



**LOCAL PLANNING
POLICY NO. 18:
TOURISM & COMMERCIAL LAND
USES IN THE RESIDENTIAL,
SPECIAL RESIDENTIAL & SPECIAL
RURAL ZONES**

Adopted on the 17th October 2023 in accordance with
Schedule 2, Part 2 of the *Planning & Development (Local Planning
Schemes) Regulations 2015*

1. INTRODUCTION

This Local Planning Policy has been prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Denmark Local Planning Scheme No. 3* (the Scheme).

The purpose of this Policy is to detail development standards and assessment criteria for the establishment of small-scale commercial and tourism businesses within the Residential, Special Residential and Special Rural Zone.

This includes proposals for land uses that fit within the Home Business, Cottage Industry, Consulting Rooms, Child Minding Centre, Educational Establishment and Restaurant use classes in Town Planning Scheme No. 3.

This policy does not address the development of short-stay accommodation.

2. OBJECTIVES

This Policy aims to:

- Enable the establishment of small-scale commercial and tourism businesses as a means of income, employment and economic development.
- Limit the scale of businesses to avoid detrimental impacts on the character and amenity of established residential neighbourhoods.

3. DEFINITIONS

Land use classes and other terms used in this Policy are consistent with the Scheme, the Residential Design Codes (R-Codes) and the Regulations unless otherwise stated.

4. DEVELOPMENT APPROVAL REQUIREMENTS

Under the Regulations:

- A Home Office is exempt from the need for planning approval in all zones; and
- A Home Occupation is exempt in all zones where it is identified in Town Planning Scheme No. 3 as being a discretionary land use.

Home Office and Home Occupation are as defined in the Regulations.

Planning approval is required prior to the establishment of any Home Business, Cottage Industry, Consulting Rooms, Child Minding Centre, Educational Establishment or Restaurant in accordance with the requirements of Town Planning Scheme No. 3.

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5. POLICY PROVISIONS

Any proposed land use or development associated with a Home Business, Cottage Industry, Consulting Rooms, Child Minding Centre, Educational Establishment or Restaurant in the Residential, Special Residential or Special Rural zones will be assessed for consistency with the following requirements:

5.1 Scale

The Shire will generally support the establishment of commercial and tourism businesses that are small in scale and incidental to the predominant use of the site for residential purposes.

The establishment of commercial and tourism businesses that are stand-alone and/or the predominant use of the site will be assessed on a case-by-case basis.

The bulk, scale and appearance of development shall be generally in keeping with the existing residential character of the area.

(Note: A commercial or tourism land use can only be approved if it is permitted in the zone within the Scheme. For example, a Child Minding Centre cannot be applied for within any Special Residential or Special Rural zones.)

5.2 Amenity Impacts

All proposals must demonstrate that potential impacts on the amenity of surrounding residences can be appropriately mitigated, including the emission of noise, fumes and/or light and other identified concerns.

Approval may be granted for a specified time limit and/or subject to conditions to ensure that ongoing management measures are implemented sufficiently.

5.3 Traffic

All proposals must demonstrate that potential traffic generated by the land use is not excessive given the context of the site.

Proposals that demonstrate substantial traffic should be located on a regional road, secondary road or neighbourhood connector road (as identified in the Local Planning Strategy).

Where in the opinion of the Shire the proposed land use is expected to generate a substantial increase in traffic movements, approval may be granted subject to:

- Conditions limiting the number of employees, clients or customers that may attend the premises at any one time; and/or,
- Road upgrading or the payment of a financial contribution towards road upgrading.

5.4 Car Parking

For land uses that include employees that do not live on site, 1 car parking bay is to be provided per employee.

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For land uses that involve visits to the premises by clients or customers, car parking requirements will be determined according to the nature of the proposed land use.

Car parking for employees, clients and/or customers is to be provided in addition to the minimum parking requirements for the existing residential dwelling.

Sealing of the vehicle crossover, access and parking areas may be required as a condition of approval.

5.5 Services

All proposals must demonstrate that the servicing infrastructure provided on site sufficiently provides for the land uses proposed, including (but not limited to) the collection and disposal of rubbish and the adequacy of waste water disposal systems.

5.6 Bushfire Prone Areas

Within designated 'bushfire prone areas' (as defined by the Department of Fire & Emergency Services) proposed land uses will be required to minimise bushfire risk, avoid impacts on remnant vegetation and be developed consistent with relevant planning and building requirements for bushfire protection.

Note: Proposed land uses must be undertaken within an appropriate building type as defined in the Building Code of Australia. This may mean that a building permit is required to convert a building from one class to another. More information about building classes can be found at www.commerce.wa.gov.au/building-and-energy/building-classes. To understand whether this may require you to make upgrades please contact a registered building surveyor.

Related Policies	<i>Local Planning Policy No. 13.4: Outbuildings Local Planning Policy No. 32: Signs Local Planning Policy No. 49: Ancillary Dwellings & Detached Habitable Rooms</i>
Related Procedures and Documents	<i>Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Denmark Town Planning Scheme No. 3 State Planning Policy No. 7.3 Residential Design Codes Volume 1</i>
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