



HOME ACTIVITIES AND HOME BASED BUSINESSES

Can someone run a business from home?

Yes. It is possible for a person to run a small-scale business from residential premises in some circumstances and only under strict conditions.

This is known as a **Home Activity** and is specifically defined in the Development Regulations, 2008.

What is defined as a home activity?

A Home Activity is defined in the Regulations as follows:-

A use of a site by a person resident on the site –

- (a) that does not detrimentally affect the amenity of the locality or any part of the locality; and
- (b) that does not require or involve any of the following –
 - (i) assistance by more than one person who is not a resident in the dwelling;
 - (ii) use (whether temporarily or permanently) of a floor area exceeding 30 square metres;
 - (iii) the imposition on the services provided by a public utility organisation of any demand or load greater than that which is ordinarily imposed by other users of the services in the locality;
 - (iv) the display of goods in a window or about the dwelling or its curtilage;
 - (v) the use of a vehicle exceeding three tonne rate in weight.

Is an application necessary?

Provided the business activity can be conducted at all times strictly within the criteria above, then **no** formal approval from Council is necessary since a home activity does not constitute development within the meaning of the Act.

As no approval is needed, you do not need to lodge an application with Council for assessment. Therefore, within the constraints imposed by the criteria listed above, you are entitled to carry on that business enterprise without further reference to Council unless other issues are involved with that business, such as health and hygiene matters which may require special attention.

However, your attention is drawn to the requirement that any such activity is to be conducted so that it does not detrimentally affect the amenity of the locality. As can be appreciated, this can be a rather subjective test and one which has the potential to create friction if the impact of the activity is at all felt beyond the boundaries of the site.

What sort of activity can cause a problem?

Any sort of business which involves manufacturing or the production of something has the potential to cause problems because of the very nature of any operations, processes and tools used.

And, because of that subjective test that the amenity must not be affected (as mentioned above), Council has the power to intervene to check the situation and see if you are operating within the home activity criteria. If the 'nuisance' factor is apparent, then you will have a problem continuing that business.

Councils often receive complaints from neighbours and others about business activities which:-

- create repeated, prolonged or loud noise
- interfere with TV or radio reception
- produce smoke, smells, fumes, dust and the like
- increase traffic in the street or lead to congestion brought about by visitor parking and general movement
- are carried on at times outside of normal working hours.

Ordinarily, mechanical repairs, panel beating, spray painting and activities which use noisy machinery or require regular delivery of materials or constant turnover of customers do not fit comfortably into the definition of home activity. Conversely, examples of those types of business activities that could be suitable include a professional office that is set up in a room of the house, a 'one-man' consultancy or a drafting office, a journalist or writer working from home etc.

Irrespective, you need to be mindful at **all** times to operate within the limits imposed by the home activity criteria. And, of course, not to cause any nuisance to neighbours nor create conditions which may give rise to complaint.

What happens if you can't comply?

If any of the criteria are breached or if the level of impact is such that it is clearly affecting the amenity, then you are operating **outside** of the definition of home activity and the business becomes a land use or a development in its own right and not something that is ancillary to the residential use of the land.

In this event, formal Development Application would have to be made to the Council for assessment under the provisions of the Development Act (provided that it is not classed as being non-complying form of development in the area in which it is located). Processing of such an application may involve giving public notice to neighbours and consultation with other Government Agencies. Approval from Council to 'authenticate' your home activity should **not** be taken for granted. It may well be that you will need to look at industrial or commercial premises in an appropriate location to set up your business.

Additional Advice

It is strongly recommended that you first check with Council before setting up a business so that the home activity guidelines can be discussed and their ramifications explained to you, especially the importance of not exceeding any of the criteria. Also, if the business involves the handling of food or personal services such as hairdressing, there may be health requirements under other legislation that need to be met.

It is also advisable to check with other authorities for any non-Council related licenses, registrations or additional requirements that those authorities may have an interest in and/or a need to grant.

For further information contact the Environmental Services Section of the Mid Murray Council on (08) 8564 6020.

Information Sheets

Information Sheets are available to help answer many of your Planning enquiries.

We also have many Information Guides available regarding Building and Health Issues.

These Information Guides are available from our Cambrai, Mannum and Morgan offices. You can also see them on our website at www.mid-murray.sa.gov.au



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