

LOCAL GOVERNMENT PLANNERS' ASSOCIATION

SDAU 360 DEGREES


23 FEBRUARY 2023



*WAPC content: Not to be used without WAPC approval.



Part 17



*State Government
charged WAPC with
determining applications
because it is the trusted
decision-maker on
planning matters.*

An architectural rendering of a modern outdoor shopping and dining precinct. The scene is set in the evening, with warm interior and exterior lighting. In the foreground, a man sits in a wicker chair on a wooden deck, looking towards a circular fire pit with a fire. To his right, two women are seated in similar chairs, engaged in conversation. The middle ground features a large, multi-level water feature with cascading water and stone steps. People are walking and sitting around the water feature. To the left, a modern building with large glass windows and a curved facade is visible. To the right, another building with a textured, patterned facade is shown. The background is filled with more people, trees, and string lights, creating a lively and inviting atmosphere.

Westfield Booragoon – 20th determination



**Part 17 to
date**

20 significant
developments approved

\$2.66 billion worth of
projects

More than 14,000 jobs

Six under construction/
complete



Part 17 – Approved projects

Part 17

Legislation

- ✓ Purpose and intent of LPS
- ✓ Need to ensure orderly and proper planning, preservation of locality amenity
- ✓ Need to facilitate development in response to the economic effects of COVID-19 pandemic – ongoing
- ✓ Relevant State planning policies and any other relevant Commission policies
 - ❖ *Environment Protection Act 1986*

Part 17 — Special provisions for COVID-19 pandemic relating to development applications

Division 1 — Preliminary

Terms used²²⁶

Effect of Part²²⁹

Division 2 — Commission to determine certain development applications

Subdivision 1 — Applications and referrals

Development applications that may be made directly to Commission during recovery period²³⁰

Development applications that may be referred to Commission by Premier during recovery period²³⁰

Supplementary provisions for applications and referrals²³¹

Subdivision 2 — Determinations

Determination of development applications by Commission²³²

Application of legal instruments and matters to which Commission must have due regard²³⁴

Consultation, submissions and other input²³⁶

Effect of Commission determination under s. 274²³⁹

Substantial commencement of development approved by Commission under s. 274²⁴⁰

Amendment or cancellation of approval granted by Commission under s. 274²⁴⁰

Division 3 — Avoiding conflicts with approvals granted by Commission under section 274

General provisions for Division²⁴²

Decision-maker proposing to perform function in conflict with approval²⁴⁴

Owner of land or other prescribed person may apply for direction if performance of function conflicts with approval²⁴⁶

Division 4 — Oversight of Commission

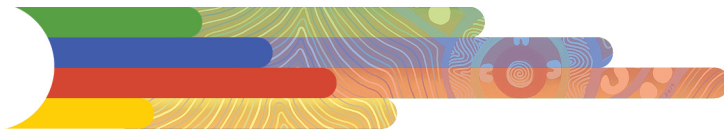
State Administrative Tribunal²⁴⁷

Governor may amend or cancel approval granted by Commission under s. 274²⁴⁸

Division 5 — Final matters

Rules²⁴⁹

Regulations²⁵⁰

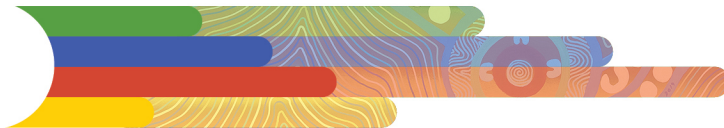


Variations usually requested when:

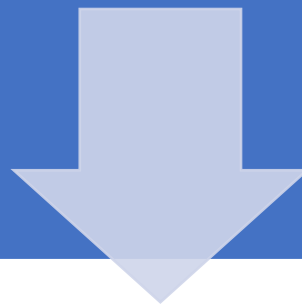
underlying scheme
already allowed

variation
consistent with
existing master
plan

variation
consistent with
draft scheme
amendment



Discretion – The numbers



Of 20 approved applications:

- 75% involved variations to development requirements under existing local planning scheme
- 80% planning schemes already permitted discretion
- Another 2 consistent with draft amendments to schemes



Pre-lodgement

- With LG for early feedback
- Also filters out proposals not suited to pathway

Design review

To date, design has been a major consideration in the 20 determinations – and through close collaboration with the State Design Review Panel – benchmarks for design excellence have been established to support developers



Community engagement

- Work with LG to match
- E.g. Sorrento co-consult





• Paul Needham, City of Busselton (obscured), and SDAU planners receive a site tour from the applicant for the Smiths Beach DA.

Engagement – Location visits

- One on one meetings with locals
- Site visits, meet with LG
- Walk site with applicant
- WAPC meetings to be held in the South West

Part 17 Reports

- Try to comprehensively address all matters raised in key themes – including LG submissions
- LG comment comprehensively considered, along with others'
- Where SDAU takes different view, rationale provided



ITEM NO: 10.1

NO.125 (LOT 500) RISELEY STREET, NO.10 (LOT 52) ALMONDBURY ROAD AND NO. 173 (LOT 99) DAVY STREET, BOORAGOON - PROPOSED SHOPPING CENTRE EXPANSION

Applicant:	Scentre Group c/o Urbis
Owner:	Scentre Custodian Pty Ltd Dexus Wholesale Property Ltd City of Melville
Value of Development:	\$792 million
Local Government Area:	City of Melville
Referral Pathway:	Applicant opt-in
Authorising Officer:	Paola Di Perna, Director State Development Assessment Unit
WAPC File No:	SDAU-017-20
Application Received:	5 November 2021
Attachment(s):	1. Location Plan 2. Revised Development Plans 3. Revised Landscape Strategy 4. Local Government Recommended Conditions 5. Summary of Public Consultation Key Themes 6. Applicant's Response to Public Submissions 7. State Design Review Panel Final Report 8. Transport Impact Assessment

Officer Recommendation:

That the Western Australian Planning Commission resolves to **APPROVE** development application reference SDAU 017-20 and accompanying plans and



Part 17 Extension

- Last June, pathway re-opened to end-2023
- Responding to industry pressures, new ability to apply for extension to substantial commencement



LESSONS LEARNED

– Time taken

- Mean (not average)
- Lodgement to determination - 176 days / 5.5 months
- Faster start for shovel-ready projects

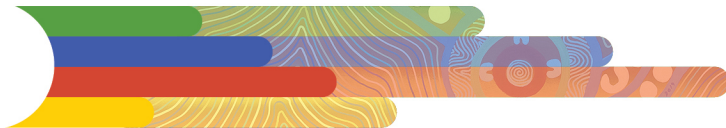
Balancing interests

- Requests from LG extension to provide feedback

With

- Requests from applicant group to reach outcome





What Comes Next?

- State Referral Coordination Unit
- Replacement for Part 17

www.dplh.wa.gov.au/planning-reform





SHAPING THE FUTURE OF WESTERN AUSTRALIA

Thank you



The **Western Australian Planning Commission** responds to the strategic direction of government on urban, rural and regional land use planning and land development matters throughout Western Australia.