



Home-Based Businesses

USER GUIDE – NOVEMBER 2016

Many of the local economic priority area such as rural enterprises, health and wellness, the digital economy, creative industries and professional services lend themselves to home-based (or farm based) business. This guide provides details of The Noosa Plan requirements for Home-based businesses & Roadside stalls. While this guide gives a summary of some scheme provisions you should still refer to The Noosa Plan to determine the relevant level of assessment and applicable codes.

Definitions

The following land use definitions are taken from Part 2 of The Noosa Plan:

Detached house means the use of premises for a single dwelling unit which comprises the whole of the building on one lot. The term includes uses and works incidental to and associated with the detached house. The term includes the temporary use as a display home or removal home. The use may include a secondary dwelling not exceeding 65m² in area.

Home-based business means the conduct of a business from a *dwelling unit* where residents operate the business and the use is secondary to the residential use of the premises. The term includes the following types:

Type 1 Limited visibility:

- The business is carried out in or below the dwelling unit or any associated building;
- There is limited visible evidence of the business by way of advertising devices, traffic generation and off-street parking provision;
- Residents of the dwelling unit operate the business, without employees; and
- Customers or clients may attend the site.

Type 2 Evident:

- The business is carried out in or below the dwelling unit or any associated building;

- There is visible evidence of the business by way of advertising devices, traffic generation and off-street parking provision;
- In addition to residents, not more than two employees operate or are engaged in the business;
- Customers or clients may attend the site; and
- The use class includes a business similar to Type 1, however the scale of the business is greater due to the presence of employees.

Type 3 Significant scale:

- The business is carried out either in or below the dwelling unit or any associated building or outdoors on the lot on which the dwelling is placed;
- There is visible evidence of the business by way of advertising devices, traffic generation and off street parking provision;
- In addition to residents, the business may require up to 5 employees; and
- There may be a significant sales component associated with the business use.

Retail business means the conduct of a business activity, where goods or services are displayed or offered for sale to the public.

Type 1 Local Serves a local function selling general

merchandise, or sells produce grown on the same lot. The use includes a general store or a *roadside stall* where the use area exceeds 5m². The use may include the sale of prepared food and dining facilities for up to 10 people.

The following administrative definitions should also be noted:

dwelling unit means a building or part of a building used as a self-contained residence for the exclusive use of one household. It includes outbuildings and works normally associated with a dwelling.

roadside stall means the use of premises exceeding 5m² but no more than 25m² for the display and sale of goods in rural areas.

Why does The Noosa Plan control Home-based business?

Council recognises that some residents may wish to establish and run a business from their home. This may be to start up a new business at minimal cost before leasing commercial premises or operating low impact enterprises on an on-going basis. Council also recognises it needs to ensure that neighbours are able to enjoy a reasonable level of amenity in residential areas.

Will I need to make an application to Council?

The self-assessable code provisions of The Noosa Plan provide a means of controlling impacts of some home-based businesses without the need to make an application and obtain a development permit. However, dependent on the location of your home and the scale of the operation planning approval may be necessary.

If your property is affected by one or more overlays, planning assessment may be necessary. Some of the triggers for the overlays are based on distances from the mapped areas, so you should check the Development Assessment Tables and not rely on the Overlay Maps alone.

How do I determine the level of assessment for Home-based business?

To determine the level of assessment for a **Home-based business** on your land, you will need to—

- a) Determine which Type of Home-based business you propose;
- b) Identify the locality and zone that the site is in; and
- c) Go to the Assessment Tables for the Locality (they start at Division 3 of each Locality Plan) and find the relevant Assessment Table for the Zone. All Business uses including **Home-based business** are grouped under a broad heading of “**BUSINESS USES**” and the level of assessment is identified in Column 2 of the Table.

Home-Based Business Type 1

Home-based business type 1 might include uses such as a business office where clients attend the site or low impact manufacturing (i.e. not emitting odour, noise, etc.). Generally, home-based business type 1 is consistent and self-assessable in the following zones (meaning planning approval would not be necessary):

- Detached Housing
- Semi-attached Housing
- Attached Housing
- Visitor Mixed Use
- Village Mix
- Rural Settlement
- Rural

The planning scheme includes the following self-assessable criteria for home-based business type 1—

- Not more than 25m² or 10% of the total gross floor area (whichever is the lesser) of the dwelling unit is used for the business (excluding parking areas).
- A maximum of 3 persons are onsite for business purposes at any one

time (e.g. resident operator(s) and client(s)).

