

Home Based Business

Working from home in Knox

Knox City Council seeks to help provide the environment and conditions needed for businesses to generate wealth, sustainable development and employment opportunities in Knox. Council encourages the establishment of home-based business, provided the residential amenity and attractive living environment in Knox is not compromised.

The Knox Planning Scheme sets out the conditions that need to be met for businesses to work from home in Clause 52.11. This handout gives an overview of these conditions and explains when a planning permit is required to operate a home-based business.

Working from home is described as 'Home Based Business' in the Knox Planning Scheme and is defined as: "An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the dwelling". It can be almost any type of business which does not adversely affect neighbours and may be a full-time or a part-time activity, but it must not be a brothel or a business repairing and/or servicing motor vehicles.

Can I work from home?

You can operate your business from home *without the need for a planning permit*, if you comply with conditions such as:

- The house in which you run the business must be your main place of residence.
- No more than two people who does not live in the house may work in your business.
- The maximum net floor area used in running the business, including the storage of any materials or goods, must not exceed 100 square metres or one-third of the net floor area of the house (this calculation includes outbuildings), whichever is the lesser.
- The business must not impose a load on any utility greater than normally required for domestic use.
- Only one commercial vehicle not exceeding 2 tonnes in capacity (with or without a trailer), registered to a resident of the dwelling, may be present at any time.
- The business must not adversely affect the amenity of the neighbourhood in any way.
- Only goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online. Any goods offered for sale online must not be collected from the dwelling.
- All materials used or goods manufactured, serviced, repaired or offered for sale in the home based business must be stored within a building and must not be displayed so that they are visible from outside the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.

What if I don't meet all the conditions?

If you can't meet all the conditions of Clause 52.11, then you cannot operate your business from home.

There are *limited* circumstances for which Council can consider issuing a planning permit for a home based business. A permit may only be considered for the following:

- To employ up to three persons who do not live in the dwelling; *or*
- To increase the floor area up to 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
- To allow a second commercial vehicle not exceeding 2 tonnes.

All the other conditions listed in Clause 52.11 of the Knox Planning Scheme must be met at all times. When considering a planning permit application, the Council will consider a number of factors such as the effect and compatibility of the business on the surrounding area.

What if I don't meet these conditions or get a Planning Permit?

The information outlined above is contained in Clause 52.11 of the Knox Planning Scheme. The planning scheme is a law that regulates the way land can be used and developed throughout Knox in accordance with agreed community objectives. As with any law, a person who operates a home-based business in contravention of the planning scheme or a planning permit is guilty of an offence and is liable to enforcement action, fines and/or potential legal action.

Need more help?

Council's City Development staff can:

- Answer any questions about the planning regulations and permit processes (remember most home-based businesses won't need a permit at all), and
- Provide advice on access to business support networks and sources of business information, training and development.

Visit Council Offices at 511 Burwood Hwy, Wantirna South or call 9298 8125 for more information.

Please remember...

This handout is intended only as a guide to the 'Home Based Business' provisions in the Knox Planning Scheme. It has no legal status and reference should be made to the relevant provisions of the Scheme particularly the Local Planning Policy Framework, the relevant Zone, and Clause 52.11 Home Based Business.