

# Scenic Rim Planning Scheme 2020

Homes Based Business - June 2023

## What is a Home based business?

A *Home based business* is defined in the *Scenic Rim Planning Scheme 2020 (Planning Scheme)* as "the use of a dwelling or domestic outbuilding on premises for a business activity that is subordinate to the residential use of the premises". Examples include a home office, bed and breakfast, *domestic boarding* and home based child care.

## What is NOT a Home based business?

Uses which would be more appropriately located in an industrial or commercial area and because of environmental impacts, (noise, dust, odour, traffic etc.) would not generally be appropriate for a *Home based business*. Examples include motor vehicle repair, manufacturing, a *Warehouse*, a *Shop*, *Transport depot* and hire services.

## How does a Home based business operate?

*Home based businesses* will generally operate in a residential or rural environment and operators need to be aware of their impacts on neighbours. The Planning Scheme expects that the use is small scale and does not impact on the amenity of surrounding residential premises. Odour and noise emissions are examples of impacts on residential amenity.

Further, a *Home based business* should have the appearance of a *dwelling* and visually integrate with the surrounding residential character of the neighbourhood.

## Do I need planning approval?

The planning scheme allows some *Home based businesses* to operate without the need for planning approval, while others must have a Development Permit to operate as a legal land use.

Specifically:

### No, you will not need planning approval - if

- your proposal is identified as **Accepted subject to requirements** in section 5.5 **Categories of Development and Assessment - Material Change of Use** for the relevant zone; and
- all acceptable outcomes of the Home Based Business Code can be met (see extract of Accepted Development Checklist Table 9.3.8.3.1 overleaf).

### Yes, you will need planning approval - if

- your proposal is identified as **Accepted subject to requirements** in section 5.5 **Categories of Development and Assessment - Material Change of Use** and it does not meet all the acceptable outcomes (e.g. the proposal is more than 50m<sup>2</sup> gross floor area) of the Home Based Business Code.
- your proposed use will then be **Code assessable**, but only for the outcome/s that are not met;

OR

- in section 5.5 **Categories of Development and Assessment - Material Change of Use** of the planning scheme the Table of Assessment states that a **Code** or **Impact assessable development** application is needed.

If for example, you want to run a bed and breakfast, *Domestic boarding*, a home office or home based child care, as long as you can meet the Accepted Development Checklist at **Table 9.3.8.3.1** of the Home Based Business Code within the planning scheme, you do not need planning approval. Otherwise, you will need to apply for a Development Permit.

## Zoning

The planning scheme sets out within section **5.5 Categories of Development and Assessment - Material Change of Use**, under each location-based Zone, a Table of Assessment that shows whether *Home based businesses* are **Accepted subject to requirements** or requires an approval (**Code or Impact assessable development**).

For example:

A *Home based business* (if not involving *industrial activities* other than *minor industrial activities*) is **Accepted subject to requirements** in the following zones:

- all *Centre zones* (Major Centre Zone, District Centre Zone, Local Centre Zone, Neighbourhood Centre Zone and Township Zone (where no precinct applies));
- all *Residential zones* (Low Density Residential Zone, Low-Medium Density Residential Zone, Rural Residential Zone and Township Zone (Township Residential Precinct));
- Emerging Community Zone;
- Limited Development Zone - Historical Subdivision Precinct;
- Minor Tourism Zone; and
- Mixed Use Zone (where no precinct applies).

*Minor industrial activities means:*

1. *assembling wooden products producing less than 100 tonnes per annum and not involving spray painting;*
2. *manufacturing clay or ceramic products including pottery goods, less than 100 tonnes per annum;*
3. *processing food or beverages, less than 50 tonnes per annum (where not involving brewing, smoking, drying, curing, milling, bottling or canning food); and*
4. *assembling sheet glass and aluminium products, glazier or security screen assembly.*

**Note:** *Such activities are still required to operate in a low key manner expected of a Home based business.*

A *Home based business* is also **Accepted subject to requirements** in the Rural Zone (all precincts).

