

Home Activity



CITY OF
MITCHAM

Can I run a business from home?

Yes, in some circumstances you can run a small-scale business from home, as long as it fits into the strict conditions known as “Home Activity” as defined in the Planning, Development and Infrastructure (General) Regulations 2017.

What is home activity?

The Regulations define a home activity as the “use of a site by a person resident on the site–

- (a) that does not detrimentally affect the amenity of the locality or any part of the locality; and
- (b) that does not require or involve any of the following:
 - (i) involve more than 1 person who is not a resident in the dwelling;
 - (ii) use (whether temporarily or permanently) of a floor area exceeding 30 square metres;
 - (iii) the home activity must not have a greater load on domestic utility services than other ordinary uses within the locality;
 - (iv) the display of goods in a window or about the dwelling or its curtilage;
 - (v) the use of a vehicle exceeding 3 tonne tare in weight (3000 kg).

Do I need to apply?

If your home business fits into the above criteria, then you don't need to seek approval from council as this activity is not defined as development within the Planning, Development and Infrastructure Act 2016. If you are unsure, please check with council.

You are entitled to carry on your business without any approval from council unless your business changes and no longer fits into the above criteria, or other issues become involved which require special attention, such as health and hygiene matters.

Please be aware that your business must not have a detrimental affect on the amenity of the area at any time. This is often known as the ‘nuisance factor’. Obviously this can be subjective and has the potential to create friction if the impact of the activity is felt beyond the boundaries of your home.

What sort of activity can cause a problem?

Businesses involved in manufacturing or the production of something may cause problems because of their operations and/or the processes as well as tools used. If anyone considers the business to be affecting the amenity of the area, council has the power to inspect the situation to check if you are operating within the home activity criteria. If the ‘nuisance’ factor is apparent, then you will be required to obtain development approval to enable your business to continue operation.

The council often receives complaints about businesses that:

- create repeated, prolonged, or loud noise;
- interfere with television or radio reception;

- produce smoke, smells, fumes, dust, etc;
- increase traffic in the street or cause congestion by visitor parking and general movement; or
- are carried outside of normal working hours.

Mechanical repairs, panel beating, spray painting and activities that use noisy machinery, have material delivered regularly or have a constant turnover of customers are generally not considered a home activity.

What type of activities are appropriate?

Some of the business activities that often fit the criteria include a professional office that is set up within a room of the house; a one-person consultancy or drafting office; a journalist or writer working from home; making of 'light' handicrafts or an agency that does not rely on constant public access nor the movement/storage of goods and products; small trade business, eg plumber. These are only possibilities and are not automatically acceptable.

Once you are operating your business from home, make sure that you stay within the limits imposed by the home activity criteria. And of course, be careful not to cause any nuisance to neighbours or create conditions that may cause complaints.

What happens if I can't comply?

If you breach any of the criteria, or if your business is clearly affecting the amenity, then you are not complying with the home activity criteria. Your business then becomes a land use or a development in its own right.

In this case, you need to lodge a development application with council for assessment against the Planning Code provisions. It may be necessary to notify the neighbours and consult with other government agencies. Council's approval is not guaranteed. It may be necessary to look at moving your business to an industrial or commercial premise in an appropriate location as some activities are non-complying within residential zones.

Additional advice

Always check with council before setting up a business from home to ensure that it fits the home activity criteria. This way you can discuss the home activity guidelines and their ramifications. Council can also let you know of any requirements under other legislation that you need to meet, especially if your business involves food preparation or personal service (eg hairdressing health requirements).

Any signage advertising a home activity should be discrete, not detract from the prevailing amenity, and comply with the following:

- Maximum overall height 1.5m
- Maximum surface area 0.2 m²

You should also check with other relevant authorities for non-council related licenses, registrations or additional requirements.

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 the City of Mitcham, Development Services on 8372 8888 or email development@mitchamcouncil.sa.gov.au regarding any specific enquiries or further assistance, concerning the use and development of land. Being properly prepared can save you time and money in the long run.