

FACT SHEET

Home-based business

This information sheet has been prepared to provide a summary of the requirements for a home-based business under the proposed Barcaldine Region Planning Scheme, including when a development approval is required under the *Planning Act 2016* and which parts of the planning scheme may apply. Please refer to the proposed planning scheme for further detail.

What is a home-based business?

A home-based business is defined in the proposed Barcaldine Region Planning Scheme as:

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

This is a consistent State-wide definition set out in the *Planning Regulation 2017* and required to be used in the planning scheme.

Examples of home-based businesses include:

- bed and breakfast
- home office
- home-based childcare

Examples of uses which do not qualify as home-based businesses include:

- shop
- warehouse
- transport depot
- farm-stay or Airbnb style accommodation, as these are more likely to fall under the definition of *short-term accommodation*.

Why do we have home-based businesses?

Home-based businesses provide the opportunity for very small-scale businesses to establish with minimal overheads. It also provides the opportunity for people to work from home and can even increase security in residential areas which might otherwise be depopulated during working hours. When home-based businesses are in residential neighbourhoods, it is essential that the scale and intensity of the home-based businesses is limited to ensure it does not adversely impact on neighbours.

Home-based business use code

To simplify the planning and development processes relating to the establishment of home-based businesses in the Barcaldine Region, the proposed planning scheme includes a use-specific code at Part 8.2.2.

This code includes benchmarks relating to limiting the intensity and scale of the home-based business use and managing potential amenity impacts for neighbours.

Accepted locations and circumstances

In the following circumstances, a material change of use of premises to establish a home-based business is considered acceptable and can occur without requiring a development permit:

- on premises within the Township zone, Emerging Community zone, Rural Residential zone or Rural zone (refer to zone maps ZM1.0-1.5)

AND
- not in a local heritage place (refer to Schedule 3)

AND
- not in an area mapped on the flood hazard overlay maps OM2.0-2.6

AND
- not within an area identified as a petroleum gas pipeline buffer area on overlay map OM3

AND
- complying with ALL acceptable outcomes (AOs) in the Home-based Business Use Code (Part 8.2.2)

AND
- complying with ALL acceptable outcomes (AOs) identified as 'requirements for accepted development' in any overlay codes applicable to the site (refer to Part 5.8 and Part 7)

The acceptable outcomes in the Home-based Business Use Code include, for example:

- utilising a gross floor area of 50m² or less
- no more than 2 employees
- no more than 2 customers on the premises at a time and with a limit of 12 per day
- operating hours are between 7am–7pm Monday to Friday and 9am–4pm on Saturday, Sunday & public holidays
- maximum of 12 vehicle trips associated with the business per day and 1 x <4.5t GVM delivery per week
- signage is limited to one non-illuminated sign with a maximum face area of 0.5m²
- does not involve use or storage of flammable or combustible liquid exceeding those set out in Australian Standard AS 1940-2004 for dwellings
- does not produce solid or liquid wastes of a type or quantity requiring separate approval or specialised treatment/containment/transport.

Please note that different limits apply in the code for providing bed and breakfast accommodation, home-based child-care, where establishing in the Rural zone or if the home is not a dwelling house (ie. from residential units or flats).

Is council approval required?

A development application to, and approval from, council will be required before carrying out a home-based business, if any of the above circumstances for the development to be 'accepted' are unable to be met. This is determined by referring to Part 5 of the proposed planning scheme.

Any building work, operational work or plumbing and drainage work to be carried out on the premises in preparation for establishing a home-based business would need to be considered separately and may require a development application and approval.

To apply for a development approval, you need to lodge a development application in accordance with the *Planning Act 2016*. For more information about preparing and lodging a development application, refer to the information and resources available on council's website or the Queensland Government's website <https://planning.statedevelopment.qld.gov.au/planning-framework/development-assessment>.

Assessment criteria (Assessment benchmarks)

Emerging Community, Rural Residential or Rural zone:

If a development application is required to establish or expand a home-based business in the Emerging Community zone, Rural Residential zone or Rural zone, it will be assessed against:

- Home-based business code (Part 8.2.2); and
- any relevant overlay codes (refer to Part 5.8 and Part 7).

Township zone:

If a development application is required to establish or expand a home-based business in the Township zone, it will be assessed against:

- Township Zone code (Part 6.2.7);
- Home-based business code (Part 8.2.2); and
- any relevant overlay codes (refer to Part 5.8 and Part 7).

All other zones:

In all other zones across the Barcaldine Region, to establish or expand a home-based business, will require an impact assessable development application to be lodged with Council. It is generally not envisaged that home-based businesses will occur in these areas. The development application will be assessed against the whole of the planning scheme (including its strategic intent) and having regard to potential impacts of the proposed development.

The application and assessment process will also involve publishing a notice about the proposal and erecting signage on the land to notify the community about the proposal. The community has an opportunity to make submissions about the proposal to Council. In reaching its decision about whether to approve, condition or refuse the application, the Council must have regard to any properly made submissions. In addition to the applicant, anyone who makes a submission has the right to appeal Council's decision.

Other permits/licenses

Food

Home-based businesses involving the preparation or sale of food to the public may require a food licence. This is separate to council's development approval of a home-based business.

Building work

A private building certifier must approve any building work, such as structural fit-outs and extensions. This is separate to council's development approval of a home-based business.

Legislative obligations

Whilst your home-based business may not need any further council requirements, there may be other legislative requirements specific to your business activities. As the operator of a home-based business, it is your responsibility to ensure all relevant approvals are obtained prior to operating.

Other work-from-home options in the proposed planning scheme

The proposed Barcaldine Region Planning Scheme also identifies a commercial precinct within the Township zone. The planning scheme facilitates opportunities to establish or expand various commercial uses within this precinct, in conjunction with or nearby buildings used for residential purposes.

This type of development does not fall under the use definition of home-based business. Refer to Table 5.4.7a and Schedule 1 of the proposed planning scheme to see the range of uses which are accepted or code assessable in the commercial precinct of the Township zone.

Such development may still require a development permit before occurring, which would involve an assessment of the development against outcomes in the planning scheme intended to protect the residential scale and amenity of the area. However, the development application would likely undergo a reduced level of assessment, so would not require public notification and would not be subject to appeal by members of the community.

If you are interested in work-from-home options, this may be another avenue to investigate.

Want to find out more?

We have produced further fact sheets which are accessible on the proposed planning scheme website at www.barcaldinerc.qld.gov.au/proposed-planning-scheme or in hardcopy by request.

Alternatively, email your enquiry to our dedicated planning services email address planning@barc.qld.gov.au or call 07 4651 5600 to speak with us.

The content of this information sheet is a summary and provided as guidance only. It has been prepared to assist the reader to understand and navigate the proposed Barcaldine Region Planning Scheme. Please refer to the complete version of the proposed Barcaldine Region Planning Scheme document available on Council's website for further detail.