

INTRODUCTION

This user guide provides a summary of the provisions under the Logan Planning Scheme 2006 for a home business. Where any conflict exists between this user guide and the planning scheme, the provisions of the planning scheme prevail.

WHAT IS A HOME BUSINESS?

“Home business” means the use of residential premises comprising a dwelling unit (house) for a business where the business is:

- (a) operated by a person who is permanently residing in the dwelling unit; and
- (b) subordinate to the use of the dwelling unit.

Examples of home businesses: a bed and breakfast, commercial cooking, hairdresser, sewing and alterations, home office, photography studio, playgroup, and a recording studio.

WHERE CAN I CONDUCT A HOME BUSINESS ON MY PROPERTY?

A home business can be carried out in most parts of a house.

WHAT ARE THE LEVELS OF ASSESSMENT FOR A HOME BUSINESS?

A home business can be self, code or impact assessable development (see below for an explanation of these terms) dependent on whether it is office based, and the number of employees, in accordance with the table below.

Zone	Self assessable office based home business	Code assessable office based home business	Impact assessable home business	Self-assessable bed and breakfast	Code assessable bed and breakfast
	Maximum number of non resident employees			Maximum number of bedrooms for paying guests	
Residential 250	Nil	Nil	1	2	N/A
Residential 600		1	1 (not office based)		5
Residential 1000					
Residential 2000					
Residential 5000	1	2	2 (not office based)		
Residential 10000					
Non Urban					
Conservation					
Investigation					

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WHAT IS AN OFFICE-BASED HOME BUSINESS?

An office-based home business includes premises used for the practice of an accountant, architect, doctor, dentist or para-medical service, engineer, solicitor, computer-based service, consultancy, word processing and secretarial support, and sales, where there is no retail sale or hiring out of a good on the premises. An office-based home business also includes an office or associated storage used for the conduct of a single tradesperson residing on the site involved in a trade related occupation such as a plumber, builder and electrician.

WHAT ARE THE APPLICABLE CODES?

A home business is assessed against the following codes:

- applicable locality and zones code;
- home business code;
- work codes; and
- any overlay codes applicable to the proposed home business site (eg. flood plain management area, wetland and waterway area, vegetation management area, steep slopes area).

An impact assessable home business requires public notification. It involves a broader assessment against the abovementioned codes and the entire planning scheme.

WHAT IS A SELF ASSESSABLE HOME BUSINESS? HOW DOES A SELF ASSESSABLE HOME BUSINESS COMPLY WITH CODES?

A self assessable home business does not require a development permit. However, the home business must comply with all of the acceptable solutions (minimum standards) of the applicable codes otherwise it becomes code assessable development (see below).

WHAT ARE THE ACCEPTABLE SOLUTIONS (MINIMUM STANDARDS) OF THE HOME BUSINESS CODE FOR A HOME BUSINESS THAT IS SELF ASSESSABLE DEVELOPMENT?

With a home business, other than a bed and breakfast, the area of the dwelling unit used for a home business must not exceed the floor area in the zone as specified below:

Zone	Floor area (m ²)
Residential 250	20
Residential 600	40
Residential 1000	
Residential 2000	
Residential 5000	
Residential 10000	60
Non urban	
Conservation	
Investigation	

A home business must ensure that:

- goods are stored inside the house;
- there is a maximum of one advertising device with a face area not greater than 0.5m²;
- the business is conducted entirely within a house on the premises;
- the external appearance and character of the house is not modified to accommodate the home business; and
- the area of the house used for a home business is capable of reverting back to a house if the home business ceases.

A home business does not involve:

- the display of a good which is visible from outside the house;
- the use of, or visit by, a heavy vehicle;
- any type of repair or maintenance of a motor vehicle, an industry, an industrial use or any activity which is defined as an environmentally relevant activity under the Environmental Protection Act 1994;
- customer visitation or the loading or unloading of vehicle outside of the hours of 7am to 6pm Monday to Saturday unless the home business is a bed and breakfast;
- the retail sale of a good on the premises and the hiring out of a good; and
- in the case of a home business other than a bed and breakfast, more than one motor vehicle (excluding a motor vehicle of a permanent resident) related to the home business being parked on the premises or on the road adjoining the premises.

HOW DOES AN ASSESSABLE HOME BUSINESS COMPLY WITH CODES?

An assessable home business complies with the code if it complies with the specific outcomes of the code. "Specific outcomes" are the particular requirements of the code. They are not generally expressed as prescriptive requirements. This gives the applicant more flexibility in the development of a home business. Some specific outcomes have corresponding probable solutions which are identical to the acceptable solutions as set out above.

"Probable solutions" are a guide for an assessable home business, to achieve the specific outcomes of the code, in whole or in part. The probable solutions are identified to the acceptable solutions above. They do not limit Council's discretion to impose conditions to ensure that the home business complies with the specific outcomes of the code.

WHAT ARE THE SPECIFIC OUTCOMES (PARTICULAR REQUIREMENTS) OF THE HOME BUSINESS CODE?

A home business must not adversely impact on the amenity or character of the zone and sub-area by providing that it:

- is low impact and commensurate with the scale of development and adjacent premises;
- is visually integrated with the residential use, the streetscape and adjacent premises;
- generates traffic which is consistent with that generated by the dwelling unit;
- does not generate more than 10 vehicle trips per day where one vehicle trip equals arriving and departing the premises; and
- does not impose any greater load on infrastructure than would be reasonably expected from the residential use of the premises.

WHAT CONDITIONS ARE LIKELY TO BE APPLICABLE TO A DEVELOPMENT PERMIT?

Development permits are subject to a range of conditions dependant on the type, scale, location and circumstances of the proposed home business. Council is likely to set conditions in regard to amenity and the operation of the home business.

HOW DO I MAKE A DEVELOPMENT APPLICATION?

The development application process is subject to detailed provisions under the Sustainable Planning Act. Prior to lodgement of a development application, Council suggests that you request a free pre lodgement meeting to discuss your proposal.

Council may request information in respect of a development application for a home business as specified in Planning Scheme Policy No. 1. Please contact the Customer Service Team on 3412 5269 for further details

DOES MY HOME BUSINESS HAVE TO BE LICENSED?

A self assessable office based home business does not have to be licensed. All other home businesses are required to obtain a licence under Local Law No. 9 (Licensing).

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