

4 December 2024

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Department of Planning, Lands and Heritage  
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**Subject: Submission of Support for the Draft WA Planning Manual, Local Planning Policies.**

Dear Kathy,

Thank you for the opportunity for the Local Government Planners Association (LGPA) to provide comment.

The LGPA supports and commends the Department for its intentions and delivery of a manner and form for Local Planning Policies that supports the State Governments 2019 Action Plan for Planning Reform, including the desire to make local planning instruments easier to understand and to provide community and industry with a clear strategic direction.

In supporting Local Government Planners, LGPA advocates for clear and consistent Local Planning Policies, that are reviewed in a timely manner, and which are easy to understand by assessors, community and industry.

To support our submission, we undertook a survey of the Local Government Planning Managers cohort with 10 responses were received, these are included in **Attachment 1**.

Response to the template questions of consultation is also included in **Attachment 2**.

In summary, there is general support from the LGPA Managers cohort, however there are a few suggestions that the LGPA wish to advocate:

1. That despite a manner and form providing consistency, that local governments maintain the ability to retain localised and nuanced responses to issues that are unique or bespoke to each Local Government in Western Australia and are not constrained by the categories provided in this reform.
2. That the DPLH / WAPC provide a clear framework of approval, including providing statutory timeframes for time for referral and decision.
3. That a reasonable phasing period be provided to industry to ensure that each local government has ample opportunity to review, consult and adopt manner and form based local planning policies, and to ensure that there is financial support or incentives from the State Government to deliver this process.
4. That the DPLH is adequately and additionally resourced to undertake the additional volume required for review and approval of Local Planning Policies which do not fall within the specified criteria of "*clearly stipulated with set criteria of what they can and cannot be used for*".

Thank you for your continued efforts in enhancing the planning framework with regards to Local Planning Policies. We are committed to supporting the successful implementation of the Draft Manual.

Yours sincerely



**Karsen Reynolds**  
**PRESIDENT**  
**Local Government Planners Association**

## **Attachment 1: Response from Local Government Managers to survey**

LGPA has canvassed its Local Government Planning Managers cohort with 10 respondents.

We asked 6 questions and provide the following feedback for the Department's consideration:

### **Question 1**

*Do you support the idea that local planning policies should follow a consistent and templated format, at the same time still allowing for local planning policy which reflects the needs and desires of the local community.*

90% responded in the affirmative.

LGPA representative LG Managers generally support the initiative of consistent and templated format for local planning policies.

### **Question 2**

*Are you concerned that a manner and form for Local Planning Policies dilutes the individuality of local government or somehow reduces the ability to form nuanced or bespoke planning responses to meet specific local needs?*

40% responded in the affirmative

60% responded in the negative

LGPA representative LG Managers are somewhat concerned that the manner and form may reduce the ability of local government to create policies that meet specific local needs.

### **Question 3**

*Is it appropriate for Local Planning Policies that are not augmenting the R Codes or dealing with Residential Development to require WAPC approval?*

10% responded in the affirmative

90% responded in the negative.

LGPA representative LG Managers do not believe that non-residential Local Planning Policies should require WAPC approval.

### **Question 4.**

*Do you believe that a consistent policy framework would cut red tape and streamline approvals?*

60% responded in the affirmative

40% responded in the negative

LGPA representative LG Managers somewhat believe that this initiative will cut red tape and streamline approvals.

### **Question 5**

Do the four categories of Policy Types in the manual as proposed provide enough depth to cover the necessary categories that affect your local government area? I.e environmental, rural, commercial and industrial themes?

30% responded in the affirmative

70% responded in the negative

LGPA representative LG Managers generally believe that the categories do not provide enough depth to cover the individual circumstances of their Local Government Areas.

#### **Question 6**

*Do you support the removal of prohibitive language such as shall and must in local planning policies as proposed through this review, to ensure that Local Planning Policies are read as 'due regard' documents rather than having the power as would be contained in a local planning scheme?*

60% responded in the affirmative

40% responded in the negative

LGPA representative LG Managers somewhat believe that prohibitive language should be removed from LPP's, ensuring they are read as due regard documents.

## **Attachment 2: Response to Draft WA Manual Local Planning Policies**

### **Use and Function Local Planning Policies**

The LGPA advocates for Local Governments to maintain the ability to create local planning policies to address local issues, however, supports the manner and form approach, and consistency to local planning policies to improve consistency across local government jurisdictions.

### **Role of WAPC and Local Government**

The LGPA advocates for Local Governments to maintain the ability to create local planning policies to address local issues without WAPC approval, in circumstances where categories of LPP's does not cover the theme or need for the Local Planning Policy. It is therefore suggested that a provision be made within the manual to cater for those bespoke or unique circumstances.

### **Review of Local Planning Policies**

The LGPA supports the initiative to introduce mandatory review periods for Local Planning Policies, like that of Local Planning Scheme reviews, however advocates for appropriate incentives or support to be provided by the WA Government to ensure compliance is met in this regard.

### **Defining minor amendments to a local planning policy**

The LGPA supports Local Government Planners in advocating for better clarity regarding definition of what is a minor amendment and emphasising that only Council can make this determination. Clearly defined situations or circumstances in which amendments can be classified as minor or administrative by local government planning officers is supported by the LGPA.

### **Draft template for local planning policies**

Due regard status

The LGPA generally supports the consistent language in local planning policies, and that the due regard status is respected in the wording and framing of requirements within the LPP structure and form.

LGPA acknowledges that many local governments in Western Australia have policies with prohibitive language that does not reflect the due regard status, reading as mandatory requirements, and therefore this review will provide clarity to community and industry, with clear distinguishment between LPP and LPS requiring further education and communication via the Department, in conjunction and consultation with local government.

### **Role of LG and WAPC**

The LGPA supports the clear guidance with regards to preliminary advice, this will be helpful and productive to ensure collaboration is undertaken before Councils make decisions or prior to referrals being made to the WAPC.

The LGPA advocates however for additional resourcing being provided to the DPLH to ensure that this collaboration can be adequately resourced.

There is however some hesitation from LG Planning Managers surveyed regarding the loss of ability for Councils to determine and approval local planning policies, again further education and communication with the sector would be beneficial.

## **Preparation of a Local Planning Policy**

LGPA supports the guidance provided on pages 5 and 6 of the Draft Policy manual, as it provides clarity to local government in their early stages of consideration to prepare an LPP and its appropriateness within the local and state planning framework, this is commended.

## **Preliminary Engagement**

LGPA supports the initiative for Local Governments to engage early in their consideration of developing a Local Planning Policy, including preliminary engagement with industry and the community to best inform the pathway and trajectory for dealing with the specific planning matter.

## **Further Comments**

Like the WALGA template for Tree preservation on Private Property, the LGPA suggests that the Department create templated LPP's for issues that are common to all local governments. This will assist in creating consistent approaches to statutory considerations and will lessen the resource burden for each local government in creating their local planning policy framework.

LGPA does not support no defined timeframe for the WAPC is to decide on a local planning policy where WAPC approval is required. Local Governments require a level of certainty regarding managing resources, budgets and project timelines to maintain good governance and service delivery to their community.