- There is no public display or offering for retail sale of goods on the premises or on the roadside, except in the Rural Zone, where the area used for the sale of goods made on the site does not exceed 5m²; (note that a larger “roadside stall” is a separate land use and discussed further in a subsequent section).
- No vehicle servicing is conducted from the site.
- A minimum of 3 carparking spaces are provided onsite to service both residents and clients of the home-based business (Visitor parking spaces may be in tandem with garages or carports).
- Commercial deliveries or collections are limited to a vehicle no bigger than a courier van and no more than 2 deliveries or collections per day.
- Where the site gains access from part of the Major Road Network, vehicle manoeuvring areas are provided in accordance with Section 3 of AS 2890.1 Parking Facilities (Part 1: Off-street Carparking) so vehicles enter and leave the site in a forward gear.
- The business does not operate outside the hours of 8.00am to 6.00pm, Monday to Saturday excluding public holidays (components of the business that are not visually or audibly evident outside of the home may operate outside these hours but not elements that may affect neighbours such as the attendance of employees or clients or commercial deliveries).
- Not more than one sign is erected on the premises and the sign is a fence sign, wall sign or freestanding sign —
 - a) with a signface area not exceeding 750mm by 400mm or 0.3m²;
 - b) with a maximum height of 2m;
 - c) displaying only the name, occupier, occupation and contact details; and
 - d) is not illuminated or in motion.

If your proposed business does not comply with these self-assessable criteria, you will need to lodge an application for a development permit with Council.

Home-based Business Type 2

Home-based business Type 2 might include a professional office, a health or fitness therapist or a salon where there is greater likelihood of clients, customers or employees. It does not include industrial operations.

Home-based business Type 2 is generally consistent in the following zones:

- Detached Housing
- Village Mix
- Rural Settlement
- Rural
- Semi-attached or Attached Housing (only in some localities and where operated from a detached house)

Rural or semi-rural areas

In the Rural Settlement and Rural Zone the use is self-assessable and the relevant criteria are as follows:

- The business is carried out in or below the house, in any associated building or structure or elsewhere on the lot, providing it is not within 6m of the property boundary, or a maximum of 300m² is used for the business (excluding parking).
- A maximum of 4 persons are onsite for business purposes at any one time and not more than 2 of the 4 are employees or where the business involves classes of more than 4 people, no more than 4 classes are held per a week with no more than 10 people in a class.
- Only goods which are manufactured on the site are offered for sale by the business.
- Vehicle servicing is not conducted on the site.
- The business is directly accessible from a sealed road or a good standard gravelled road.
- Driveways do not exceed a gradient of 1 in 4 (25%).
- Commercial deliveries or collections, are limited to a vehicle no bigger than a courier van and no more than 2 deliveries or collections per day.

- Where the site gains access from part of the Major Road Network, vehicle manoeuvring areas are provided in accordance with Section 3 of AS 2890.1 Parking Facilities (Part 1: Off-street Carparking) so vehicles enter and leave the site in a forward gear.
- A minimum of 4 carparking spaces are provided on the site of the business (Visitor parking spaces may be in tandem with garages or carports).
- No greater load is imposed on any public utility than would be reasonably expected from the residential use of the Detached house.
- The business does not operate outside the hours of 8.00am to 6.00pm, Monday to Saturday excluding public holidays (components of the business that are not visually or audibly evident outside of the home may operate outside these hours but not elements that may affect neighbours such as the attendance of employees or clients or commercial deliveries).
- Not more than one sign is erected on the premises and the sign—
 - a) is a fence sign, wall sign or freestanding sign with a signface area not exceeding 750mm by 400mm or 0.3m² ;
 - b) displays only the name, occupier, occupation and contact details; and
 - c) is not illuminated or in motion.
- 50m² is used for the business (excluding parking).
- Evidence of the business use is minimal.
- The activities conducted on the premises are appropriate to the residential location (for instance not vehicle servicing or industrial manufacturing).
- Safe vehicular access is provided to and from the site without adversely impacting on the safety of the road network.
- Adequate off-street vehicle parking is provided for the users of the operation without causing adverse impact to the residents of adjoining properties (4 spaces are likely to be required including spaces for residents and business needs although visitor parking spaces may be in tandem with garages or carports).
- The Home-based business does not impact on the capacity of infrastructure services and utilities.
- The hours of operation do not cause environmental nuisance to neighbouring residents.
- Signage is unobtrusive and in keeping with the amenity of the neighbourhood.

