



USER GUIDE #13 - HOME-BASED BUSINESSES

This user guide provides information on how the Mackay Region Planning Scheme 2017 applies to home-based businesses. This user guide provides information on how this development is defined, whether an application or referral to Council is required and key planning scheme requirements.

MACKAY REGION PLANNING SCHEME 2017

The planning scheme is the primary instrument for managing development in our local government area.

The planning scheme:

- outlines a 20 year vision for the region
- identifies zones and overlays over land
- defines various forms of development
- determines the level of assessment for each type of development
- sets codes for the assessment of development

Upon coming into effect on 24 July 2017, the planning scheme replaced three previous planning schemes based on the former Mackay City, Sarina Shire and Mirani Shire local government areas.

USE DEFINITION

Types of development are defined in Schedule 1 (SC1.1 - Use definitions) of the planning scheme. "Home-based business", is defined as follows:

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.

Examples include: Bed and breakfast, home office, home-based childcare

Does not apply to the following separately defined uses: Hobby, office, shop, warehouse, transport depot.

'Dwellings' can be part of various residential uses, such as Dwelling houses, Dual occupancy, Multiple dwellings, Dwelling units and others.



DO I NEED TO SUBMIT AN APPLICATION?

► Material change of use

The type of home-based business you are proposing, the planning scheme zone/s and any overlay/s over your site determine whether a material change of use application to Council is required.

A home-based business is accepted development (material change of use application to Council not required) if it is:

- home-based childcare, or if it occupies a floor area of 30m² or less, employees live on the premises and no customers visit the site; and
- located in one of the below zones and no relevant overlays apply:
 - Low Density Residential Zone
 - Medium Density Residential Zone
 - High Density Residential Zone
 - District Centre Zone
 - Emerging Community Zone
 - High Impact Industry Zone
 - Industry Investigation Zone
 - Local Centre Zone
 - Major Centre Zone
 - Mixed Use Zone
 - Neighbourhood Centre Zone
 - Principal Centre Zone
 - Rural Zone
 - Rural Residential Zone
 - Specialised Centre Zone
 - Township Zone

Home-based businesses are accepted subject to requirements (no material change of use application to Council required) if:

- Not accepted development; and
- provisions of the Home-based business code (Section 9.3.8) are met; and
- the site is in one of the following zones and not affected by a relevant overlay:
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - District Centre Zone
 - Emerging Community Zone
 - Local Centre Zone
 - Major Centre Zone
 - Mixed Use Zone
 - Neighbourhood Centre Zone
 - Principal Centre Zone
 - Rural Zone
 - Rural Residential Zone
 - Specialised Centre Zone
 - Township Zone

Home-based businesses are code assessable (material change of use application to Council required, no public notification, code based assessment):

- if otherwise accepted subject to requirements but an acceptable outcome in the Home-based business code has not been met (assessed against only the matters of non-compliance in this instance); or
- if otherwise accepted or accepted subject to requirements but affected by a relevant overlay:
 - Airport environs: within a public safety area; an aviation facility building restriction area - zone A; or a lighting management area and involving certain types of lighting or reflective cladding.
 - Bushfire hazard: where involving bed and breakfast accommodation and located within, or within 100m of, a medium, high or very high bushfire hazard area.

- Regional infrastructure: within regional electricity infrastructure, substation or railway infrastructure.

Home-based businesses are impact assessable (material change of use application to Council required, public notification, full assessment) if in any other zone not previously described. Home-based businesses are generally inconsistent with the intent of these zones. Home-based businesses in the High Impact Industry Zone or the Industry Investigation Zone are impact assessable if not accepted development.

► Building Works

If you need to do building works to set up your home-based business, this will be a separate application. Please see User Guide 9 – Houses which deals with constructing or extending houses, granny flats and outbuildings.

WHAT ARE THE KEY REQUIREMENTS?

If identified as accepted development under the planning scheme, no planning scheme codes or provisions apply.

