

CAN A BUSINESS BE RUN FROM HOME?

It is possible to run a small-scale business from your residential property. This type of business is known as a “**Home Activity**”. If your business satisfies the permissible Home Activity criteria (below), you do not require approval from Council to operate it.

WHAT IS A HOME ACTIVITY?

A Home Activity is defined in the development legislation (Schedule 1 of the *Development Regulations, 2008*) as the **use of a site** by a person who is a resident on that site and that:

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

The requirements outlined under part (b) are measurable standards that can be easily assessed. However, Part (a) is subjective in nature and must be assessed in the context of your locality. The following section provides clarification regarding this aspect.

WHAT SORT OF HOME ACTIVITY CAN CAUSE A PROBLEM?

As mentioned a Home Activity does not require approval from Council if it is operated within the specified guidelines. Part (a) of these guidelines is intended to protect the function and the amenity of residential areas. The term ‘amenity’ has broad application but generally relates to visual, acoustic and odourous qualities of a locality or surrounding area.

The intent of part (a) therefore, is to ensure that your Home Activity does not detract from the amenity of the surrounding area. When considering whether your business is likely to detract from the amenity of the locality it would be worthwhile considering the following:

- Is the use likely to create repeated, prolonged or loud noise;
- Is the use likely to increase traffic in the street with delivery vehicles or customer car parking;
- Is the use likely to produce smoke, smells, fumes, dust etc. that would exceed that which could ordinarily be expected from a private house; and
- Is the use likely to operate outside normal working hours.

As an example, following recent court findings; consulting rooms, mechanical repairs, panel beating, spray painting, carpentry, and similar activities which involve noisy machinery, do not in a general sense fit into the definition of a Home Activity. In addition, aerobics classes or personal training classes do not comply with the “Home Activity” definition.

WHAT HAPPENS IF I DO NOT COMPLY WITH THE HOME ACTIVITY CRITERIA?

You must at all times operate within the above guidelines to be considered a “Home Activity”. If you cannot comply with these requirements, you may need to locate your business within an industrial or commercial premises. Alternatively, a development application will need to be submitted to Council.

Council approval is not always guaranteed, particularly in the Township and Country Living zones as residential areas are not generally designed to accommodate non-domestic land uses. In areas zoned Watershed (Primary Production), any application will be subject to a full assessment against a set of merit based criteria.

If you are in any doubt as to whether a home based business complies with the Home Activity criteria please contact Council’s duty planner. Providing the following information will enable Council staff to fully assist you:

- A floor plan of the dwelling or building showing which areas are to be used for the Home Activity;
- A description describing the business and the type of activities proposed and whether any machinery is involved or traffic is likely to be generated;
- The number of persons employed;
- Hours of operation; and
- Signs, if any, which are to be placed on your property.

ACTIVITIES INVOLVING FOOD

If you intend to establish a business that involves the preparation, transportation or storage of food for sale, you will be required to seek a separate approval from the Environmental Health Officers of the Council who will check to ensure that you comply with the Food Act 2001 from a food preparation point of view.

SIGNAGE

The erection of signage is allowable provided it complies with the following:

- Signs must not be illuminated, nor exceed 0.2sqm and should display only the name, address and identification of the business or profession; and
- No nuisance shall be caused to any owner or occupier of land in the vicinity of your “Home Activity” as a result of the sign.

PLEASE NOTE

The information provided in this Fact Sheet is only intended to be a summary. All applications are considered on their individual merits and therefore situations may vary.

Contact details

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Further information

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