'Conservation precinct' (mostly, this precinct applies to National parks and State forests). Other types of home businesses do not need approval if complying with all the acceptable outcomes for accepted development in the home based business code.

(See the checklist included opposite.)

## Other circumstances

In other zones, or if not complying with the code's acceptable outcomes, a home based business is assessable development requiring code assessment and a Council development approval is required.

### Accepted, accepted subject to requirements, assessable—code

A home based business could be any of these, depending on the circumstances. The differences are as follows—

**Accepted**—no application required, no need to comply with any code or requirement of the planning scheme;

**Accepted subject to requirements**—

- no application required but needs to comply with the acceptable outcomes for accepted development in the Home based business code;
- if not complying with a single or several acceptable outcomes it becomes assessable development requiring code assessment, but only to the extent of the non-compliance; an application is required;

**Assessable requiring code assessment**—requires a development application; is assessed against the Home based business code, except as described in the paragraph above; public notification is not required.



# HOME BASED BUSINESS CODE DEVELOPMENT APPLICATION

The full code is available in the planning scheme in section 9.3.5.

The basic purpose of the code is to—

- allow home based businesses to operate in a way that suits the area's character and amenity;
- keep development to a domestic scale;
- keep home based businesses indistinguishable from other dwellings;
- protect character and amenity.

## Code checklist

The acceptable outcomes of the Home based business code (section 9.3.5 of the planning scheme) are—

- ◇ person conducting the business uses the dwelling as the **principal place of residence**;
- ◇ **no more than one permanent resident** of the dwelling works in the business;
- ◇ **only one non-resident employee** is on the premises at any one time;
- ◇ excepting for bed and breakfast, farm stay, or home based childcare **no more than 50 m<sup>2</sup> gross floor area** is used for the business;
- ◇ no sales, hiring, displays, external storage, fueling vehicles, servicing, repairing, chemicals/gases/hazardous materials;
- ◇ bed and breakfast or homestay—**no more than six paying guests**, no more than two guest accommodation units;
- ◇ only one sign less than 0.3m<sup>2</sup> displayed;
- ◇ no emissions of ash, dust, fumes, noise, smell etc;
- ◇ no lighting more than eight lux;
- ◇ up to two customer or client vehicles at one time;
- ◇ no commercial vehicles more than two tonnes;
- ◇ up to one delivery vehicle per day;
- ◇ excepting for bed and breakfast, farm stay, or home based childcare, operating hours between **8:00am and 7:00pm**, Monday to Saturday, excluding public holidays

If a development application is necessary, it should include the following—

- Form 1
- supporting information and material
- Council's lodgement fee.

## Supporting material

The following supporting material is usually necessary—

- **plans and drawings**—site plan showing existing and proposed activities, buildings, landscaping, any staging, parking, driveways, elevations;
- **statement about how the proposal addresses the planning scheme**—how the proposal complies with the relevant codes or other provisions.

## Other legislation

Starting a business may involve other approvals from the State Government or Federal Government, or other sections of Council e.g. Environmental Health.

## ENCOURAGING ECONOMIC DEVELOPMENT

The North Burnett Regional Council is a small rural local government but it is big on facilitating good economic development. That is why the planning scheme seeks to enable business growth and expansion while simultaneously creating and protecting the appeal of living in a *naturally beautiful* area. While the Council can encourage or enable good development projects it is up to locals to see opportunities and then to take the initiative.

Make contact with Council's Development Services staff to find out how to streamline your next development project.



## Still need help?

This information sheet summarises the key matters to consider for people considering carrying out development. The process and legal aspects relating to property and development can be complex and confusing. Council's development services staff may be able to help.

Sometimes however it may be advisable for you to obtain your own professional help from a qualified practitioner such as a Lawyer, Surveyor, Town Planner, Architect, Building Designer, or Engineer.

## Encouraging economic development

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## Contact Us

Give us a call for more information about the planning scheme and making an application.

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**North Burnett—*Naturally beautiful***

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