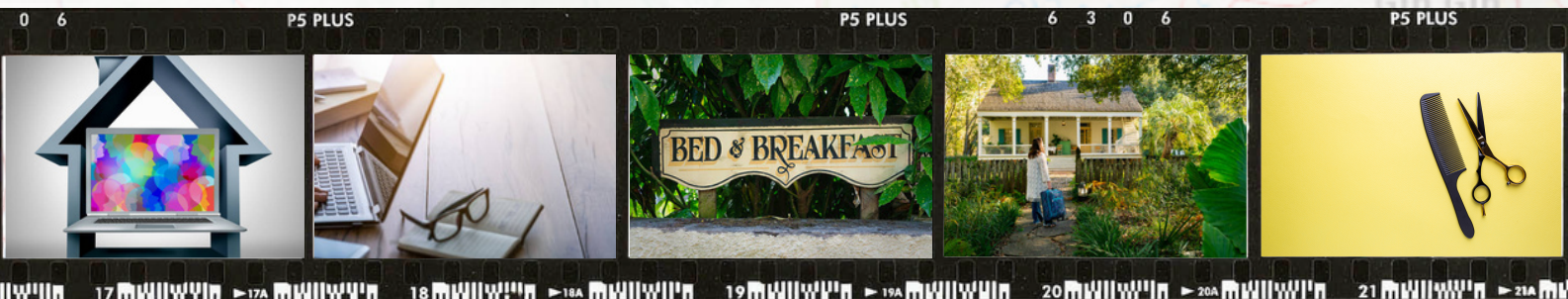


Home-based business

North Burnett Regional Council
Planning Scheme



WHAT IS A HOME-BASED BUSINESS

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.

WHAT DOES 'HOME-BASED BUSINESS' MEAN?

'home-based business' is the use of a dwelling or domestic outbuilding on premises for a business activity that is subordinate to the residential use of the premises.

REGULATED DEFINITION

The above definition *needs further explanation of such terms as 'dwelling', 'business activity' and 'subordinate'.*

dwelling means all or part of a building that —

- (a) is used, or capable of being used, as a self contained residence; and
- (b) contains—
 - (i) food preparation facilities; and
 - (ii) a bath or shower; and
 - (iii) a toilet; and
 - (iv) a wash basin; and
 - (v) facilities for washing clothes

REGULATED DEFINITION

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

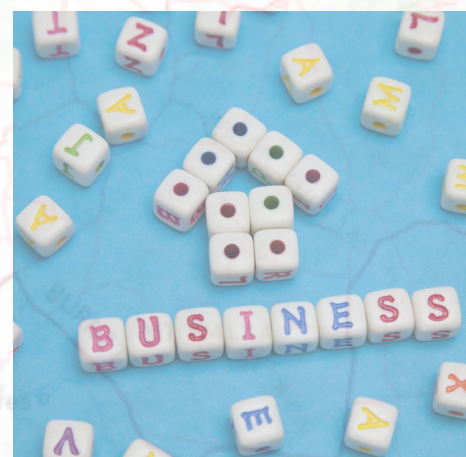
This Information Sheet explains the term 'home-based business' and what's involved starting a business from home.

LOOK AT WHAT'S INSIDE:

What is a home-based business?

Is approval required?

Categories of assessment and development Checklist





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.

EXAMPLES OF A HOME BASED BUSINESS INCLUDE—

1. bed and breakfast
2. home based childcare
3. home office
4. hairdresser

EXAMPLES OF BUSINESSES THAT DO NOT QUALIFY AS HOME BASED BUSINESS—

1. businesses that may disrupt your neighbours
2. mechanic
3. shop
4. transport depot
5. cafe
6. industry

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

(Refer to checklist on the following 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.

(Refer to checklist on the following page).

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, ASSESABLE - 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 is required, but the development needs to comply with the acceptable outcomes for accepted development in the Home based business code;
- if not complying with one or more acceptable outcomes, the business 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

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 50m² 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 guests accommodation units;
- ✓ only one sign less than 0.3m² 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 - Saturday, excluding public holidays

THE APPLICATION

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.



OTHER INFORMATION SHEETS

- assessable development
- dwelling houses
- making an application
- development tips



FACILITATING GOOD ECONOMIC DEVELOPMENT

We have a long and proud history of development, prosperity and resilience. With readiness we also face challenges including distance, drought, flood and connectivity. Always receptive to new technology and new ideas, as the digital revolution continues to disrupt and expand economies around the world, North Burnett is gearing up to make the most of emerging opportunities. The Council is committed to drive ongoing economic growth and innovation in the North Burnett.

North Burnett Regional Council aims to be an innovation leader – a destination for business, investment and skills.

Contact Us

Call us for more information about the planning scheme and making an application.



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