

1. Purpose

This Planning Bulletin highlights the issues associated with the establishment of caretakers' dwellings in the State and to outline a policy for dealing consistently with this demand through local planning strategies, local planning schemes and policy provisions. Although the Bulletin has been prepared largely in response to emerging regional issues where there is a greater demand for caretakers' dwellings, it can be equally applied to the metropolitan region. However, the Western Australian Planning Commission (WAPC) acknowledges the significant differences between metropolitan and regional local government areas throughout the State and the need to accommodate a range of responses to this issue.

Caretakers' dwellings are included as permissible uses in industrial zones in many local planning schemes, but in recent years have raised issues of land use conflict.

The establishment of residential communities in industrial areas is contrary to the principles set out in the State Planning Framework and has the potential to both create an unacceptable environment for residential living and impose constraints on the use of land for industrial purposes.

The traditional caretaker's dwelling which provides limited residential accommodation as an incidental use to a predominant industrial activity can address genuine operational and site security issues and has created few problems in the past.

The high price of land and shortage of residential accommodation in many regional areas of the State has encouraged business operators to live and work from the same premises. This has seen a shift from the limited accommodation concept to the provision of more substantial

accommodation for a business owner and family. The cumulative impact of such a shift can lead to the establishment of a significant residential community in an industrial area which has a number of social and environmental implications.

Many local planning schemes now include provisions consistent with this planning bulletin. Some local governments prefer to prohibit the use in industrial areas particularly those of a general industrial nature, while others have requested inclusion as a discretionary use usually with some control on floor area in the scheme or council policy as per this planning bulletin.

2. Definition

A "caretaker's dwelling" is defined in the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* as a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.

3. Background

The issues associated with a caretaker's dwelling in industrial areas can be categorised as follows:

Environment

Industrial activities are often associated with more hazards and higher risk levels than is acceptable for residential development. They have the potential to cause adverse impacts on the amenity of residents in such dwellings through emissions such as dust, odour and vibration. Industrial risk is regulated under the *Dangerous Goods Safety Act 2004* and regulations by the Department of Mines and Petroleum.

Caretakers' residences are addressed by the *Environmental Protection (Noise) Regulations 1997*. These regulations do not classify such uses as "noise sensitive premises" as in the case of dwellings in residential areas but do assign maximum allowable noise levels for these dwellings to ensure that a reasonable tolerable noise environment is provided for the dwelling. This could place limits on noise levels generated on an industrial site and would apply not only to industrial activity on the site but also to operations on neighbouring properties.

Community

Residents in caretakers' dwellings have poor accessibility to both commercial and community services such as open space, education, health and cultural facilities.

The physical environment for residents is potentially unsafe and unattractive and not conducive to establishing a sense of neighbourhood and community.

Notwithstanding the above, there is a strong demand for such accommodation by industrial landowners from a financial and security point of view.

Restrictions on floor space can prevent family units living on sites with owner operated industries.

Economy

The financial viability of many small scale operations can be increased by removing the need to purchase or rent residential premises elsewhere. This is particularly attractive in areas where residential land prices are high. If caretakers' dwellings are permitted, this allows many small businesses to survive in more remote settlements enabling a wider range of services to be provided to those communities than otherwise may be available.

Caretakers' accommodation reduces demand and pressure for residential land in some of the centres particularly where there is limited supply and high demand from major project development.

Residential development in these areas can create a demand for unplanned and unfunded residential services and facilities.

Infrastructure

The operation and expansion of key infrastructure often sited in the vicinity of industrial areas such as major ports, railways and service corridors can be restricted by such development.

Demand for additional provision of physical and community infrastructure can be generated which poses a threat to sustainability of under resourced regional communities.

4. Objectives

The objectives of this policy are:

- (a) To discourage the establishment of residential uses in industrial areas which may compromise the integrity of industrial areas and create unacceptable residential environments.
- (b) To provide for caretakers' dwellings in industrial areas in limited circumstances and subject to appropriate planning controls.

5. Recommended policy measures and implementation

5.1 Local Planning Strategies

There should be a general presumption against the establishment of caretakers' dwellings in industrial areas to avoid potential conflict and associated environmental problems.

Regional and Local Planning Strategies should acknowledge where there is demand for caretakers' dwellings and manage the issue by:

- Planning for a range of residential accommodation to avoid shortages and high costs which create demand for housing in industrial areas. This may include consideration of potential sites for workforce accommodation.
- Investigating the potential for designation of composite zones which can accommodate residential and light industrial uses on single parcels of land.
- Designating strategic or general industrial zones which accommodate the larger and heavier industries, provide adequate buffers to handle the off-site impacts from adjoining land uses such as strategic industrial buffers, port activities, waste treatment plants and prohibit caretakers' dwellings.
- Designating light industrial zones to accommodate the lighter and service industries where caretakers' dwellings may be permissible and the relationship to the town and cost of providing services to residents in the industrial areas is taken into account.

5.2 Local Planning Schemes and Local Planning Policies

In the preparation of local planning schemes and scheme amendments the following principles should be applied:

- Caretakers' dwellings should be a prohibited use in zones which are designed to accommodate strategic industry and industries of a noxious or hazardous nature and zones which are in proximity to existing or proposed major infrastructure or other potentially incompatible uses.

- Caretakers' dwellings should generally be prohibited in zones designed for general industrial uses.
- Caretakers' dwellings may be an incidental use in industrial areas accommodating light, service or commercial activity subject to specific provisions included in the scheme which emphasise the incidental nature of the dwelling to the predominant industrial land use and limit the floor area of the dwelling to not more than 100m² in accordance with the model provisions set out below.
- The local government may consider the use of notifications on title to advise prospective purchasers of potential impacts from noise, dust, odour or amenity that may arise from the location of a caretaker's dwelling within the zone.

Criteria for assessing such applications with a view to mitigating any potential impact from existing or potential land uses in the vicinity should be developed as a Local Planning Policy. These criteria may include encouraging temporary rather than permanent accommodation structures, placing time limits on use and the design and siting of such dwellings.

5.3 Model provisions for caretakers' dwellings

The purpose and intent of the following provisions is to limit the scale of caretakers' dwellings in industrial areas to be incidental to the predominant industrial use.

The provisions of this clause are to apply for all caretakers' dwellings in the Industrial zone:

- (a) a caretaker's dwelling should be incidental to the predominant industrial use of the site.
- (b) only one caretaker's dwelling is permitted on a lot and that dwelling should be on the same lot as the associated industrial use.
- (c) a caretaker's dwelling is to have a total floor area that does not exceed 100 square metres measured from the external face of walls; and
- (d) open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100 square metres referred to in criteria (c).
- (e) where the dominant industrial use ceases the right to occupy the caretaker's dwelling expires.

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