

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:

- Does not detrimentally affect the amenity of the locality or any part of the locality
- 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
 - 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
- 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
- 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
- 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.

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 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 (an area of land attached to a dwelling and forming one enclosure with it)
- 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
- 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.

How do I submit a Development Application for a home-based business?

Having a pre-application discussion with a Council Planning Officer will ensure you have considered all the relevant issues. You can arrange this by phoning (08) 8256 0333 or by visiting the Civic Centre where a Duty Planner is available from Monday to Friday, 9am to 5pm. At a minimum, all Development Applications for a home-based business must contain each of the following:

- Development Application Form
- Site plan which demonstrates the location of activities at a scale of 1:200
- Detailed statement of day-to-day operations
- Payment of relevant fees

Providing Council with all of the plans required for the type of development you propose is the quickest way to have your application assessed. Development applications submitted without the correct information will face significant processing delays.

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.

Preparation and Handling of Food

A Food Business Notification Form will need to be completed and an inspection will need to be undertaken by Council's Environmental Health Officer prior to the commencement of any business involving food. This is done independently of the Development Approval process. For further details regarding food handling requirements contact Council's Environmental Health department on 8256 0333.

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

This FAQ publication is a guide only and will not necessarily provide adequate information relevant to every situation. Whilst it seeks to explain your possible obligations in a helpful and accessible way, it is likely that some detail may not be captured. It is important, therefore, that where necessary you make your own determination as to whether you should seek legal advice.