



EMP-PLA-001 | Initiation of Local Planning Scheme Amendments

Strategic Context

Strategic Link	Policy Objective
☑ United ☑ Safe & Healthy ☑ Beautiful & Respected ☑ Prosperous & Equitable	This policy establishes a clear and consistent framework to guide Elected Members in the initiation of amendments to the Local Planning Scheme, ensuring decisions are made in accordance with legislative requirements, strategic planning objectives, and the best interests of the local government and its community.

Introduction

1. The initiation of amendments to a Local Planning Scheme is governed by the *Planning and Development Act 2005 (WA)* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, which establish the statutory framework for the preparation, advertising and approval of scheme amendments.
2. Elected Members, as the decision-making authority of the local government, are responsible for determining whether a proposed amendment should be initiated and progressed in accordance with the legislative process.
3. This policy provides guidance to support transparent, consistent and informed decision-making when considering the initiation of Local Planning Scheme Amendments, ensuring alignment with the Local Planning Strategy, strategic objectives and the long-term interests of the community.

Purpose

4. The purpose of this policy is to provide guidance on and establish a consistent approach to the assessment of proposed home-based business developments throughout the Shire. This policy establishes the Shire's position in relation to the use of homes for a range of business or commercial purposes, ancillary to the main use of those dwellings as a residence. This policy also details the Shire's approach to the assessment of development applications and the operation of home-based business activities in association with a primary residential use in accordance with Policy objectives.

Policy Scope

5. For the purposes of this Local Planning Policy, the term 'home-based business' refers to the following use classes, as defined in the Shire of Halls Creek Local Planning Scheme No.2:
 - a) Home Business;
 - b) Home Occupation;
 - c) Home Office;
 - d) Home Store;
 - e) Rural Home Business; and
 - f) Family Day Care
6. This policy applies to all zoned land under the Shire of Halls Creek Local Planning Scheme No.2 where a dwelling may be lawfully located.



Policy Statement

7. The Council and the Shire of Halls Creek committed to ensuring continuity of leadership, sound governance, and effective organisational management at all times.
8. The objectives of this policy are to:
 - a) To define different types and scale of home-based businesses (commonly referred to as “home occupations”)
 - b) To ensure that home-based businesses do not compromise the amenity of the area.
 - c) To ensure that home-based businesses remain an ancillary use to the main dwelling or the principal land use on the property.
9. Development approval is not required for a “Home Office” or a “Home Occupation” where the use is listed as a “P” use in the Table 3 of the Shire of Halls Creek Local Planning Scheme No.2 and no works are proposed as per Regulation 61(2)(b) and 61(2)(d) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Principles Underpinning the Policy

Principle Name	Principle Definition
Economic Development and Local Opportunity	The Shire of Halls Creek recognises home-based businesses as an important contributor to local economic diversification, employment, and entrepreneurship, particularly in a remote community setting.
Compatibility with Residential Amenity	Home-based businesses must operate in a manner that maintains the safety, privacy, and reasonable enjoyment of neighbouring residential properties.
Proportionate and Practical Regulation	Regulatory requirements will be applied in a risk-based and proportionate manner, recognising the scale and nature of home-based business activities while ensuring appropriate compliance with planning and health standards.
Community Wellbeing and Safety	Business activities must not create unacceptable risks relating to traffic, noise, environmental health, waste, or public safety.
Fairness and Consistency	Assessment and approval of home-based businesses will be undertaken consistently, transparently, and without unnecessary administrative burden.
Support for Innovation and Self-Determination	The Shire supports innovation, self-employment, and community self-determination, including opportunities for Aboriginal enterprise development within Halls Creek.
Legislative and Planning Compliance	All home-based businesses must operate in accordance with applicable planning schemes, building requirements, and relevant legislation.
Responsiveness to Local Context	Policy implementation will consider the unique geographic, cultural, and infrastructure context of the Shire of Halls Creek.



