

FLYING MINUTE: WALGA'S SUBMISSION: DRAFT AMENDMENT REGULATIONS AND SUPPORTING CHAPTERS OF THE WA PLANNING MANUAL

By Coralie Claudio, Senior Policy Advisor, Planning

WALGA RECOMMENDATION

That State Council endorse the submission to the Department of Planning, Lands and Heritage on the *Planning and Development Regulations Amendment (Review of Planning Instruments) Regulations 2025* and supporting Draft Chapters of the WA Planning Manual - Local Planning Schemes and the Local Planning Policy.

RESOLUTION 250.FM/2025

CARRIED

EXECUTIVE SUMMARY

- The Department of Planning, Lands and Heritage (DPLH) is seeking comments on the *Planning and Development Regulations Amendment (Review of Planning Instruments) Regulations 2025* (Amendment Regulations) and two supporting Draft Chapters of the WA Planning Manual - Local Planning Schemes chapter (LPS Manual) and the Local Planning Policy (LPP Manual) by 3 October 2025.
- The Amendment Regulations facilitate 10 yearly reviews of local planning instruments, introduces new provisions for local planning policies (LPPs) and expanding the circumstances where Local Government can revoke a local development plan (LDP).
- The LPP Manual was previously consulted on in late 2024 and has been updated in response to submissions received and to ensure consistency with the Amendment Regulations.
- WALGA's submission supports with modification the Amendment Regulations and Manuals, recognising they will modernise planning processes and provide contemporary guidance and resources. The submission includes recommendations on standardising and improving accessibility of local planning frameworks, enhancing WAPC accountability and transparency, and addressing resourcing and implementation challenges.
- The submission was endorsed by the Environment Policy Team at their meeting on 18 September 2025.

ATTACHMENT

WALGA's submission on the Amendment Regulations and supporting Draft Chapters of the WA Planning Manual - Local Planning Schemes and the Local Planning Policy.

POLICY IMPLICATIONS

WALGA's submission is consistent with WALGA's [Advocacy Positions](#): 6.1 Planning Principles and Reform, 6.12 Special Residential Zone, 6.17 Renewable Energy Facilities, 6.18 Priority Agriculture and 4.5 Urban Forest.

BACKGROUND

The Amendment Regulations are necessary to implement Part 9A of the *Planning and Development Amendment Act 2023*, which introduces a 10-year review cycle for State and local planning instruments under the *Planning and Development Act 2005*.

Importantly Part 2 of the Amendment Regulations, seeks to amend the *Planning and Development (Local Planning Schemes) Regulations 2015* to:

1. Facilitate 10 yearly reviews of local planning instruments (local planning schemes and local planning strategies) including a Report of Review (RoR) process. Currently local planning schemes are required to be reviewed every five years.
2. Introduce new provisions relating to the manner and form, purpose, duration, review, and extension of LPPs. This includes introducing a five-year lifespan for LPPs and the requirement for LPPs to be prepared in a standard manner and form. Currently LPPs are not subject to a statutory timeframe or review requirements or a specific manner and form template.
3. Expand the circumstances where Local Government can revoke a LDP. Currently LDPs can only be revoked if the development to which the plan relates becomes a non-conforming use.

The LPS Manual provides an extensive guide to support the preparation, amendment, review and assessment of local planning schemes (LPS), elaborating on the requirements of the Regulations. The LPS Manual consolidates a significant number of documents into a single, practical guide, supplemented by relevant appendices, including manner and form documents.

The LPP Manual was previously consulted on in late 2024 and has been updated in response to submissions received and to ensure consistency with changes proposed by the Amendment Regulations. WALGA prepared a [response](#) to the previous draft Manual, raising concerns that the changes to the Regulations and the LPP Manual shouldn't have the effect of incrementally standardising the content and narrowing the scope of LPPs which remain one of the few planning instruments over which Local Governments retain control.

WALGA, alongside DPLH hosted an Information Session for Local Governments on Thursday, 7 August 2025 on the Amendment Regulations and Manuals.

COMMENT

WALGA's submission supports with modifications the Amendment Regulations and Manuals, recognising they will modernise planning processes and provide contemporary guidance and resources, enhancing consistency across local planning frameworks.

However, the submission raises the following matters that require addressing:

- local planning framework standardisation should not be at the expense of robust local planning instruments, specifically LPPs, that enable context appropriate outcomes and reflect the unique characteristics of individual communities.
- local planning instruments should be clear, user-friendly, and written in plain language for all stakeholders.
- WAPC processes and decisions should be subject to appropriate statutory timeframes and transparency, consistent with the requirements placed on Local Government.
- Additional support and resources may be required to help Local Governments meet expected timeframes and deliverables, particularly in regional areas where planning workforce shortages are more pronounced.

WALGA's submission was informed by feedback at the Information Session, Local Government officer input, and WALGA's previous submissions and advocacy positions, specifically 6.1 Planning Principles and Reform.

The submission was endorsed by the Environment Policy Team at their meeting on 18 September 2025.

Submissions are due to DPLH by 3 October 2025.

