

POLICY

City of Kalgoorlie Boulder

Authority	City of Kalgoorlie-Boulder Town Planning Scheme No. 1
Policy Number	PLAN 27
Policy Title	Home Offices, Home Occupations and Home Businesses Policy
Key words	Residential Development; Home Office; Home Occupation; Home Business
Policy	<p>The aim of this policy is to encourage home offices and appropriate home occupations and home businesses within the City.</p> <p>The policy outlines the circumstances where approval from the City is not required, and the matters that will be considered by the City when assessing applications to work from home.</p>
Related Policies	PLAN 7: Medical Centres and Consulting Rooms (Medical) in Residential Areas; PLAN 10: Shoptop Housing and Mixed Use (Residential and Commercial) Development Policy; PLAN 12: Signage Planning Policy
Procedure	Planning Procedure Manual
Delegated to	Chief Executive Officer
Review Date	March 2003
Revision	1.0

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1. BACKGROUND

Under the City of Kalgoorlie-Boulder Town Planning Scheme, many opportunities exist for people to work from home. Working from home is becoming quite popular as it offers many benefits such as:

- Not having to travel to and from work;
- Being able to care for young children at the same time as working;
- Flexible working hours;
- Low infrastructure costs for setting up a small business; and
- Being able to trial a business (ie. test the market) without a requiring a major investment.

Changes in the traditional organisation of work combined with improvements in communications and computer technology suggest that the number of people wanting to work from home is likely to increase in the future. However, whilst many home-based activities are acceptable, there are limits on the compatibility of others. Some level of control is therefore necessary to protect the character and amenity of residential neighbourhoods.

2. ASSESSMENT AND APPROVAL OF APPLICATIONS

2.1 Introduction

Working from home can be classified as either a home office, home occupation or a home business. The main difference between these categories relates to the intensity of the use and its likely effect on the surrounding locality. Standards vary according to the number of non-resident employees allowed, area of dwelling used, and presence of customers or clients.

The Town Planning Scheme defines the three uses as follows:

Home office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not –

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling.

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2. ASSESSMENT AND APPROVAL OF APPLICATIONS (cont'd)

2.1 Introduction (cont'd)

Home occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

Home business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

2.2 Procedure

All persons who would like to work from home as either a home office, home occupation or home business must complete the attached form (Schedule 11, Form 6 of the Town Planning Scheme).

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2. ASSESSMENT AND APPROVAL OF APPLICATIONS (cont'd)

2.2 Procedure (cont'd)

If the business is classified as a home office and will be situated in an area where home offices are permitted, then the City will advise the applicant in writing that no formal approval from the City is required.

If the business is classified as a home occupation or home business and will be situated in an area where these uses are allowed, town planning approval is required. In addition, depending on zoning and location, the City may require the application to be advertised in accordance with Clause 6.6 of the Planning Scheme (ie. sign on the site, letters to surrounding owners and occupiers, advertisement in the Kalgoorlie Miner newspaper).

Should any person object to the proposed home occupation or home business and the objection is of a significant nature, and/or should the proposed home occupation or home business not comply with the requirements of this policy, the application may need to be determined at a full Council meeting.

If approved, planning approval will be issued subject to any conditions considered necessary to protect the amenity of nearby residents.

2.3 General Guidelines

When assessing an application to work from home, the City will require the application to comply with the requirements outlined in the Town Planning Scheme's definitions for home office, home occupation and home business (see Section 2.1 of this policy), and will also give consideration to the compatibility of the proposed business with the surrounding buildings and uses in terms of:

- noise and odours;
- hours of operation;
- number of customers or clients;
- traffic generation;
- access to car parking spaces for customers or clients as well as occupants of the dwelling and/or employees; and
- any other matter that may reduce the amenity of the neighbourhood.

Overall, the use of land for any home office, home occupation or home business should be small in scale and unobtrusive, and should not cause a nuisance or annoyance to occupiers of properties in the locality.

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2. ASSESSMENT AND APPROVAL OF APPLICATIONS (cont'd)

2.3 General Guidelines (cont'd)

If, in the opinion of the City, a home occupation or a home business is having an unreasonable impact on the amenity of the area, the City will consider undertaking appropriate enforcement action, which may include cancelling the approval for the home occupation or home business.

An approval to carry out a home occupation or a home business is issued to the person applying for the home occupation or home business (ie. the occupant of the dwelling), and cannot be transferred to a new address or to a new operator. The approval expires if the business moves premises or is sold to a new operator.