## Home Based Business Code

To remain **Accepted subject to requirements**, *Home based businesses* are required to meet all the acceptable outcomes of the Home Based Business Code. The acceptable outcomes seek to reflect desirable scale, amenity and impacts. Further detail about what you can do within the zone where the *Home based business* is proposed to operate, is provided in section **9.3.8 Home Based Business Code** of the planning scheme and Table 9.3.8.3.1 (extracted below).

### Accepted development checklist

Use the following checklist derived from **Table 9.3.8.3.1** under the Home Based Business Code to see if you meet the acceptable outcomes (AOs).

Accepted Development Checklist for Home Based Business
<b>Scale and Operation</b>
<p>A <i>Home based business</i>;</p> <ol style="list-style-type: none"> <li>1. is carried out by residents of the <i>dwelling</i> and involves only one non-resident employee on the site at one time;</li> <li>2. is conducted entirely within the <i>dwelling</i> and/or any associated <i>domestic outbuilding</i> on the site; and</li> <li>3. stores equipment, goods and materials associated with the use inside the <i>dwelling</i> or associated <i>domestic outbuilding</i>.</li> </ol>
<p>A <i>Home based business</i> does not:</p> <ol style="list-style-type: none"> <li>1. hire out materials, goods, appliances or vehicles stored on-premises; or</li> <li>2. involve the display of products that are visible from the site's road frontage or an adjoining property; or</li> <li>3. service or repair lawn mowers, outboard engines or motors; or</li> <li>4. store goods external to a building; or</li> <li>5. store chemicals, gases or other hazardous materials; or</li> <li>6. involve <i>Industrial Activities</i> other than <i>minor industrial activities</i>.</li> </ol>
<p>Except for bed and breakfast or home based childcare, the total <i>gross floor area</i> used exclusively for all <i>Home based business</i> activity on the site, including storage, is a maximum of 50m<sup>2</sup>.</p>
<p>With the exception of noise generated by the arrival and departure of vehicles to the premises, a <i>Home based business</i> does not generate any noise audible beyond the boundary of the site.</p>

Advertising Devices
<p>Only 1 <i>advertising device</i> is displayed on the premises and the sign:</p> <ol style="list-style-type: none"> <li>has a maximum sign face area of: <ol style="list-style-type: none"> <li>0.3m<sup>2</sup> where located on a site not exceeding 2,000m<sup>2</sup> in area; or</li> <li>0.5m<sup>2</sup> located on a site exceeding 2,000m<sup>2</sup> in area;</li> </ol> </li> <li>is attached to a fence or wall; and</li> <li>is not illuminated, flashing, moving or rotating.</li> </ol>
<p>A <i>Home based business</i>, other than for office activities, <i>domestic boarding</i> or a bed and breakfast, must only be conducted:</p> <ol style="list-style-type: none"> <li>between the hours of 7am to 7pm Monday to Saturday; and</li> <li>not on Sundays or public holidays.</li> </ol>
Traffic
<p>A <i>Home based business</i> does not involve or require the use of or visit by a vehicle larger than a small rigid vehicle.</p>
<p>Loading or unloading activities are undertaken within the site.</p>
<p>A <i>Home based business</i> does not generate more than 15 <i>vehicle trips per day</i> excluding vehicle trips of residents of the <i>dwelling</i> or employees.</p>
Parking
<p>A <i>Home based business</i> provides that all vehicles associated with the use can be, and are, parked on the site at all times.</p>
Additional Matters - Bed and Breakfast
<p>A bed and breakfast:</p> <ol style="list-style-type: none"> <li>is conducted from a <i>Dwelling house</i> or <i>Dual occupancy</i> by a permanent resident of the <i>dwelling</i>;</li> <li>ensures at least one bedroom within the <i>dwelling</i> is excluded from use by guests;</li> <li>uses a maximum number of three (3) bedrooms per dwelling to accommodate guests;</li> <li>accommodates a maximum number of six (6) guests per <i>dwelling</i> at any one time;</li> <li>is contained within a single building under the same roof and not in a separate building to the <i>dwelling</i>.</li> </ol> <p><b>Editor's Note</b> - A bed and breakfast includes a farm stay which involves short- term accommodation in a house occupied by residents of the farm.</p> <p><b>Editor's Note</b> - See Short-term accommodation in regard to letting dwellings for tourists or travellers where the use is not conducted by a permanent resident of the dwelling.</p>
<p>Guests stay no more than 14 consecutive nights.</p>
<p>Guests are provided with a bedroom capable of being enclosed and secured to prevent visual or other intrusion by other persons.</p>