FLYING MINUTE OUTCOME

Poll created: 19/09/2025 at 12:00
Poll closed: 30/09/2025 at 17:00

The submission was endorsed.

WALGA's submission: Draft Amendment Regulations and Chapters WA Planning Manual

1. Introduction

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector. Our membership includes all 139 Local Governments in the State.

WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities. We do this through effective advocacy to all levels of Government on behalf of our members, and by the provision of expert advice, services and support to Local Governments.

WALGA's vision is for **agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity**.

WALGA welcomes the opportunity to provide feedback on the *Planning and Development Regulations Amendment (Review of Planning Instruments) Regulations 2025* (Amendment Regulations) and supporting Draft Chapters of the WA Planning Manual - Local Planning Schemes and the Local Planning Policy (readvertised).

WALGA's submission is informed by direct engagement with Local Governments, previous planning reform submissions, specifically WALGA's response to the draft WA Planning Chapter - Local Planning Policies, and the following WALGA [advocacy positions](#) listed below:

- 6.1 *Planning Principles and Reform*
- 6.17 *Renewable Energy*
- 6.18 *Priority agriculture*
- 6.12 *Special residential zone*
- 4.5 *Urban Forest*

2. Comments

WALGA supports with modifications the Amendment Regulations and draft chapters of the WA Planning Manual, recognising they will modernise planning processes and provide contemporary guidance and resources.

WALGA's response to DPLH's detailed submission form is attached, with key recommendations included below.

Local Planning Framework standardisation

The Amendment Regulations and draft chapters will provide guidance and resources for preparing, implementing and reviewing Local Planning Schemes (LPS) and Local Planning Policies (LPPs), enhancing consistency across the local planning framework. Specifically, the draft Local Planning Schemes (LPS Manual) consolidates a significant number of documents into a single, practical guide, supplemented by relevant appendices—including manner and form documents—offering a valuable resource for Local Governments.

While greater consistency across the planning system is welcomed, it must not come at the expense of robust local planning instruments that enable context appropriate outcomes and reflect the unique characteristics of individual communities. LPPs are essential in this regard, remaining as one of the few planning instruments over which Local Governments retain control of the preparation, adoption and review, without further endorsement or approval from the State Government.

WALGA is pleased that the Amendment Regulations have not expanded the advisory or approval role of the Western Australian Planning Commission (WAPC) in relation to LPPs. However WALGA is concerned that the Amendment Regulations and provisions within the LPP Manual may inadvertently narrow the scope and application of LPPs.

Specifically, the Amendment Regulations introduce a clause that clarifies the principal purpose of an LPP is to provide guidance on how Local Governments make, or consider making, determinations under an LPS. LPPs should be applicable to all 'decision-makers', not only Local Government, noting that other decision makers, namely Development Assessment Panels, make determinations under LPS. Further, LPPs currently guide assessments and planning processes under a range of planning instruments, not solely the LPS, and this broader function should be clarified in the LPP Manual.

Flexibility in the application of manner and form requirements is also essential to ensure that LPPs remain responsive to local context and purpose. Templates—such as Appendix 1B for non-residential LPPs—should be adaptable, supporting a range of quantitative and qualitative provisions where appropriate.

Further, any model LPPs should be developed in consultation with WALGA and the Local Government sector and allow for content to be modified to suit the local context. In some circumstances LPP guidance documents on specific matters may be more appropriate to facilitate a consistent approach while ensuring LPPs can still respond to the unique characteristics of the Local Government area.

Accessibility

A key aim of the State Government's planning reform agenda is to make the planning system easier to understand and navigate. To achieve this, local planning instruments—particularly LPPs—must be clear, user-friendly, and written in plain language for all stakeholders, especially community members and landowners without planning expertise.

While consistent formatting and terminology is helpful, the priority should be clarity, accessibility, and ease of use. Manner and form documents should support this goal, not hinder it. The LPP manner and form document are generally acceptable, noting that it has been extensively informed by WALGA's [Local Planning Policy Guide](#) (2019). However, the attached DPLH Feedback Form recommends greater flexibility in the manner and form templates to simplify content and improve readability. For non-residential LPPs, the structure and language should be specifically adaptable to suit diverse subject matters.

Similarly, Appendix 1A (Modifications to the Residential Design Codes) should be reformatted to better serve its primary audience. Minor layout adjustments are suggested to ensure WAPC approvals do not overshadow the document's core content.

Accountability and transparency

Timeliness and transparent decision making are key elements of the current planning reform agenda. Local Government processes and decision making have been scrutinised and subject to extensive review as part of the State Government reform agenda. This same level of accountability should be applied consistently across all planning decision-makers, including the WAPC.

To this extent, WALGA welcomes the introduction of a 10-year review cycle for both State planning instruments and local planning instruments to review the operation and effectiveness of

these instruments. To further improve efficiency and accountability, statutory timeframes in the Regulations should be introduced for several WAPC processes and decisions. This includes determinations on Reports of Review (RoR) for local planning instruments and WAPC referral timeframes for LPP and LDP processes.

Further guidance is needed on the engagement and approval processes for LPPs and LDPs, including clarification of the scope of delegation held by DPLH, as these processes have historically lacked consistency and transparency.

