

# HOME BASED BUSINESS GUIDELINES

*Lifestyle Capital of Victoria*

A Home Based Business is a small business that is conducted in a dwelling or on the land around a dwelling by a resident of the dwelling and can only operate if it does not adversely affect the amenity of the surrounding neighbourhood in which it is located. Home based businesses are still obligated to obtain licences if they are working with Food or Health, Wellbeing and Accommodation and a Building Permit may be required to carry out building works to accommodate the business.

## Is a Planning Permit Required?

A Planning Permit is not required to conduct a home based business from an existing dwelling in any residential or rural zone of the Frankston Planning Scheme provided the following requirements of [Clause 52.11](#) of the Planning Scheme are met.

A home based business must meet the following requirements:

- The person conducting the home based business must use the dwelling as their principal place of residence.
- No more than two persons who does not live in the dwelling may work in the home based business at any one time.
- The net floor area used in conducting 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 dwelling, whichever is the lesser. The net floor area includes out-buildings and works normal to a dwelling.
- The business must not impose a load on any utility greater than normally required for domestic use.
- The business must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used.
  - The parking of motor vehicles.
  - The transporting of materials or goods to or from the dwelling.
  - The hours of operation.
  - Electrical interference.
  - The storage of chemicals, gasses or other hazardous materials.
  - Emissions from the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- No goods other than 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.
- Materials used or goods manufactured, serviced or repaired in the home based business must be stored within a building.
- No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- Any goods offered for sale online must not be collected from the dwelling.

Despite the requirements of Clause 52.11-1, a permit may be granted for a home occupation:

- Which allows no more than three people who do not live in the dwelling to work in the occupation at any one time; or
- Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
- Which allows no more than one additional commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time.

## Advertising Signs

To ensure that advertising signs do not detract from the general appearance of residential and rural areas, only one sign is allowed and the advertisement area of this sign must not exceed 0.2m<sup>2</sup>. It cannot be animated (*a sign that can move, contains moving parts, changes its message, flashes or has a moving or flashing border*) or be illuminated or floodlit (*illuminated by external lighting provided for that purpose*). *Should you wish to erect a sign larger than 0.2m<sup>2</sup>, a Planning Permit is required and Council will consider the amenity impacts of your signage on neighbouring properties and the surrounding neighbourhood.*

## Home Based Food Businesses

A home based food business is a food business that is operated from a place of residence. All requirements of the Australian Food Standards Code and the *Food Act 1984* must be complied with as would be the case in a commercial food business.

Class 2 and Class 3 businesses storing or preparing small volumes of food for sale at local markets and fetes will be required to apply for plan approval and may have the ability to use the existing home kitchen. Adequate hand washing facilities in the immediate area of food preparation must be provided and the business must be able to separate the business activities from regular domestic food handling. A separate storage area will need to be provided; this includes a space for all dry goods and foods requiring cold or frozen storage.

Due to the high risk nature and quantity of foods being handled, Class 2 or 3 businesses storing/preparing larger volumes of foods for a commercial business may be required to set up an additional kitchen in the home. All applications will be assessed on an individual basis.

Visit [Food Businesses](#) for further information.

## Home Based Health Wellbeing and Accommodation Businesses

A home based beauty, wellbeing or accommodation businesses must be registered with Council in accordance with the *Public Health and Wellbeing Act 2008*. Council ensures beauty therapy businesses; hairdressers and accommodation (rooming houses, bed and breakfast) businesses are clean, safe and operating in accordance with the *Public Health and Well Being Act 2008* and associated Regulations and Standards.

Council Environmental Health Officers conduct regular inspections and compliance checks in conjunction with and investigation of complaints in order to ensure businesses comply with the provisions of the *Health and Wellbeing Act 2008* and its relevant Regulations and Standards.

Visit [Health Wellbeing and Accommodation Businesses](#) for further information.

## Is a Building Permit Required?

A Building Permit is likely be required should you construct or carry-out building works to your existing dwelling or outbuildings, construct an extension to your dwelling or outbuildings or convert an outbuilding (shed/garage/studio/bungalow) to a habitable space or business premises. It is recommended before undertaking **any** works to consult Council's Business Concierge or a Private Building Surveyor.

## Enforcement

Failure to comply with the provisions of the Frankston Planning Scheme, the *Food Act 1984* or the *Public Health and Wellbeing Act 2008* will leave Council with no option but to undertake enforcement action to ensure compliance. Enforcement action may include the issuing of an Infringement Notice for any breach.

*It should be noted that a Brothel is not permitted as a Home Occupation.*

## Need more information?

If you are contemplating establishing a business from home and require more information, please contact Council on 1300 322 322.

We understand that navigating through Council can be challenging and businesses may need one or more permits to start operating.

We can help with:

- providing information to help open or expand your business
- understanding which permits you will need
- completing and submitting these applications
- offering advice on other aspects of running your business

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