If identified as accepted subject to requirements or code assessable under the planning scheme, the following key requirements from the Home-based business code apply:

► Home-based business (other than Bed and breakfast)

- **signage**
 - Single non-illuminated sign
 - Up to 0.3m² in area
 - Up to 1.5m high
 - Attached to front fence or within site



- **car parking***
 - 1 sealed carpark - if business does not involve visitation by clients/ customers
 - 2 sealed carparks – otherwise
 - * Car parking requirements are in addition to car parks associated with the principal dwelling house
- **operating hours**
 - 7:00am to 7pm Monday to Saturday
 - 9:00am to 5:00pm Sunday and Public Holidays
- **employees**
 - No more than 2 employees that do not live in the dwelling house
- **customers/clients**
 - No more than 6 per day
 - No more than 2 customers on site at any time
- **types of businesses not allowed**
 - Retail or hire businesses
 - Industrial activities
 - Service industry activities
- **storage**
 - No outdoor storage
 - No storage of hazardous materials in quantities greater than for ordinary residential use
- **floor area**
 - The floor area of the business should not exceed the lesser of:
 - ~ 25% of the total floor area of the house
 - ~ 10% of the site area
 - ~ 60m²



► Bed and Breakfast

▪ signage

- Single sign
- Up to 0.3m² in residential zone
- Up to 2m² in Rural or Rural residential zone
- Single incandescent globe allowed
 - ~ Up to 60 watts in residential
 - ~ Up to 1000 watts in Rural & Rural Residential zone
 - ~ Must be switched off between 9:00pm and 6:00am

▪ car parking*

- 1 sealed carpark per guest bedroom
- * Car parking requirements are in addition to car parks associated with the principal dwelling house

▪ employees

- No employees that do not live in the principal dwelling house are allowed except in Rural or Rural residential zone where 2 employees are allowed

▪ number of guest bedrooms

- Up to 2, or
- Up to 4 in a Rural or Rural residential zone

▪ floor area

- Sites have a minimum area of:
 - ~ 600m² in a residential zone
 - ~ 1000m² in a township zone
 - ~ 1 hectare in Rural or Rural residential zone

▪ length of stay

- The maximum continuous period of stay for any guest is four weeks

If the application is impact assessable, it will be assessed against the above-mentioned key requirements, the zone intent and other relevant provisions throughout the planning scheme. The circumstances of the site and proposal will also be taken into consideration.

All home-based business activities have a general environmental duty under the *Environmental Protection Act 1994* to not cause harm to the environment. There may be further requirements under Local Laws for your specific home-based business (for example food licences). Please check with Council to see what the other requirements for your business are.

OTHER RELEVANT USER GUIDES:

General

- #1 Using the planning scheme
- #2 What is my zone and other planning scheme designations?
- #3 Do I need to lodge a development application?
- #5 Making a development application
- #6 The development assessment process
- #8 After a development approval is issued

Specific

- #9 Houses
- #10 Domestic sheds and carports
- #23 Driveways and crossings in road reserves

FOR MORE INFORMATION

This user guide provides an overview of planning scheme requirements and the development assessment process only. To view the planning scheme in full, please visit Council's website -

www.mackay.qld.gov.au/planningscheme

The *Planning Act 2016*, *Planning Regulation 2017* and the *Development Assessment Rules* set out the requirements for the development assessment process.

Council provides general development advice:

- [Online](#) enquiries can be lodged via the [Planning advice online enquiries form](#)
- 15 minute [counter](#) appointments available Monday - Friday between 8.30am and 4.30pm (minimum 24 hours notice)

You can also contact a building certifier, consultant town planner, building designer or other qualified professional who can provide assistance and, if necessary, prepare and lodge a development application on your behalf.

FOR MORE INFORMATION PHONE COUNCIL
ON **1300 MACKAY** (1300 622 529)
OR VISIT THE WEBSITE **MACKAY.QLD.GOV.AU**