

Home Activities and Home Based Business

Can a business be run from home?

Within South Australia, a small business can be operated from home provided that it can meet the requirements of a "Home Activity" as defined by the Development Regulations, 2008.

A business that meets the requirements of a "Home Activity" is not deemed to be development and does not require development approval from the Council.

Prior to undertaking a home activity, it is advisable to check with the Council to ensure that the business is in accord with the home activity definition and guidelines, and therefore exempt from requiring development approval from the Council.

What is a home activity?

The Development Regulations, 2008, define a home activity as a use of a site by a person resident on the site that:

1. does not detrimentally affect the amenity of the locality or any part of the locality; and
2. that does not require or involve any of the following:
 - assistance by more than one person who is not a resident in the dwelling;
 - use (whether temporarily or permanently) of a floor area exceeding 30 square metres;
 - 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;

- the display of goods in a window or about the dwelling or its curtilage; or
- the use of a vehicle exceeding three tonne tare in weight.

What does detrimentally affect the amenity of the locality mean?

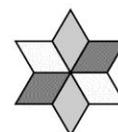
Whether or not an activity detrimentally affects the amenity of the locality is a subjective notion that is determined by Council on a case by case basis. In order to make this determination, the following guidelines are taken into account by the Council:

- traffic to and from the dwelling (business) should not be more than that which would ordinarily be expected from a private home; and
- the parking of vehicles, as a result of the activity should not unreasonably exceed that which could be reasonably expected from a private home and should wherever possible be accommodated on the property; and
- noise and/or fumes generated from the activity should not unreasonably exceed that which could ordinarily be expected from a private home.

What sort of activities can cause a problem?

The majority of complaints that the Council receives regarding home activities are in respect to:

- repeated, prolonged or loud noise;
- increased traffic in the street, particularly delivery
- vehicles and customer car parking;
- smoke, smells, fumes & dust pollutants; and



- the operation of the business outside of normal working hours.

Land uses such as mechanical workshops, panel beating, spray painting and activities that involve the use of noisy machinery are not generally considered to be “Home Activities”.

What happens if a proposed business exceeds the definition of a Home Activity?

A home business or activity must operate at all times within the definition of a home activity to enjoy continued exempt status from requiring development authorisation. If an activity does not or cannot comply as a “Home Activity” then either an alternative location should be sourced for the business or activity or you can lodge a Development Application with the Council to seek approval for the land use.

The Council recognises the value of home based businesses and may approve such a land use in certain circumstances. Generally, a home-based business that exceeds the “Home Activity” criteria will be acceptable if:

- it is operated by the occupant of a dwelling on the site of the business;
- it is a land use envisaged in the relevant Zone and/or Policy Area;
- the business is ancillary to the associated dwelling;
- has a total floor area not exceeding 10% of the total area of the site;
- is of an intensity that does not adversely alter the character and amenity of a locality;
- has no more than two persons, other than occupants of the associated dwelling, employed by the business and work on the site;
- an additional on-site car park is provided for every non-resident employee;
- the business does not require the display of goods in a window, on or around the dwelling or its curtilage;
- the business does not require the use of a vehicle that exceeds 3 tonne tare in weight;

- all equipment and vehicles associated with the business can be located on the site of the development;
- only one discreet sign, not exceeding 0.2 square metres is erected; and
- loading and unloading of vehicles can take place on the site of the development.

If the Council receives a complaint in respect to a “Home Activity”, an investigation of the land use will be conducted and if it is determined that the activity exceeds the requirements of the “Home Activity” definition, the activity will need to be either modified to comply with the definition, or cease until such time as a lawful approval for the activity is obtained.

Activities involving public and environmental health

Whilst a “Home Activity” may not require development authorisation from the Council, it should be noted that some home based businesses such as food preparation, child care and hairdressing are governed by other legislative requirements.

It is the responsibility of the operator of the business to obtain all relevant permits and licenses.

The Eastern Health Authority (EHA) can provide further advice in relation to activities that may have health implications such as food preparation, child care and personal services establishments. The Authority can be contacted by telephone on 8132 3600

The information provided in this Development Fact Sheet is intended as a general guide only and readers are encouraged to refer to the Norwood Payneham & St Peters (City) Development Plan and to seek professional planning advice if necessary. This information is subject to frequent updates and this version was last updated in June 2016. The latest version can be downloaded via the Council's website at www.npsp.sa.gov.au. For further information, please contact the Council's Urban Planning & Environment Department on 8366 4530.