An annual renewal fee is payable while the home occupation or home business is operating.

The following information outlines further guidelines specific to home offices, home occupations and home businesses.

3. SPECIFIC GUIDELINES

3.1 Home Offices

Planning approval is not required for a home office that conforms with the Town Planning Scheme's definition of home office and where:

- there are no regular or frequent deliveries of goods or equipment to the premises;
- no manufacturing is carried out on site; and
- the business will not cause injury to or adversely affect the amenity of the neighbourhood.

3.2 Home Occupations

Planning approval is required for a home occupation. In addition to the requirements for a home occupation as detailed in the Town Planning Scheme's definition of home occupation, a home occupation:

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3. SPECIFIC GUIDELINES (cont'd)

3.2 Home Occupations (cont'd)

- shall not have more than two (2) customers or clients on the premises at the one time;
- shall not have more than one (1) customer or client per hour;
- shall have visits by customers or clients by appointment only;
- shall have hours of operation that do not exceed normal trading hours, ie. 8:00 am to 6:00 pm on Monday, Tuesday, Wednesday, and Friday; 8:00 am to 9:00 pm on Thursday; and 8:00 am to 5:00 pm on Saturday;
- shall not detract from the residential appearance of the dwelling or domestic outbuilding;
- shall not entail the outdoor storage of materials unless the materials are adequately screened;
- shall not display a sign that is illuminated;
- shall incorporate provisions for the parking of all vehicles associated with the business within the lot boundaries;
- shall not involve the storage or use of hazardous materials that is not in accordance with the relevant legislation; and
- shall be conducted in such a manner so that the building and lot retain the appearance of a residential dwelling.

3.3 Home Businesses

Planning approval is required for a home business. In addition to the requirements for a home business as detailed in the Town Planning Scheme's definition of home business, a home business:

- shall not have a restriction on the number of customers or clients provided that the amenity of the area is not adversely affected;
- shall have hours of operation that do not exceed normal trading hours, ie. 8:00 am to 6:00 pm on Monday, Tuesday, Wednesday, and Friday; 8:00 am to 9:00 pm on Thursday; and 8:00 am to 5:00 pm on Saturday;
- shall not detract from the residential appearance of the dwelling or domestic outbuilding;
- shall not entail the outdoor storage of materials unless the materials are adequately screened;

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3. SPECIFIC GUIDELINES (cont'd)

3.3 Home Businesses (cont'd)

- shall only display a sign that complies with the City’s Signage Planning Policy or that is exempt from requiring town planning approval;
- shall not involve the service or repair of any motor vehicle unless the property is located in a “Mixed Business” Zone;
- shall not involve the storage or use of hazardous materials that is not in accordance with the relevant legislation; and
- shall be conducted in such a manner so that the building and lot retain the appearance of a residential dwelling.

SCHEDULE 11 – Form 6

CITY OF KALGOORLIE-BOULDER TOWN PLANNING SCHEME NO. 1

PROPOSAL TO CARRY OUT A HOME OFFICE, HOME OCCUPATION OR HOME BUSINESS

TYPE OF BUSINESS (please tick)

Home Office

Home Occupation* * Please note that an application for a Home Occupation also requires a completed planning application form (Form 1, Schedule 2).

Home Business* * Please note that an application for a Home Business also requires a completed planning application form (Form 1, Schedule 2).

APPLICANT DETAILS

Name.....

Address.....

..... Postcode.....

Telephone No..... Facsimile No.....

PROPERTY DETAILS

House No..... Lot No.....

Street Name..... Suburb.....

BUSINESS DETAILS

1. Nature of proposed business.....

.....

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2. Location of business in relation to the dwelling.....

3. Total area of building/land used for the business.....m²

4. Number of persons employed (indicate if the person(s) are occupiers of the dwelling).....

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5. Hours of operation (include hours and days).....

.....

6. Expected number of clients or customers travelling to and from the dwelling.....

.....per hour.....per day

7. Number of vehicles that could be parked within the boundaries of the property.....

8. Details of any advertising sign(s) (indicate size and location).....

.....

9. Details of equipment and/or machinery to be used.....

.....

10. Description of storage areas.....

11. Frequency of delivery and collection of goods.....

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Declaration:

The occupier above hereby applies to carry out the home office/home occupation/home business described above and states that the above particulars are true.

Signature..... Date.....