Lastly, the Manual places considerable responsibility on Local Governments to justify any variations from model provisions. However, there is currently limited transparency regarding decisions or recommendations made by the WAPC or the Minister for Planning, particularly as local planning schemes and amendments are treated as confidential items at WAPC meetings. WALGA requests that clear rationale be provided for such decisions to support informed engagement and accountability.

Resourcing and Implementation

The extent and pace of reforms in recent years has been challenging for Local Governments. Planning reforms and changes to the local planning framework should proceed at an appropriate pace to enable effective implementation and review.

While the Amendment Regulations and the draft Manuals are supported with modifications, they introduce new and additional statutory timeframes, manner and form documents, and procedural requirements. Notably, the RoR will become a critical mechanism for ensuring local planning frameworks are up to date. Although the RoRs implementation and monitoring is essential, there is limited guidance available to support this process.

There are concerns that the ongoing review, updating, and monitoring of these local planning instruments may place considerable strain on Local Government resources - particularly in light of the current planner shortages, which are especially pronounced in regional areas.

It is acknowledged and agreed that the Manual allows for a simplified RoR template for smaller regional local governments, which is a positive step. Nonetheless, additional support and resources may still be necessary to assist Local Governments to meet the required timeframes and expectations.

3. Conclusion

WALGA appreciates the opportunity to provide comment on the Amendment Regulations and the draft LPS and LPP Planning Manuals.

Should you wish to discuss this submission, please contact Coralie Claudio, Senior Policy Advisor, Planning at cclaudio@walga.asn.au or 9213 2083.

Amendment Regulations for the Review of Planning Instruments and Supporting Draft Chapters of the WA Planning Manual – Feedback Form

Planning and Development Regulations Amendment (Review of Planning Instruments) Regulations 2025 and supporting Chapters of the WA Planning Manual

The Planning and Development Regulations Amendment (Review of Local Planning Instruments) Regulations 2025 (**Amendment Regulations**) supports changes to the *Planning and Development Act 2005* (the **Act**) via the *Planning and Development Amendment Act 2023* (**Amendment Act**).

The Amendment Regulations (Part 2-Part 6) propose various changes to the following sets of regulations to facilitate the review of State and local planning instruments to ensure they are contemporary and fit for purpose:

- Planning and Development (Local Planning Schemes) Regulations 2015 (**LPS Regulations**)
- Planning and Development (Planning Codes) Regulations 2024 (**PC Regulations**)
- Planning and Development (Region Planning Schemes) Regulations 2023 (**RPS Regulations**)
- Planning and Development Regulations 2009 (**PD Regulations**)
- Planning and Development (State Planning Policies) Regulations 2024 (**SPP Regulations**)

While all feedback is welcomed, comment is sought specifically on Part 2 of the proposed Amendment Regulations, which proposes to amend the LPS Regulations to:

- facilitate the 10 yearly review of local planning instruments
- introduce new provisions relating to the manner and form, purpose, duration, review, and extension of local planning policies
- change existing provisions relating to the revocation of local development plans.

Unless specifically stated otherwise, all regulations apply across the state of Western Australia.

Feedback is also invited on the draft local planning schemes and local planning policies chapters of the WA Planning Manual which include guidance and manner and form for the review of local planning instruments and the preparation and review of local planning policies.

It is anticipated that the local planning policy chapter of the WA Planning Manual will be considered by the WAPC in July and released soon after for consultation.

View these draft documents <https://haveyoursay.dplh.wa.gov.au/review-planning-instruments>.

You are invited to make a submission on Part 2 of the Amendment Regulations and supporting chapters of the WA Planning Manual by **5 pm, Friday 3 October 2025**.

While every effort will be made, late submissions may not be able to be considered. This Feedback Form has been prepared to guide the preparation of a submission.

Please email a completed form to planningframeworks@dplh.wa.gov.au.

Submitter's Details:

Submitter's name:	Coralie Claudio	
Email address:	cclaudio@walga.asn.au	
Are you submitting on behalf of an organisation?		
Yes		
Organisation name (if applicable):		
Western Australian Local Government Association (WALGA)		
Which stakeholder group represents you best? Answers will be used to report on the types of stakeholders we heard from. Select one of the options from the list below.		
Choose an item		
If you selected 'Other', please outline what group best describes your activities?	Insert your stakeholder group here	
Submissions may be published as part of the consultation process. Do you give permission for your name and your organisations name (if applicable) to be published?	Choose an item.	

Comments:

Amendment Regulations

Part 2 — LPS Regulations amended

1. Part 6 - Reviews of local planning instruments under s 132C of Act

a. Changes to LPS Regulations

Changes are proposed to implement a 10-yearly review of local planning instruments by replacing the existing part 6 of the Regulations with a new part 6 provided in the Amendment Regulations. Please refer to the Amendment Act for relevant references to section 132 of the Planning and Development Act 2005.

Please tick the relevant box and provide any additional comments below:

☐

Support the proposed change

☒

Support the proposed change with modification

☐

Do not support the proposed change

Support increasing the review cycle for local planning schemes from 5 to 10 years (aligns with WALGA's performance monitoring data which indicates the average scheme age is 13.5 years).

