

Planning and Development

HOME ACTIVITIES / HOME BASED BUSINESS

Overview

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 (3,000 KG) 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?

Businesses involved in manufacturing or the production of something may cause problems because of their operations and the processes and tools used. If anyone considers the business to be affecting the amenity of the area, Council has the power to check the situation and see if you are operating within the home activity criteria. If the 'nuisance' factor is apparent, then you may have a problem continuing your business, unless you obtain development approval.

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 caused by deliveries, visitor parking and general movement;
- vehicles and customer car parking;
- smoke, smells, fumes & dust pollutants; and
- interference with television and radio reception;
- 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.

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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 approval from 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.

Contact Council to provide further information in relation to activities that may have health implications such as food preparation, child care and personal services establishments.

Business Growth and Activity Changes

You are entitled to carry on your business without further reference to Council, unless your business no longer fits strictly into the above criteria or other issues become involved with require special attention. As your business grows or purpose changes, please review where you need to then apply for Development Approval.

The information provided in this Development Fact Sheet is intended as a general guide only and readers are encouraged to refer to the Copper Coast Development Plan and to seek professional planning advice if necessary.