HOME ACTIVITY

WAKEFIELD REGIONAL COUNCIL

Can someone run a business from home?

Yes. It is possible for a person to run a small-scale business from residential premises in some circumstances and only under strict conditions.

What is a home activity?

'Home Activity' is defined in the Regulations as a use of a site, by a resident of that site, which does not detrimentally affect the area and which does not:

- require more than one person who doesn't live in the home helping with the business;
- use more than 30 square metres of floor space, either temporarily or permanently;
- use more water, power and similar public utility organisation services than would ordinarily be used by other homes in the area;
- display goods in a window, around the home or its curtilage; or
- use a vehicle weighing more than 3 tonne tare in weight (3000 kg).

Is an application necessary?

If the business activity can be conducted at all times strictly within the above criteria, then you don't need formal approval from Council and therefore don't need to make an application. This is because a home activity isn't seen as 'development' within the meaning of the *Planning, Development and Infrastructure Act 2016.* You should check with Council that you comply with these criteria.

You can therefore carry on your business without any further reference to Council unless your business no longer fits strictly into the above criteria or other issues become involved which require special attention, such as health and hygiene matters.

You need to ensure that your business is conducted so that it does not have a detrimental effect on the amenity of the area. As can be appreciated, this can be a rather subjective test and has the potential to create friction if the impact of the activity is at all felt beyond the boundaries of your home.

What sort of activity can cause a problem?

Businesses which involve manufacturing or the production of something may cause problems because of their operations, processes and tools used. If anyone considers the business to be affecting the amenity of the area, Council has the power to investigate. If the activity causes a nuisance to neighbouring properties then Council may take action in accordance with the *Local Nuisance and Litter Control Act 2016.*

Council often receive complaints about business activities that:

- create repeated, prolonged or loud noise
- interfere with TV or radio reception;
- produce smoke, smells, fumes, dust etc;
- increase traffic in the street or lead to congestion by visitor parking and general movement; or
- Are carried on at times outside of normal working hours.

Business activities that fit the home activity criteria may include a professional office set up in a room of the house, a 'one-person' consultancy or a drafting office, a journalist or writer working from home, making 'light' handicrafts, or an agency which does not rely on constant public access or the movement/storage of goods and products.

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

Once you are operating your business from home, you need to be mindful at all times to operate within the limits imposed by the home activity criteria. And, of course, be careful not to cause nuisance to neighbours or create conditions that may cause complaint.

Is it possible to display advertising signage?

Most forms of signage require approval from Council and should not be erected or displayed before Council is consulted. It is generally not permissible within a residential zone to display advertising signage.

It is possible however, to install a small plaque for the purposes of identification without requiring approval from Council providing it does not exceed 0.2 m², does not move or flash, and does not cause a distraction to motorists.
For more information concerning signage, please contact council.

What happens if you cannot comply?

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

In this case, you need to make a Development Application with Council. It may be necessary to undertake public notification and notify your neighbours and consult with other government agencies.

Additional advice

It is recommended that you check with Council prior to starting a business from home. This way the home activity guidelines can be discussed and their ramifications explained to you, especially the importance of staying within the criteria. Also, if the business involves the handling of food or personal services such as hairdressing, there may be health requirements under other legislation that need to be met.

You should also check with other relevant authorities for non-Council related licenses, registrations or additional requirements that those authorities may have an interest in and/or a need to grant.







Want to know more?

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