In principle, support including local planning strategy as local planning instrument that requires 10-year review.

Regulations should address the following:

- Question the requirement for local governments to publish Report of Review (RoRs) prior to WAPC and Ministerial consideration. This may create confusion and misrepresent the status of the review.
- Request the introduction of a statutory timeframe for WAPC's review of RoRs to ensure timely progression. Currently the WAPC has 90 days to notify the Local Government of its decision in relation to RoR for schemes.
- The ROR necessitates a high-level review of all relevant local planning policies (LPPs), structure plans, and local development plans. For Local Governments with a large volume of these documents, or with limited resources, this requirement poses a considerable challenge. A meaningful high-level review cannot be undertaken without first evaluating each individual document to determine whether amendments are needed—an exercise that demands substantial resources.

b. Report of review

When undertaking a report of review for a local planning instrument (local planning scheme or local planning strategy) is there preference to prepare one consolidated report of review (includes review of both the local planning scheme and local planning strategy) every 10 years to meet the requirements of both the Act and Regulations?

Please tick the relevant box and provide any additional comments below:

☒ Yes

☐ No

Agreed in principle but guidance needs to be provided if reviewing local planning schemes and strategies concurrently as part of the RoR, given the local planning strategy sets the long-term planning direction of a Local Government, informing the scheme.

2. Changes to the LPS Regulations relating to the preparation, duration and review of local planning policies

Part 2 of the draft Amendment Regulations propose amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) which impacts the preparation, duration and review of local planning policies as outlined below:

a) The principal purpose of a local planning policy

The following change to the draft LPS Regulations (Schedule 2, cl.3) is proposed to provide further clarity on the purpose of local planning policies:

- i) A new clause 3 (1A) clarifies the principal purpose of a local planning policy

Please tick the relevant box and provide any additional comments below:

☐ Support the proposed introduction of clause 3(1A)

☒ Support the proposed introduction of clause 3(1A) with modification

☐ Do not support the proposed introduction of clause 3(1A)

The inclusion of new clause 3(1A) may unintentionally narrow the scope and application of LPPs.

This clause refers only to decisions made by Local Governments, but LPPs should also apply to determinations made under local planning schemes by any other decision-makers (i.e. DAPs, WAPC or SAT), acknowledging this is noted in the LPP Manual. Instead, the clause should refer to a 'decision-maker' instead of the 'local government', similar to provisions relating to structure plans and LDPs in the Regulations.

Further, currently LPPs are used to guide assessment under other planning instruments, not solely local planning schemes, or other planning processes, or can be strategic in nature. Given the introduction of clause 3(1A), the

LPP Manual should acknowledge and provide guidance on these other circumstances. Examples included below:

- Local Governments use LPPs to guide the assessment of subdivision applications and subsequent landscaping and engineering plans required to be approved by Local Governments to satisfy subdivision conditions. These LPPs provide clear guidance to proponents and support transparent and accountable decision-making processes.
- Compliance LPPs guides how Local Governments will undertake compliance action to ensure that any alleged non-compliances and/or breaches of the relevant planning legislation are investigated in a fair, transparent and equitable manner.
- Design Review Panels (DRP)– as outlined in the recently adopted [Local Government Design Review Manual](#), LPPs can be used to guide the DRP process including establishing and appointing a panel.

b) Manner and form

The following changes to the draft LPS Regulations (Schedule 2, cl.3) are proposed, to improve legibility and consistency in the way that local planning policies are prepared:

- A new clause 3(6) states a local planning policy must be prepared in a manner and form approved by the WAPC.
- New clauses 3 (7) and (8) state any change in the approved manner and form after a local planning policy is prepared (or if the policy was in effective prior to the changes to the LPS Regulations), the policy does not need to be amended to make it comply with the change unless it is reviewed and extended.

Please tick the relevant box and provide any additional comments below:

☐

Support the proposed introduction of a manner and form to be approved by the WAPC

☒

Support the proposed introduction of clauses 3 (7) and (8) to be approved by the WAPC

☒

Support the proposed introduction of a manner and form to be approved by the WAPC with modification

☐

Support the proposed introduction of clauses 3 (7) and (8) with modification

☐

Do not support the proposed introduction of a manner and form to be approved by the WAPC

☐

Do not support the proposed introduction clauses 3 (7) and (8)

Support the requirement for a WAPC approved manner and form (cl.3(6)), subject to:

- allowing sufficient flexibility to accommodate the diverse contexts of Local Governments, particularly in regional areas. The goal of greater consistency must not come at the expense of robust LPPs that deliver good outcomes tailored to local needs.
- While consistency in format and language are welcomed, ease of understanding and accessibility must remain a priority. Many LPPs are reviewed and used by members of public, not solely planning professionals. The manner and form must use plain, accessible language to ensure our planning framework is navigable for all community members.
- The proposed changes should not result in additional administrative burden or red tape that complicates the preparation or review of LPPs.

