



Shire of Wyndham East Kimberley
Council Policy
LPP6

POLICY NO:	LPP 6
DIVISION:	Development Services
SUBJECT:	Caretaker's Dwellings in Light Industrial Areas
ENABLING LEGISLATION:	Town Planning Scheme No.6 - Wyndham Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVES:

- To reiterate, clarify and to some degree relax the development standards applied to the establishment of a Caretaker's Dwelling in industrial zones as prescribed under Clauses 5.13.1(b), 5.13.2 a) – f) and 5.16.5 of Town Planning Scheme No.7 and apply consistent standards through Town Planning Scheme No.6.
- To ensure that residential living through the use of caretaker's dwellings does not impose constraints on lawful use of land for industrial purposes nor compromise the integrity of industrial areas.
- To acknowledge that caretaker's dwellings at times are needed for financial and security purposes, whilst equally recognising that the physical environment in industrial areas is potentially unsafe and unattractive for residents.
- To provide for caretaker's dwellings in industrial areas subject to appropriate planning controls.

POLICY:

1.0 Introduction

A Caretaker's Dwelling is listed as a permitted use in the Shire's Town Planning Scheme No.6 and Town Planning Scheme No.7 providing an industrial use has first been approved and established on the same property.

However, it is widely accepted that caretaker's dwelling, deemed a sensitive land use under the Environmental Protection Authority guidelines, can potentially conflict with some industrial uses, particularly general industry uses. In light of this, consideration needs to be given to a range of standards and provisions that provide for a caretaker's dwelling whilst ensuring the industrial purpose and integrity of the zoning is adequately maintained.

2.0 Definitions

“Caretaker’s Dwelling” means a habitable building used by a person having the care of buildings, plant, equipment and grounds associated with an industrial business or use that is conducted on the same site.

3.0 Policy Statements

- 3.1 This policy is only applicable to the establishment of a caretaker’s dwelling in the Industrial’ zone in TPS No.6 and the ‘Light Industry’ zone for TPS No.7.
- 3.2 A caretaker’s dwelling is to be incidental to the predominant industrial use of the site.
- 3.3 Only one (1) caretaker's dwelling may be supported on any one lot.
- 3.4 A caretaker’s dwelling will not be supported by the local government without a legitimate industrial use/business also being applied for and approved at the same time.
- 3.5 Failure to proceed with a legitimate industrial use/business within a two (2) period may result in the Local Government instigating enforcement action to remove the caretaker’s use.
- 3.6 A caretaker’s dwelling shall not take the form of a caravan or basic ‘flat roof’ transportable accommodation unit, although a park home structure may be acceptable based on condition and overall presentation of the building at the discretion of the Local Government.
- 3.7 A caretaker’s dwelling is to fully accord with the requirements of the Building Code of Australia (BCA) for a Class 1 or 4 building.
- 3.8 A caretaker's dwelling shall, as per the Town Planning Scheme provisions:
 - a) not exceed three bedrooms and a total floor area of 100m² measured from the external face of the outer walls. Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m² in floor area;
 - b) be adequately screened from view from the street, and where possible, be located behind existing buildings on the lot.
- 3.9 The applicant for a caretaker’s dwelling is to submit with an application for planning consent a Statutory Declaration that clearly acknowledges the potential for high levels of nuisance (i.e. noise, dust, traffic, and hours of operation) that can emanate from an industrial activity that may have an adverse effect on the residential habitation of a caretaker’s dwelling.

- 3.10 This applicant is to place a notification on the Certificate of Title for the subject property that affords notice to any prospective purchaser and heir or successor of the Title in regards to Statement 2.9, above.
- 3.11 The Local Government will not support a survey strata subdivision that involves a caretaker's dwelling unless a viable industrial business is established on the same strata lot – refer to Figure 1.

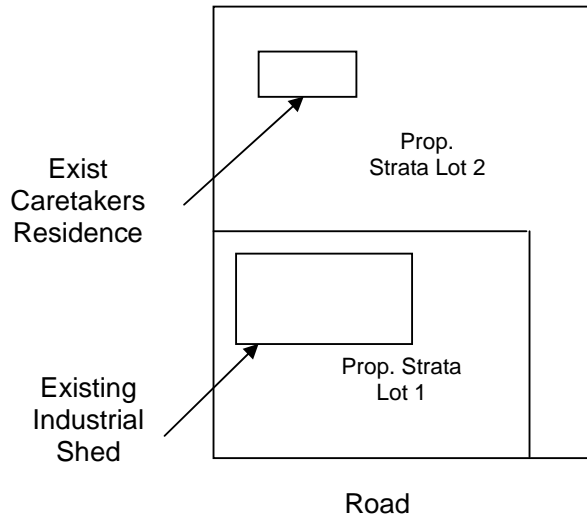


Figure 1 – Proposed Survey Strata Subdivision – **not supported**

- 3.12 Notwithstanding Statement 3.10 above, the Local Government will only support one caretaker's dwelling on the 'parent' lot where approval for a built strata subdivision is sought.

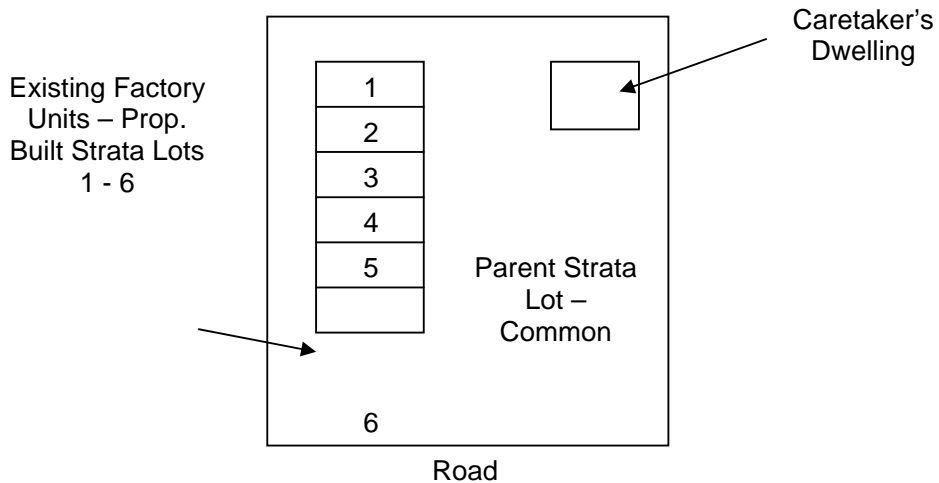


Figure 2 – Proposed Built Strata Subdivision – **only one caretaker's dwelling**

REFERENCE:

The Shire of Wyndham – East Kimberley Town Planning Scheme No.6 and No.7,
and the *Planning & Development Act (2005)*.

Adopted: 16 June 2009

Reviewed:

Amended: