



SIGNIFICANT DEVELOPMENT PATHWAY

Assessment Process for Development Applications under Part 11B of the *Planning and Development Act 2005*

GUIDE FOR APPLICANTS

DRAFT - October 2023

Note: This draft Guide has been prepared to provide an overview of how the Significant Development Pathway proposed to be established through the *Planning and Development Amendment Bill 2023* and associated draft *Planning and Development (Significant Development) Regulations* is intended to operate. It will be finalised following and assuming finalisation of the Amendment Bill and Regulations.

Introduction

Part 11B of the *Planning and Development Act 2005* provides a tailored assessment pathway directly to the Western Australian Planning Commission (WAPC) for complex and significant development proposals.

The pathway is open to development valued at:

- \$20 million or more in the case of a development for which the Perth Metropolitan or Peel region scheme applies; or
- \$5 million or more in other parts of the state.

Other projects that are authorised By the Premier on the advice of the Minister for entry into the pathway by the Premier, in accordance with the s.171M of the Act.

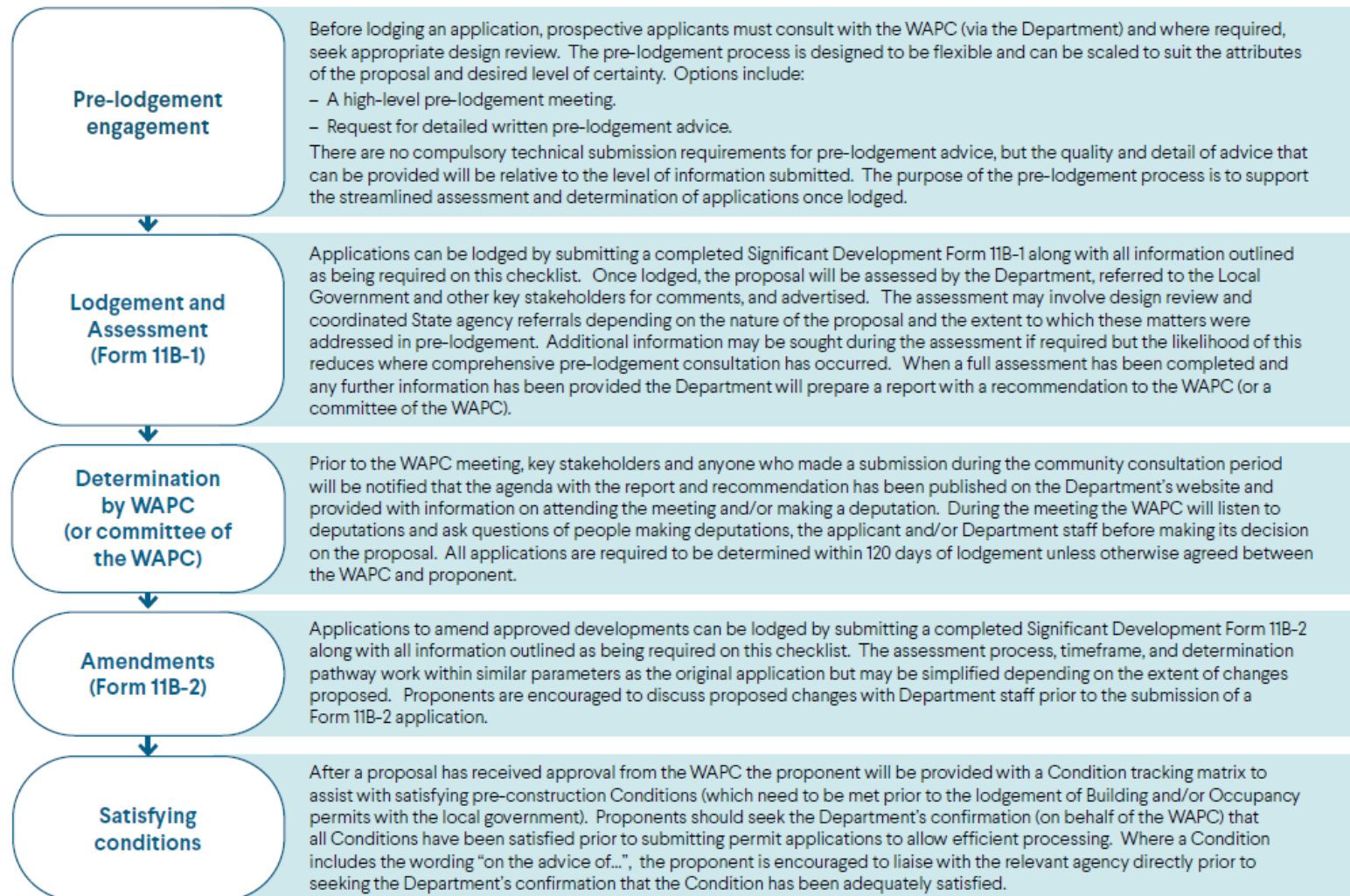
The Department of Planning, Lands and Heritage (the Department) supports the WAPC in assessing applications for significant development under Part 11B of the Act.