A minimum of 1 (one) on-site car parking space per guest bedroom is provided in addition to the car parking spaces required for a *dwelling house* or *dual occupancy*.

**Note** - car parking spaces may be provided in a tandem configuration, provided that all spaces are wholly contained within the site such that parked vehicles do not protrude into the road reserve.

### Additional Matters - Domestic Boarding

*Domestic boarding*:

- is conducted within a self-contained *dwelling*;
- is conducted by a permanent resident of the *dwelling*; and
- accommodates not more than three boarders at any one time.

Boarders are provided with a bedroom capable of being enclosed and secured to prevent visual or other intrusion by other persons.

## What if I cannot meet all the acceptable outcomes?

Your options include:

- modifying the operations to meet the outcomes; or
- apply for a Development Permit (an approval) for the use.

## What if an Overlay applies to my property?

An Overlay in the planning scheme may also influence whether planning approval is required for a *Home based business*. For example, an Overlay may **increase the category of assessment from *Accepted development* to *Code assessable development***.

The best way to check whether a property is affected by an Overlay, is to view the planning scheme Overlay mapping online at [ePlan and Mapping](#) or talk to one of our planners. If your property is affected by an Overlay, please refer to section **5.10 Categories of Development and Assessment - Overlays** which will help determine whether the Overlay means planning approval is required.

## What other approvals may be required?

Depending on the type of *Home based business* conducted, a number of other approvals may be required including:

- A food business licence for preparing or manufacturing food for sale;
- Approval for operating a shared accommodation facility e.g. B&Bs;
- Reclassification of a building, or part of a building that is to be used for the *Home based business*;
- Building and/or plumbing approval for any structural changes made; and
- Local law licences.

## Related Information

The *Dwelling houses and secondary dwellings* fact sheet and the *Tourist accommodation* fact sheet can be found on the Scenic Rim Planning [Fact Sheets – Scenic Rim Regional Council](#)

## Doing business in the Scenic Rim

Scenic Rim Regional Council is committed to supporting local business and new entrants to the market.

Our Regional Prosperity team can assist you to navigate the information you need to start a new business, expand your existing business or relocate your business to the Scenic Rim. We encourage projects and proposals which support a sustainable and prosperous economy and align with both the Scenic Rim Regional Prosperity Strategy 2020-25 and the planning scheme.

For more information on how Council can support you to set up or grow your business, contact the Regional Prosperity Team on 07 5540 5111 or email [prosperity@scenicrim.qld.gov.au](mailto:prosperity@scenicrim.qld.gov.au).

## Talk to a Planner

Council's Planners are available for confidential discussions to help you navigate the Planning Scheme and how it affects you. Call 07 5540 5111 or alternatively email [mail@scenicrim.qld.gov.au](mailto:mail@scenicrim.qld.gov.au) to make an appointment.

## For more information

The Planning Scheme and mapping is available on [ePlan and Mapping](#) or on Council's website [Scenic Rim Planning Scheme 2020 – Scenic Rim Regional Council](#)

Hard copies of the Planning Scheme and mapping are also available for viewing at Council's Customer Service Centres.