In other zones, even where the use is listed as consistent, it will be subject to impact assessment and Council would determine the application having consideration to the whole planning scheme and any third party submissions.

In towns or villages

Home-based business Type 2 will generally be code assessable in the Detached Housing Zone and may be code assessable in the Semi-attached Housing or Attached Housing Zone if operated from a Detached House. Planning staff will assess your development application against various codes to check it can comply with specific outcomes including the following:

- The Home-based business operates such that the level of impact of the business is minor having regard to the amenity of the area (typically it will be in or under the house or other building).
- The Home-based business remains ancillary to the residential use of the dwelling unit (typically no more than

Roadside Stalls

In the Rural Zone a roadside stall is a consistent, self-assessable use. As indicated earlier in the definition this captures shop facilities larger than 5m², up to 25m² in area (therefore does not cover a small bench with an honesty box). The self-assessable criteria are as follows:

- Produce for sale at the roadside stall is limited to that which is grown or

produced on the site or in the surrounding area.

- The roadside stall does not involve the sale of manufactured goods other than where manufactured on the site.
- The stall is not located on a property adjoining the Bruce Highway.
- The roadside stall is located on a site with sufficient area to park 3 cars clear of the road reserve and within 20 metres of the roadside stall.
- Safe sight distances are provided for vehicular crossovers in accordance with Council's Standard Drawing for rural driveways (available upon request or through Council's website).
- Not more than 1 sign is erected on the premises and the sign:-
 - (a) has a maximum signface area of 0.5m² per side; and
 - (b) is not illuminated or in motion.

The use does not have to be right at the frontage of the property if security would dictate it be closer to the house.

It is important the stall does not have an adverse effect on the safety and functioning of the major road network, and for roadside stalls on a State-controlled road, contact the Department of Transport and Main Roads for further information about obtaining a 'Road Corridor Permit'.

What should I include with my development application?

You will need to lodge the standard IDAS application forms and should include a plan of your property showing the areas that will be used for the business, a report or letter outlining how the business will be conducted. You should also detail any potential impacts upon neighbours and the surrounding neighbourhood. The Specific Outcomes in any applicable codes provide a 'checklist' of matters you should address.

If any of the overlays apply to the land, you should also address the Specific Outcomes of the relevant Overlay Code(s).

Further information on development application process can be found at [http://www.dilgp.qld.gov.au/planning/development-](http://www.dilgp.qld.gov.au/planning/development-assessment/development-)

[application-steps.html](http://www.noosa.qld.gov.au/preparing-applications) or at Council's website

www.noosa.qld.gov.au/preparing-applications

What else should I consider?

Applicants should be aware that establishment of a Home-based business or a roadside stall may trigger the need for a Building Permit, specifically a change of classification.

Infrastructure Charges may be payable for the business in line with Council's Charges Resolution (especially if it involves new buildings or a building extension). Contact Council to check the current charge as it is subject to annual review.

If your business involves the preparation of food or beverages for sale or personal appearance services (such as hair dressing or beauty therapists) you should contact Council's Environmental Health Services to determine if you need permit or licence.

What happens if I operate a business at home without an approval?

If your home-based business is not self-assessable or cannot comply with the self-assessable provisions and you commence or continue operating without the necessary approval or change of classification, Council may initiate action to make you cease operating. There may also be potential impacts on your home insurance if you operate an unlawful activity from your home.

If you are unsure of whether or not your existing or proposed home-based business is lawful, you should contact Council's Land Use Section for advice.

Further information

The Noosa Plan can be viewed online at <http://www.noosa.qld.gov.au/view-the-noosa-plan>

A hard copy can also be viewed at the 2nd level counter of Council's office, 9 Pelican Street Tewantin or in the libraries at Noosaville or Cooroy.

You can contact Council's Planning Assessment staff weekdays, between 8:30am and 5pm by phoning (07) 5329 6245 or Council's Building & Plumbing Services on (07) 5329 6480.