Support the inclusion of clauses that clarify that existing policies do not need to be amended to comply with new manner and form requirements unless they are reviewed and extended. This is a practical and efficient approach that respects the resources and priorities of Local Governments.

c) Duration of a local planning policy

The following change to the draft LPS Regulations (Schedule 2, cl.5A), is proposed in accordance with the Action Plan, to ensure that regular review takes place so that local planning policies remain up-to-date and fit for purpose.

- A new clause 5A proposes that a local planning policy will cease to have effect after a period of five years from the date that the policy first comes into effect, which is the date the policy is published.

Note, a new clause 5A also provides for existing local planning policies to continue to have effect for up to a period of five years from the date of the gazettal of the Amendment Regulations (unless reviewed and extended or revoked prior).

Please tick the relevant box and provide any additional comments below:

☐

Support the proposed introduction of a five-year duration period for local planning policies

☒

Support the proposed introduction of a five-year duration period for local planning policies with modification

☐

Do not support the proposed introduction of a five-year duration period for local planning policies

Support LPP timeframes in principle; however, reviewing and updating existing LPPs may demand substantial Local Government resources. Given the current shortage of planners—particularly in regional areas—additional support and resources may be necessary to assist smaller and regional Local Governments.

d) Review of a local planning policy

The following change to the draft LPS Regulations (Schedule 2, cl.5B), is proposed in accordance with the Action Plan, to ensure that regular review takes place so that local planning policies remain up-to-date and align with the state and local planning frameworks.

- i) A new clause 5B proposes that:
- The local government is to conduct a review of the operation and effectiveness of a local planning policy prior to the expiry of the effective period.
 - The local government may extend the duration of a local planning policy by up to five years if the review determines that the policy remains satisfactory, or at the time that it is amended to be satisfactory.
 - If the local government decides to extend the duration of a local planning policy, a notice of the extension must be published in accordance with clause 87, before the original expiration date.

Please tick the relevant box and provide any additional comments below:

☐

Support the proposed introduction of clause 5B

☒

Support the proposed introduction of clause 5B with modification

☐

Do not support the proposed introduction of clause 5B

Support review timeframes in principle; however, reviewing and updating existing LPPs may demand substantial resources. Given the current shortage of planners—particularly in regional areas—additional support and resources may be necessary to assist smaller and regional Local Governments.

***Please provide any other comments below (including the specific clause number) for the proposed changes to the LPS Regulations relating to local planning policies in less than 200 words**

Sub-regulation (3A) requires modification to ensure a clear timeframe for consideration and approval by the WAPC, acknowledging the draft LPP Manual notes a 60-day timeframe for WAPC approval.

3. Changes to the LPS Regulations relating to the Revocation of Local Development Plans

Changes are proposed to the draft LPS Regulations (Schedule 2, cl.58) to provide local government with greater flexibility to revoke a local development plan which is no longer required or has become outdated.

Please tick the relevant box and provide any additional comments below:

☐

Support the proposed change to clause 58

☒

Support the proposed change to clause 58 with modification

☐

Do not support the proposed change to clause 58

WALGA expresses strong support for increased flexibility to revoke outdated LDPs, which would streamline the planning system by removing unnecessary local planning instruments. However, the requirement for WAPC approval for revocation is considered unnecessary and onerous, particularly in cases where WAPC approval was not originally required for the LDP (i.e. the LDP didn't vary the R-Codes), or where the area subject to the LDP has been fully developed. It is recommended that this requirement be removed, or that it is replaced by a notification process where a Local Government informs the WAPC of their intention to revoke an LDP and the WAPC has a period of time (i.e. 14 days) to inform the Local Government that they wish to consider the revocation.

Request DPLH pursue other modifications to the LDP framework, including an updated manner and form as outlined in WALGA's LDP Background Paper (2023), acknowledging this was previously identified on the planning reform agenda.

4. Draft local planning schemes chapter of the WA Planning Manual.

The draft local planning schemes chapter of the WA Planning Manual has been prepared to support the preparation, amendment, review and assessment of local planning schemes. **a) Variations to the model provisions**

Section 2.2.3 outlines guidance relating to variations to the model provisions.

Please tick the relevant box and provide any additional comments below:

☐

Support the guidance provided on variations to model provisions

☒

Support the guidance provided on variations to model provisions with modification

☐

Do not support the guidance provided on variations to model provisions

Comments on Section 2.2.3 below:

