



Home Activities & Home Based Businesses

Can Someone Run a Business From Home?

It is possible to run a small scale business from residential premises in some circumstances. 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:-

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

(a) *That does not detrimentally affect the amenity or any part of the locality; and*

(b) *That does not require or involve -*

- *Assistance by more than one person who is not a resident in the dwelling; or*
- *Use (whether temporarily or permanently) of a floor area exceeding 30 square metres; or*
- *Any source of power other than an electric motor of not more than 0.4 kilowatts; or*
- *The imposition on the services provided by any public utility organization*
- *The imposition of services provided by any public utility organisation of any demand or load greater than which is ordinarily imposed by other users of the services in the locality; or*
- *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.*

Is an Application Necessary?

Provided the business activity can be conducted in satisfaction of the conditions identified in the definition above, no formal approval from the Council is required as a home activity does not constitute development within the meaning of the *Development Act 1993*. If the activity is not able to satisfy the conditions above then it is not a home activity and is likely to require development approval.

It is important that you note that any home activity is to be conducted so that it does not detrimentally affect the amenity of the locality. This is an important criteria and in order to be certain that this criteria is satisfied, the activity should have no impacts beyond the site boundary.

What Sort of Activity Can Cause a Problem?

Any sort of business which involves manufacturing or the use of heavy machinery or power tools has the potential to cause an impact on the amenity of the locality and is unlikely to satisfy the definition of a home activity. Where an activity is having an impact on amenity or where it is not able to satisfy the conditions of a home activity, Council has legislative powers to cause the activity to cease where appropriate.

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

- Create repeated, prolonged or loud noise; or
- Produce smoke, smells, fumes, dust and the like; or
- Increase traffic in the street or results in congestion brought about by visitor parking and general movement; or
- Are carried on at times outside of normal working hours.

Mechanical repair workshops, panel beating, spray painting and activities which use noisy machinery or require the regular delivery of materials or constant turnover of customers do not satisfy the definition of home activity.

The above information is advisory and a guide only to give you a general understanding of the key points associated with the approval system. It is recommended that you seek professional advice or contact your local Council regarding any specific enquiries or for further assistance concerning the use and development of land. Being properly prepared can save you time and money in the long run.



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Examples of business activities that could satisfy the definition of home activity include:

- A professional office that is set up in a room of the house; or
- A 'one-man' consultancy or a drafting office; or
- A journalist or writer working from home.

Please note that these are possibilities only and are provided by way of example, not to indicate that they would be automatically acceptable.

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 requires development approval.

A formal Development Application would need to be lodged with the Council for assessment under the provisions of the *Development Act 1993*. Processing of such an application may involve the giving public notice to neighbours and consultation with other Government Agencies.

Where development approval is required, it is often more appropriate to consider whether the activity is better suited to a commercial or retail premises in a defined centre or the CBD.

Additional Advice

It is strongly recommended that you first check with Council before commencing a home activity, so that the home activity guidelines can be explained to you. Also, if the business involves the handling of food or personal services such as hairdressing, there may be health requirements under other legislation that needs to be met.

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