

Home Based Business (Laidley)



1 JULY 2019

DEVELOPMENT ASSESSMENT INFORMATION

(Laidley Shire Planning Scheme Area)

Please Note: This fact sheet is only applicable to those properties located within the Laidley Planning Scheme Area. Please use Council's [ePlan](#) to determine your properties applicable planning scheme.

Note – Under the Laidley Shire Planning Scheme there are two types of businesses that can be carried out at home.

Home Occupation

What is a Home Occupation?

The Laidley Shire Planning Scheme 2003 defines a **Home Occupation** – (a) the use of premises for any industry or trade activity, as a secondary use and in association with a residential use; and (b) the use must be carried on, in or under a dwelling house or within the curtilage¹ of a dwelling house; and (c) the use must be by a person who is resident therein. The term includes motor vehicle repairing, panel beating, spray painting or welding.

Do I need to lodge a planning application for a Home Occupation?

Yes a Material Change of Use application is required to be lodged to Council for a Home Occupation. If you are in the Rural Residential or Rural Landscape Zone the application is Code Assessable, in all other zones the application is Impact Assessable (public notification required).

¹The area, usually enclosed, encompassing the grounds and buildings immediately surrounding a home that is used in the daily activities of domestic life.

Home Based Business

What is a Home Based Business?

The Laidley Shire Planning Scheme 2003 defines a **Home Based Business** – (a) the use of premises for any business or professional purpose, as a secondary use and in association with a residential use; and (b) the use must be carried on, in or under a dwelling house or within the curtilage¹ of a dwelling house; and (c) the use must be by a person who is resident therein. The term includes hairdressing, child care, and other similar uses.

Do I need to lodge a planning application for a Home Based Business?

A Home Based Business is Accepted Development in most zones provided it complies with the applicable codes. If you are in the Industrial, Open Space and Reserve, Business, or Community zone an Impact Assessable Material Change of Use Application to Council is required.

What codes does my Home Based Business need to comply with to be Accepted Development?

The codes you must comply with to be accepted development include:

- Advertising Devices Code;
- Home Uses Code; and
- Vehicle Access and Parking Code.

If it does not meet the acceptable solutions of the above codes a code assessable Material Change of Use Application is required

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Fees & Charges

Refer to Council's website for the current Fees & Charges.

Need further information?

This fact sheet is designed to be a guide to the planning scheme and application process. It does not constitute all details within the planning scheme. Additional information can be obtained from the Laidley Shire Planning Scheme. If you require specific information please contact Council's Customer Service on 1300 005 872.

Please note this fact sheet may be updated by Council at any time with the most recent version available on Council's website. If you have a printed copy please see Council's website to ensure you have the latest version. ■

How can I find out the zone for my property?

Council's [ePlan](#) can be used to determine the zone of your land.

How do I make an application?

For information please read Council's [Application](#) webpage. A fact sheet on Application Requirements & Processing is available.

How will my application be assessed?

A Code Assessable Application for a Home Based Business/Home Occupation will be assessed against the following codes of the Laidley Shire Planning Scheme:

- Advertising Devices Code
- Building Dimensions Code
- Home Uses Code
- Vehicle Access and Parking Code
- Area code applicable to your property.

In your code assessable application to council you must address the above codes that are applicable to your development and property.

An Impact Assessable Application will be assessed against the Laidley Planning Scheme in its entirety. However the application should address the above codes mainly.

It is recommended that you engage an appropriately qualified town planning consultant with knowledge of the *Planning Act 2016* to assist you to prepare your application.

What other approvals do I need?

- Development Permit for [Building Work](#)
- Development Permit for [Plumbing and Drainage](#)

There may be additional approvals required beyond what is listed above.

HOME BASED BUSINESS

For Accepted Development:

PLANNING SCHEME REQUIREMENTS		COMPLIES ✓/*/NA
HOME USES CODE		
AO1.1	No more than 2 persons who reside within the residence are engaged in the use; and	
AO2.1	The adjusted average A-weighted sound pressure level does not exceed the background level by more than 5dB(A) measured at the property boundary of the subject land; and	
AO2.2	The use does not involve the use of a source of power other than one (1) or more single-phase electric motors; and	
AO3.1	The use, excluding office/administration activities, is only conducted between the hours of 7am and 7pm on weekdays, 7am and 12 noon on Saturdays, and no operation on Sundays and Public Holidays; and	
AO4.1	Design and construction of drainage works complies with the requirements set out in Schedule 2 - Stormwater Drainage.	
AO5.1	The floor coverage used (whether temporarily or permanently), does not exceed more than one-third (1/3) of the total floor coverage of the dwelling house or 30m ² whichever is lesser; and	
AO6.1	No retail sale or display of goods of any nature on the site; and	
AO7.1	The use and storage of equipment or materials, takes place in an enclosed building; and	
AO7.2	The Home Based Business does not involve a use that is an Environmentally Relevant Activity as identified in Schedule 6 of the Environmental Protection Regulation 1998.	
VEHICLE ACCESS AND PARKING CODE		
AO7.1	Home Based Business: 2 spaces for clients	
ADVERTISING DEVICES CODE		
AO2.1 (a)	For a business name sign for a Home Based Business or Home Occupation the signface shall be no larger than 0.3m ² and the sign shall be wholly contained within the premises or on a fence facing the road	

If all applicable boxes have a ✓, no planning approval is required.

If any boxes have a *, planning approval is required (consult a suitably qualified town planning consultant or Council for more information).