- Support for recognising WA's diversity and allowing contextual variations, specifically in regional areas.
- The Manual places the responsibility on Local Governments to justify variations from the model provisions. However, there is currently limited transparency or explanation provided for decisions made by the WAPC or the Minister, particularly as local planning schemes are confidential items at WAPC meetings. Request rationale behind WAPC/ Ministers decisions.
- Examples of recent variations to model provisions to be included (or linked to) in the Manual.
- Clarification and guidance are sought regarding the scope of matters that Clause 32 of a Local Planning Scheme may validly address, in light of the Supreme Court decision in *McComish v Shire of Peppermint Grove* [2024] WASC 502. This decision found that as per section 257B(3) of the *Planning and Development Act 2005*, any provision in a local planning scheme—such as Clause 32—that is inconsistent with a deemed provision is rendered inoperative to the extent of the inconsistency.
- Request specific zones, land uses and advice align with [WALGA's advocacy positions](#), acknowledging this may be part of a future Regulations review and part of the broader Consistent Local Planning Schemes reform.
 - 'renewable energy facility' land use - *review the definition of 'renewable energy facility' considering the increasing size and scope of facilities and consider creating definitions based on the scale of the facility (Utility-scale and other), and the form of facility (solar energy and wind energy).*
 - Priority Agriculture zone - *Create a new model zone under Schedule 1, Part 3, Clause 16 for land identified as high quality agricultural land known as the 'Priority Agriculture' zone, with the following objectives:*
 - i. *to retain priority agricultural land for agricultural purposes; and*
 - ii. *limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production*
 - Special Residential Zones - *supports the removal of future Special Residential Zones, however, supports the protection of existing Special Residential Zones*

b) Content to be included in a local planning scheme

Section 7 provides guidance on using appendix 1 (local planning scheme template) to prepare local planning scheme text consistent with the model provisions of the LPS Regulations.

i) Appendix 1 - local planning scheme template

A local planning scheme template is included in Appendix 1 to provide guidance on preparing the local planning scheme text consistent with the model provisions of the LPS Regulations.

Please tick the relevant box and provide any additional comments below:

☐

Support the use of appendix 1 as the basis for the local planning scheme text

☒

Support the use of appendix 1 as the basis for the local planning scheme text with modification

☐

Do not support the use of appendix 1 as the basis for the local planning scheme text

In principle support for Scheme Content (Section 7 and Appendix 1) noting:

- Concern over blanket prohibition of “X” uses in all zones for a specific land use.
- Request examples and guidance on supplementary provisions (Section 7.7) (i.e. guidance on exemptions and tree registers)
- c.19 (schedule 2 and 4 in Appendix A) - Additional uses / special use zones – notes that uses should only include those uses listed in the zoning table, otherwise it is a use not listed. However, historically many schemes have included uses that are bespoke and not listed in the zoning table. These historic additional uses should be allowed specifically if they are defined in the schedule.

ii) Tables and schedules

To assist consistency in the presentation and content of local planning schemes, Section 7 recommends the use of schedules rather than tables (except for reserve and zone objectives, zoning table and other planning codes to be read into scheme).

Please tick the relevant box and provide any additional comments below:

☐

Support the use of tables and schedules as outlined in section 7

☒

Support the use of tables and schedules as outlined in section 7 with modification

☐

Do not support the use of tables and schedules as outlined in section 7

Support is provided in principle for the use of schedules over tables, as recommended in Section 7, to promote consistency in the presentation and content of local planning schemes. This approach is expected to enhance the document's compatibility with artificial intelligence integration and has the potential to improve overall usability.

To ensure local planning schemes remain accessible and user-friendly, especially for diverse audiences including the general public, flexibility in formatting is required. While this layout might work well for smaller, simpler schemes, feedback from Local Governments managing complex local planning schemes has highlighted that rigid formatting requirements can result in documents that are overly lengthy and difficult to navigate. Allowing flexibility in the presentation of schedules would enhance readability and accessibility, while preserving consistency in the content and intent of the information.

iii) Aims of the scheme

Section 7.1.2 recommends that the aims of the local planning scheme reflect the intent of the planning directions included in the local planning strategy.

Please tick the relevant box and provide any additional comments below:



Support the aims of the local planning scheme reflecting the intent of the planning directions included in the local planning strategy



Support the aims of the local planning scheme reflecting the intent of the planning directions included in the local planning strategy with modification



Do not support the aims of the local planning scheme reflecting the intent of the planning directions included in the local planning strategy

iv) Zoning table

Section 7.3.2 outlines the requirements that should be addressed when preparing a zoning table.

Please tick the relevant box and provide any additional comments below:

- ☒ Support the zoning table being prepared consistent with requirements outlined in section 7.3.2
- ☐ Support the zoning table being prepared consistent with requirements outlined in section 7.3.2 with modification
- ☐ Do not Support the zoning table being prepared consistent with requirements outlined in section 7.3.2

v) Development requirements

The model provisions currently provide the flexibility to include development requirements under part 3 or 4 of the local planning scheme. To assist consistency in the presentation and content of local planning schemes, section 7.4.4 recommends that general (apply across the whole local planning scheme area), zone (apply to specific zones) and specific site (apply to specified site) development requirements be included under clause 32 of the local planning scheme.

Please tick the relevant box and provide any additional comments below:

- ☐ Support the inclusion of general, zone and specific site development requirements under clause 32 of the local planning scheme as outlined in section 7.4.4
- ☒ Support the inclusion of general, zone and specific site development requirements under clause 32 of the local planning scheme as outlined in section 7.4.4 with modification
- ☐ Do not Support the inclusion of general, zone and specific site development requirements under clause 32 of the local planning scheme as outlined in section 7.4.4

Clarification and guidance are sought regarding the scope of matters that Clause 32 of a Local Planning Scheme may validly address, in light of the Supreme Court decision in *McComish v Shire of Peppermint Grove* [2024] WASC 502. This decision found that as per section 257B(3) of the *Planning and Development Act 2005*, any provision in a local planning scheme—such as Clause 32—that is inconsistent with a deemed provision is rendered inoperative to the extent of the inconsistency.

vi) Supplemental Provisions

Section 7.7 outlines the guiding principles that should be considered when preparing supplemental provisions to the deemed provisions.

