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What is a Home-based Business?

Home-based Businesses are small-scale, unobtrusive businesses operated from residential premises that do not have an adverse impact on the amenity of the surrounding area.

Under the *Toowoomba Planning Scheme 2003* a Home-based Business is defined as:

“...premises, being a Dwelling and its curtilage used for a business, occupation or profession by 1 or more residents of the Dwelling whether or not non-residents are also involved in the carrying out of the business, occupation or profession.

To remove any doubt, it does not include a Medical Centre.”

Home-based Businesses may include a range of small scale activities provided they:

- are not otherwise defined under the Toowoomba Planning Scheme e.g. Medical Centre/Office (General); and
- can comply with the requirements of Code 7.3 – Home-based Business.

The inability of an activity to qualify as a Home-based Business typically occurs where the attributes or operational characteristics of the use detract (or have the potential to detract), from the amenity of the surrounding residential area as a result of:

- the business exceeding a scale where it is ancillary to the primary residential use of the premises;
- the number of employees engaged in the business exceeding that appropriate for a Home-based Business;
- excessive customer generation and/or increase in traffic movements to and from the site. This includes customer, employee and/or commercial vehicle movements;
- the need to display goods for retail sale from the premises; and/or
- potential impacts from business activities, such as noise.

Uses that could qualify as a Home-based Business would include a hairdresser, online retail business, cottage arts and crafts (provided items for sale are not visible from outside the premises) and an accountant working from home.

Uses such as a General Practitioner cannot be a Home-based Business because it is otherwise defined as a “Medical Centre”. Certain uses such as those that could be described as an Office (General) (e.g. solicitors, accountants, architects, engineers) can operate as Home-based Businesses, provided they comply with the requirements set out in Code 7.3 – Home-based Business.

Do I need to make a development application to establish a Home-based Business?

The need to make a development application to establish a Home-based Business depends on:

- the zone and controls applying to the land;
- whether any non-resident employees are proposed as part of the Home-based Business; and
- the floor area of the House that will be used for the purposes of the Home-based Business.

Generally, a Home-based Business will be self-assessable (i.e. a development approval will not be required) if:

- it is carried out only by one (1) or more residents of the dwelling; and/or
- not more than 20m² of the Gross Floor Area is used. (a dwelling or outbuilding such as a shed or garage can be used).

Alternatively, a **development approval generally will be required** if:

- in addition to resident employees, one or more non-resident employee(s) work at or from the premises; and/or
- more than 20 m² of Gross Floor Area is used.

In situations where a development approval is required, the triggers applied in determining the level of assessment (i.e. code or impact assessment) may vary from the general guidelines provided above. This is particularly the case in non-residential zones including the Regional Centre, Sub-regional Centres, Suburban Centres and Industry Zones.

Applicants are encouraged to confirm the assessment status of any Home-based Business proposed by reviewing the applicable controls under the planning scheme online at www.toowoombaRC.qld.gov.au/pdonline or by contacting the Duty Planner on 131 TRC.

What are the key planning and design requirements for a Home-based Business?

The key planning and design requirements applicable to a Home-based Business are included in Code 7.3 of the *Toowoomba Planning Scheme 2003*.

The key criteria under the code may be summarised as follows:

- the use is limited to a small-scale operation in recognition of the predominantly residential nature of the use and the surrounding locality;
- the use is not visually intrusive and does not detract from the amenity of the neighbouring premises or public places;
- no traffic, noise or waste is generated materially greater than that normally associated with a dwelling;
- no articles are displayed for sale and visible from outside the premises;
- the use (other than office activities) is conducted only during times when surrounding residents are not likely to be disturbed (typically 8.00am to 6.00pm Monday to Friday and 8.00am to 5.00pm on Saturday); and
- The only advertising sign displayed on the premises is to be one Business Plate Sign, which:
 - identifies the name and/or trade or business of the occupant of the premises;
 - does not exceed 0.5m² of sign area in Residential Zone;
 - unless painted or freestanding, is affixed to a wall or fence;
 - is not illuminated other than by baffled lamps; and
 - does not project more than 0.1m from a wall or fence.

How do I make a development application to Council for a Home-based Business?

In making a development application for the purposes of a Home-based Business, applicants need to be aware of the following:

If the proposed Home-based Business is **self-assessable**, and satisfies the Acceptable Measures of all relevant planning scheme codes then no planning approval is required from Council.

If the proposed Home-based Business is **compliance, code** or **impact assessable**, an application for planning approval is required.

Where an application for planning approval is required, you will need to submit the following:

1. **IDAS Forms** – A Correctly completed Form 1 – Application Details, and Form 5 – Material change of use assessable against a planning scheme or made electronically (e-IDAS) (a copy of these forms are available from the Customer Service Contact Centre at 4 Little Street, Toowoomba or can be downloaded and printed from www.dip.qld.gov.au/spa).
2. **Report** – In addition to the “Well Made Development application” requirements for planning reports (**Refer Information Sheet INF002A – Well Made Development Applications**) a planning report accompanying a development application for a Home-based Business should specifically address the following matters:
 - the nature and scale (floor area) of the proposed Home-based Business;
 - details of the number and origin (i.e. Resident or Non-resident status) of any employees;
 - projected vehicle/trip generation associated with the proposed Home-based Business;
 - projected noise or waste generation; and
 - confirmation that the display of articles for sale from the premises is not proposed.

Reports are to comply with Council’s minimum documentation standards (**Refer Information Sheet INF005 – Minimum Documentation Standards**).

3. **Plans** – A site plan and floor plan clearly delineating the area of the dwelling to be used for the Home-based Business at a minimum scale of 1:100 (preferably on A3 paper). Plans are required to comply with Council’s minimum documentation standards (Refer Information Sheet INF005 – Minimum Documentation Standards).
4. **Fees** – The application must be accompanied by the appropriate application fee. Council’s Fees & Charges schedule is available from the Customer Service Contact Centre at 4 Little Street, Toowoomba or may be downloaded from Council’s website at www.toowoombaRC.qld.gov.au.

APPLICANTS PLEASE NOTE:

1. Minimum specifications for documents and plans submitted to Council are outlined under **Information Sheet INF005 – Minimum Documentation Standards** and **Checklist CL005 – Minimum Documentation Standards**.
2. All development applications are to comply with the requirements for “Well-Made” Development Applications. The attributes of a “Well-Made” Development application are summarised under **Information Sheet INF002A – Well Made Development Applications** and **Checklist CL007 – Well Made Development Applications**.

What happens after I lodge my application?

After your application is lodged, Council will assess it in accordance with procedures outlined under the Sustainable Planning Act 2009. The stages and duration of the assessment process vary depending on whether the application is subject to **compliance**, **code** or **impact** assessment. Further information on the stages and typical duration of the code and impact assessment processes is outlined under:

- **Information Sheet INF011A – Code Assessment**; and/or
- **Information Sheet INF012 A – Impact Assessment**.

Do I need any further approvals?

A range of additional development approvals may be required before a proposed use can lawfully commence. Development approval for Building Work, Operational Work (e.g. excavation or filling, vegetation removal, placing and advertising device on premises) or Plumbing and Drainage Work may be required.

Need Further Information?

For further specific information about Home-based Business requirements within the former Toowoomba City and application procedures, please contact the Duty Planner on 131 TRC or visit the Customer Service Centre at 4 Little Street, Toowoomba.

Track your application online at: www.toowoombaRC.qld.gov.au/pdonline