

This information sheet has been prepared to provide a summary of the requirements for a home-based business under the proposed Winton Shire 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 Winton Shire 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 required to be used in the planning scheme by planning legislation.

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 style accommodation, as this falls 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.

Accepted locations and circumstances

In some circumstances, home-based businesses are considered acceptable and can occur without requiring a development permit:

In the Township zone, if:

- the area used for the business has a gross floor area of 50m² or less; and
- it is not for bed and breakfast style accommodation; and
- it involves building work but is not in a flood hazard area (as shown on the flood hazard mapping in Schedule 2 of the proposed planning scheme).



In the Rural residential zone, if:

- it is not for bed and breakfast style accommodation; and
- it involves building work but is not in a flood hazard area (as shown on the flood hazard mapping in Schedule 2 of the proposed planning scheme).

In the Rural zone, if:

- it does not involve bed and breakfast style accommodation in a flood hazard area (as shown on the flood hazard mapping in Schedule 2 of the proposed planning scheme).

Is Council approval required?

A development permit will be required from council, to carry out a home-based business, if it does not meet the circumstances of accepted development referred to above. This is set out in Part 4 of the proposed planning scheme.

To apply for a development permit, 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 at <https://planning.dsdmip.qld.gov.au/planning/better-development>.

Assessment criteria (Assessment benchmarks)

In the Township zone, an application for a home-based business requiring a development permit will be assessed against the General Development Code in the proposed planning scheme.

In the Rural residential zone, an application for a home-based business requiring a development permit will be assessed against the Rural Residential Zone Code and General Development Code.

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It is not envisaged that home-based businesses will occur in the Recreation and Open Space zone, therefore any development application for a home-based business in this zone will be subject to an impact assessment against the whole of the planning scheme, public notification of the proposal would be required and the community would be able to make submissions about the proposal before council decided whether to issue a development permit.

The General Development Code includes provisions such as:

- new buildings or structures are to be appropriately scaled and located on the property
- home-based businesses provide at least 1 additional off-street carparking space (to the off-street carparking spaces required to service the dwelling)
- vehicle access and movement are safe and do not create problems for pedestrians or the road network
- landscaping is provided to improve the presentation of the property, in particular that shade trees are maintained
- heritage places are not destroyed or adversely impacted (refer to Schedule 3 of the proposed planning scheme for a list of local and State heritage places).



The Rural Residential Zone Code includes provisions such as:

- the home-based business does not have an unacceptable impact on residential uses.

The Rural Zone Code includes provisions such as:

- the home-based business does not conflict with the existing rural use of the land or threaten the viability of traditional rural uses
- the development is carried out in a way that maintains the long-term productive values of the land for rural purposes.

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.