Please tick the relevant box and provide any additional comments below:

☐

Support the principles outlined in section 7.7 for the preparation of supplemental provisions

☒

Support the principles outlined in section 7.7 for the preparation of supplemental provisions with modification

☐

Do not Support principles outlined in section 7.7 for the preparation of supplemental provisions

Section 7.7 notes that supplementary provisions recently approved in local planning schemes are good examples. Common examples and guidance (i.e. significant tree register, additional DA exemptions) could be provided in this section, or alternatively a link could be provided to where this information can be accessed.

c) Content to be included in Report of Review of a local planning instrument

Section 8 provides guidance on using appendix 2 (report of review template) to undertake a review of a local planning instrument consistent with the changes proposed in the Amendment Regulations for the 10 year review of local planning instruments.

i) Appendix 2 – report of review template

Appendix 2 provides the WAPC approved manner and form for reviewing the operation and effectiveness of a local planning instrument.

Please tick the relevant box and provide any additional comments below:

☐ Support the use of appendix 2 and guidance provided in section 8 as the WAPC approved manner and form for reviewing the operation and effectiveness of a local planning instrument

☒ Support the use of appendix 2 and guidance provided in section 8 as the WAPC approved manner and form for reviewing the operation and effectiveness of a local planning instrument with modification

☐ Do not support the use of appendix 2 and guidance provided in section 8 as the WAPC approved manner and form for reviewing the operation and effectiveness of a local planning instrument

- It is recognised that the RoR will play a vital role in keeping local planning frameworks up to date. As such, the approach to implementing and monitoring the recommendations of the RoRs is critical, yet there is very limited guidance provided on this in section 8.5.2 of the Manual.
- The RoR should acknowledge other planning strategies (i.e. POS Strategies, housing strategies) and provide guidance on how to incorporate them into the local planning framework.
- ROR necessitates a high-level review of all relevant LPPs, structure plans, and LDPs. For Local Governments with a large volume of these documents, or with limited resources, this requirement poses a considerable challenge. A meaningful high-level review cannot be undertaken without first evaluating each individual document to determine whether amendments are needed—an exercise that demands substantial resources.
- Acknowledge and agree with section 8.4 that notes smaller regional Local Governments could have a simplified version on RoR template. Many regional Local Governments have expressed concerns with the resources required to implement these proposed changes.
- Provide clarity and guidance on reviewing the strategy and scheme simultaneously given the strategy should provide the long-term planning direction that informs the scheme.

d) Local planning scheme amendments

Section 9.2 of the draft local planning scheme chapter outlines the content to be included in the documentation to support an amendment to a local planning scheme.

i) Appendix 3 – section A – scheme amendment document

Please tick the relevant box and provide any additional comments below:

☐

Support the use of appendix 3 as the scheme amendment document

☒

Support the use of appendix 3 as the scheme amendment document with modification

☐

Do not support the use of appendix 3 as the scheme amendment document

The appendix incorrectly references section 9.5 of the Manual (should be 9.2 and specifically 9.2.5)

ii) Appendix 4 - section B – supporting information

Please tick the relevant box and provide any additional comments below:

- ☐ Support the use appendix 4 as supporting information to the scheme amendment document
- ☒ Support the use of appendix 4 as supporting information to the scheme amendment document with modification
- ☐ Do not support the use of appendix 4 as supporting information to the scheme amendment document

Local Government responses to a submission in the schedule of submissions – Clause 9.2.10 only give the options of responded to a submission as ‘supported’, ‘supported in part’ or ‘not supported’. In some cases, comments raised in submissions don’t raise planning concerns or are advice only. In these circumstances ‘noted’ is an adequate Local Government response.

e) Please provide any other comments below on the draft local planning scheme chapter (including the specific reference to the relevant sub-section) in less than 200 words.

Environmental Protection Agency referrals (cl.9.1.3) – this section should reference and provide a link to EPA Fact sheet [Planning scheme amendments exempted from assessment](#). Note EPA is currently reviewing this process and list of exemptions.

5. Draft local planning policies chapter of the WA Planning Manual

The draft local planning policies chapter of the WA Planning Manual has been updated to respond to the feedback received during the consultation period undertaken late 2024. Further modifications have been undertaken to respond to the changes to the draft LPS Regulations which has implications for the preparation, duration and review of local planning policies as outlined below.

a) Section 3.2 – Manner and form

- i) Section 3.2 of the draft local planning policies chapter has been updated to provide guidance on the introduction of the new clause 3(6) of the LPS Regulations, whereby a local planning policy must be prepared in a manner and form approved by the WAPC. This is to improve legibility and consistency in the way that local planning policies are prepared.
- ii) Appendix 1 of the chapter provides a draft manner and form template for local planning policies. Note, the template is universal, and it applies to all types of local planning policies, either strategic or operational.
- iii) Appendices 1A – 1D of the chapter provides further manner and form templates for the content and structure of 'Policy Provisions'. Note, these templates can be tailored and adjusted to suit the purpose of a local planning policy, being residential or non-residential development, operational planning matters, or a combination of matters.