Definitions

Term	Meaning
Family Day Care	Means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.
Home Business	Means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession. (a) may not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) may not occupy an area greater than 50 m²; and (d) may not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) may not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) may not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (g) may not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
Home Occupation	Means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that: (a) may not involve employing a person who is not a member of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood; (c) may not occupy an area greater than 20 m²; and



	(d) may not involve the display on the premises of a sign with an area exceeding 0.2 m²; (e) may not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet. (f) may not - require a greater number of parking spaces than normally required for a single dwelling; - result in an increase in traffic volume in the neighbourhood; and (g) may not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; (h) may not include provision for the fuelling, repair or maintenance of motor vehicles; (i) may not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
Home Office	Means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation - is solely within the dwellings - may not entail clients or customers travelling to and from the dwelling - may not involve the display of a sign on the premises - may not require any change to the external appearance of the dwelling
Home Store	Means a shop attached to a dwelling that - - has a net lettable area not exceeding 100 m²; and - is operated by a person residing in the dwelling.
Rural Home Business	Means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation may not involve employing more than 2 people who are not members of the occupier's household; and

- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) may not occupy an area greater than 200 m²; and
- (d) may not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet; and
- (e) may not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) may not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.

Policy Details

10. Development Approval

10.1 Development approval for a home-based business may be granted, provided that the specific land use class is not identified as an 'X' use (not permitted) under the Shire of Halls Creek Local Planning Scheme No.2 – Part 3.

10.2 In addition to any requirement under the Shire of Halls Creek Local Planning Scheme No.2, approval for home-based businesses is required where:

- a) the land is identified as a Heritage Place or Aboriginal Cultural Heritage Protected Place; or
- b) the land is in a Bushfire Prone Area, where the provisions of Deemed Provisions clause 78D(3) would apply.

11. Consultation

11.1 Applications which require planning approval may be subject to advertising pursuant to the Shire of Halls Creek Local Planning Scheme No. 2 and the Shire's Local Planning Policy 4.1 – Consulting Requirements (LPP4.1).

Accountability

12. Council is responsible for adopting this policy and providing strategic oversight of the regulation and support of home-based businesses within the Shire of Halls Creek.

13. The Chief Executive Officer (CEO) is accountable for the implementation of this policy and for ensuring appropriate administrative, planning, and compliance processes are in place. The CEO may delegate operational responsibilities to relevant officers.

14. Planning officers are responsible for:

- a) Assessing applications for home-based businesses in accordance with this policy and the Shire's Local Planning Scheme
- b) Providing advice to applicants regarding approval requirements



- c) Maintaining records of approved home-based businesses
- d) Monitoring compliance with approval conditions
- 15. Environmental Health Officers are responsible for:
 - e) Assessing potential health, safety, and environmental impacts of proposed home-based businesses
 - f) Undertaking inspections where required
 - g) Enforcing compliance with relevant health and safety standards
- 16. Ranger and compliance officers are responsible for responding to complaints, investigating alleged breaches, and undertaking enforcement actions where necessary.
- 17. Applicants and operators are responsible for:
 - h) Obtaining all required approvals prior to commencing business activities
 - i) Complying with conditions of approval and relevant legislation
 - j) Ensuring their business activities do not adversely impact neighbouring properties or the broader community
- 18. Community members are responsible for reporting potential non-compliance or impacts arising from home-based businesses through established Shire complaint or enquiry channels.

Related Documentation / Legislation

Legislation	Shire of Halls Creek Documentation
a. Local Government Act 1995 (WA)	a. Shire of Halls Creek Local Planning Scheme
b. Planning and Development Act 2005 (WA)	b. Shire of Halls Creek Strategic Community Plan
c. Building Act 2011 (WA) and Building Regulations 2012 (WA)	c. Shire of Halls Creek Corporate Business Plan
d. Public Health Act 2016 (WA)	d. Shire of Halls Creek Local Planning Strategy
e. Food Act 2008 (WA)	e. Shire of Halls Creek Local Planning Scheme and Planning Policies
f. Environmental Protection Act 1986 (WA)	f. Shire of Halls Creek Ranger and Compliance Procedures
g. Work Health and Safety Act 2020 (WA)	g. Shire of Halls Creek Environmental Health Procedures
h. Local Government (Miscellaneous Provisions) Act 1960 (WA)	h. Shire of Halls Creek Customer Service Charter
	i. Shire of Halls Creek Risk Management Framework
	j. Shire of Halls Creek Complaints Handling Policy

Policy Review

- 19. This policy will be reviewed every four (4) years from the date of endorsement, or earlier in the event of legislative change, audit findings or a resolution of Council.



Document Control

Relevant delegations	Nil		
Risk Evaluation	Moderate		
Council adoption	27/03/2025	Resolution	2025/029
Next review due	March 2029		