

LOCAL PLANNING POLICY

5.17

TITLE:	CARETAKERS DWELLINGS AND ATTACHED OFFICES IN THE LIGHT INDUSTRY ZONE
ADOPTED:	OCM 20 April 1995 – Page 39 & 40
REVIEWED:	OCM 17 December 1996 – Page 42 OCM 15 December 1998 – Pages 49 – 50 OCM 20 March 2001 – Pages 54 - 55 OCM 8 April 2003 – Pages 29 – 43 OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 25 May 2017 – Pages 85 – 260 OMC 14 December 2017 – Pages 1030 – 1043 OMC 12 December 2019 – Pages – 213 - 221 OMC 30 May 2024 – Pages 10 -16
ASSOCIATED LEGISLATION:	Planning & Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No 7 (LPS7)
ASSOCIATED DOCUMENTS:	
REVIEW RESPONSIBILITY:	Director Development Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION:	This policy applies to the 'Light Industry' zone in LPS7

Background:

Schedule 4 Item 8 of LPS7 outlines:

A caretaker's dwelling should be incidental ('I' Use) to the predominant use on site.

This Policy will establish minimum requirements that must be satisfied to ensure the intent of the Scheme provision is maintained.

Objective:

1. Avoid incompatible uses being developed within the Light Industry zone.
2. Ensure that Caretaker's Dwellings do not impact upon development of industry related land uses within the Light Industry zone and do not impose constraints on the lawful use of land for industrial purposes nor compromise the integrity of the in the Light Industry zone
3. Ensure Caretaker's Dwellings remain incidental to industrial uses.

Definitions:

Nil.

Policy:

- 1.1 A Caretaker's Dwelling and industrial development within the Light Industry zone shall comply with the following:
 - (i) A Caretaker's Dwelling must be incidental to an approved and established 'industrial' use which has a minimum 200 square metre industrial building on the same site.
 - (ii) If an established 'industrial' use does not exist on the site the subject of an application for a Caretaker's Dwelling, the development application shall include plans for an industrial development with an industrial building with a minimum floor area of 200m². If approved, a condition of development approval will be imposed setting out that the Caretaker's Dwelling cannot be occupied prior to the commencement of the industrial use on the property.
 - (iii) A Caretaker's Dwelling shall at all times be directly associated with an industrial or other approved use on the site.
 - (iv) The Caretaker's Dwelling may only be occupied by the owner, operator or an employee and immediate family of the industrial or other approved use on the lot.
 - (v) Caravans or mobile homes are not acceptable as temporary or permanent Caretaker's Dwellings.

- (vi) The total floor area of the Caretaker's Dwelling, measured from the external face of walls, shall be limited to a maximum of 100 square metres.
 - (vii) Incidental residential development such as carports, open verandahs, swimming pools, and the like will be permitted on the basis that the total area of the lot set aside for residential purposes (including the Caretaker's Dwelling, gardens, swimming pool, outbuildings and the like) does not exceed an area equal to that of industrial buildings on the lot, or 10 percent of the total lot area, whichever is the lesser.
 - (viii) A Caretaker's Dwelling will only be considered on lots that have a site area of 2000m² or more.
 - (ix) All Caretaker's Dwellings shall be located at the rear of a lot or behind the industrial or other approved use on the site. Caretaker's Dwellings on sites with two road frontages may be orientated to one road frontage as opposed to being situated at the rear of the lot.
 - (x) Caretaker's Dwellings are limited to one Caretaker's Dwelling per lot and are not permitted on lots within a strata scheme.
- 1.2 A noise report prepared by a suitably qualified consultant must be submitted with an application for development approval setting out any noise acoustic measures required to be implemented to ensure a reasonable noise level for future occupants of the Caretaker's Dwelling.
- 1.3 As a condition of development approval, the Shire of Broome will impose a condition setting out that prior to the occupation of the development the owner must register a section 70A notification on title advising the following:

The occupancy of the caretaker's dwelling may result in a lesser or lower enjoyment of residential living, and the application of lesser or lower prescribed environmental health standards, which would ordinarily be expected if living in the Shire's designated or zoned residential areas.

Office Component in Caretaker Dwelling

- 2.1 An office may be connected to, or form part of a Caretaker's Dwelling subject to the following:
- the floor space of the office does not exceed 20m²
 - external access only is provided to the office
 - internal access between the office and the Caretaker's Dwelling is not permitted
 - the balance of the Caretaker's Dwelling does not exceed 100m² maximum floor area.
- 2.2 An office shall only be located on the ground floor of a Caretaker's Dwelling.

- 2.3 The office use must be incidental to another approved land use on the lot.
NOTE: Home Occupations or Home Office is not permitted in the zone.
- 2.4 Any office exceeding 20m² shall be located within, attached or adjacent to the industrial building on site and shall only be connected to a Caretaker's Dwelling by a covered way with a maximum roof width of 2.0m, located at least 3.0 metres from the outer perimeter of the dwelling.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. 7 (LPS7) – LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.