Please tick the relevant box and provide any additional comments below:

☐ **Support the proposed updated guidance in section 3.2 and the proposed manner and form indicated in Appendices 1, and 1A- 1D**



Support the proposed updated guidance in section 3.2 and the proposed manner and form indicated in Appendices 1, and 1A- 1D with modification

☐ **Do not support the proposed updated guidance in section 3.2 and the proposed manner and form indicated in Appendices 1, and 1A- 1D**

As previously noted, the manner and form should be applied flexibly to reflect the local context and purpose. It should be user-friendly, using clear, accessible language and a layout that suits the intended audience — which may not always consist of planning professionals.

This flexibility is particularly important for non-residential policy provisions, which are often diverse in nature. While the template provided in Appendix 1B aims to promote consistency, legibility, and transparency, its rigid structure does not adequately accommodate the varied formats and content of non-residential LPPs. In cases where LPPs include qualitative provisions, the prescribed format may be unsuitable and could hinder rather than support clarity and usability.

While the attempt to provide additional clarification on policy provisions (cl 3.2.6) is appreciated, WALGA has concerns with:

- Outdated Reference: Refers to [WALGA's 2019 LPP Guide](#), which will be obsolete once new Regulations, and the Manual are adopted.
- Terminology confusing and misaligning: Uses terms like deemed-to-comply, acceptable development, and performance-based inconsistently and interchangeably and that don't align with the remainder of the

Guide or as the terms were intended in WALGA's LPP Guide.

Instead it is recommend the quantitative and qualitative provisions are expanded, with clear examples, such as those in the [LPP Guidelines: Unhosted Short-Term Rental Accommodation](#):

- Quantitative provisions: *In the Rural zone, a minimum of two exclusive on-site car parking bays should be provided for each Unhosted STRA.*
- Qualitative provision: *In Rural-type zones, built form and landscaping should be compatible with the rural setting and landscape character of the area.*

The format of Appendix 1A – *Modifications to the Residential Design Codes* should be simplified to enhance clarity and usability for the primary audience: community members and landowners seeking straightforward information about development provisions. While details of WAPC approvals are relevant, they are not essential for the end user and should not dominate the document. Requirements for WAPC approval, including associated dates, should be consolidated within the document control section rather than outlined individually, to reduce unnecessary detail and to improve accessibility and readability.

Any model LPPs should be developed in consultation with WALGA and the Local Government sector and allow for content to be modified to suit the local context. In some circumstances LPP guidance documents on specific matters may be more appropriate to facilitate a consistent approach while ensuring LPPs can still respond to the unique characteristics of the Local Government area.

b) Other modifications to the draft chapter on local planning policies

- i) Section 2.1 of the of the draft local planning policies chapter has been revised to provide guidance on the introduction of clause 3(1A) of the LPS Regulations which clarifies the principal purpose of a local planning policy.
- ii) Section 5 of the draft chapter on local planning policies has been updated to provide guidance on the proposed changes to the draft LPS Regulations: (Schedule 2, cl.5A, and cl.5B) to ensure that regular review takes place so that local planning policies remain contemporary, fit for purpose and aligned with the State and local planning framework.

Please tick the relevant box and provide any additional comments

- ☐ Support the proposed updated guidance in section 2.1 on the principal purpose of a local planning policy and in session 5 on the duration and review of a local planning policies
- ☒ Support the proposed updated guidance in section 2.1 on the principal purpose of a local planning policy and in session 5 on the duration and review of a local planning policies
- ☐ Do not support the proposed updated guidance in section 2.1 on the principal purpose of a local planning policy and in session 5 on the duration and review of a local planning policies

As explained above, the Guidelines should address the circumstances, outside of the principal purpose listed in the new clause 3 (1A) of the Regulations, that an LPP could be address.

c) Please provide any other comments below on the draft local planning policy chapter (including the specific reference to the relevant sub-section) in less than 200 words.

Historically, the process of referred and seeking approval from the WAPC has lacked transparency and consistency. Further clarification is required regarding the engagement and approval process with the WAPC, including the scope of DPLH's delegation to provide advice and endorse LPP provisions.

Clause 3.4 – Reference and consider the implications of the recently approved [WAPC Local Government Design Review Manual](#). This Manual references the roles LPPs can play in establishing panels and clarifying what types of proposals meet the threshold for consideration by panel or design advice.

6. Other Comments

Please provide any other comments below.

*** Please state and reference the specific regulation that you are commenting on.**

- Regulations should provide minor reviews of local planning strategies, to allow for targeted updates without triggering a full review process.
- A statutory timeframe should be prescribed for the WAPC to consider new schemes and scheme amendments for consent to advertise. Local Governments have provided examples where recent schemes and amendments have taken substantial time to receive consent.

Thank you for your feedback.