This guide sets out the process and requirements for development applications submitted to the pathway.

The WAPC remains responsible for any approval issued across all stages of the life of the development, including any proposed amendments to the approval.

Overview

The Significant Development Pathway application process is summarised as follows:



SIGNIFICANT DEVELOPMENT PATHWAY

Assessment Process
for Significant
Developments under
Part 11B of the *Planning
and Development Act
2005*

GUIDE FOR APPLICANTS

Pre-lodgement Engagement

The Significant Development Pathway was established to cater for:

- Significant applications presenting issues of State or regional importance benefiting from the technical expertise of the WAPC;
- Complex applications requiring referral to and input from multiple State Government agencies and stakeholders; and
- Applications aligned with State Government policies and priorities which are unreasonably constrained by an out-of-date local planning framework.

These types of applications usually benefit from early engagement with key stakeholders and decision makers and, in some cases, design review: a pre-lodgement service is provided to Part 11B applications to cater for this. However, the needs of each application are different, and the pre-lodgement process can consequently be tailored to the attributes of the proposal.

Options include:

- A high-level pre-lodgement meeting;
- Request for more detailed written pre-lodgement advice; and/or
- A bespoke process to address an applicant's request.

Pre-lodgement Meeting

A pre-lodgement meeting provides a forum for:

- proponents to outline their concept, known issues and drivers for seeking approval under the pathway;
- the Department (on behalf of the WAPC) to provide preliminary advice of likely planning issues; and
- discussion of whether or not further pre-lodgement advice and / or design review might assist the development of the proposal and submission of a well-resolved application and, if so, what inputs and process might be most constructive.

The meeting is held with senior planning staff, the Chair of the State

Referral Coordination Group and is usually attended by the WAPC Chairman and the Government Architect (or their representatives).

To initiate the process, contact the Department at XXX@dplh.wa.gov.au

Any accompanying plans and documentation can be submitted through the Department's online lodgment portal (*scheduled to replace the large file transfer in early 2024*). A planning officer will review your submission and be in contact to discuss potential dates for the meeting (which is typically held within 14 days of submission) and subsequent steps.

The pre-lodgement meeting addresses the requirement to consult with the WAPC under r.6(1)(a) of the *Planning and Development (Significant Development) Regulations*. The outcomes of the pre-lodgement meeting may support immediate lodgement of an application or may identify that further advice or information is advisable but this would be optional.

Written Pre-lodgement Advice

Where proponents want more comprehensive written advice before proceeding to lodgement, a tailored pre-lodgement service is provided. This involves the Department facilitating early engagement with key stakeholders such as the local government and relevant State Government agencies to provide feedback and identify issues that might need to be addressed in the development application and specific submission requirements. Interagency meetings may be held by the State Referral Coordination Unit to streamline and reconcile inputs from key stakeholders.

The pre-lodgement advice process is designed to be flexible and responsive to the nature and complexity of different proposals. In requesting pre-lodgement advice, you can seek feedback on specific issues. The purpose of the process is to support the streamlined assessment and determination of applications once lodged and, ultimately, improved outcomes for developers and the community alike. It can also be useful to inform proponents making decisions on whether and how to progress design development of different options for a site.

Pre-lodgement Submission Requirements

Whilst there is no precise formula, typically the more detailed the submissions received the more detailed the response which can be provided. Prospective applicants are encouraged to consider the information and degree of confidence that they are seeking from the pre-lodgement advice and prepare an appropriate level of documentation accordingly.

Development Overview & Context

The written pre-lodgement advice request should include a brief overview of the proposed development, including:

- proposed land uses and any concept drawings or plans for the proposed development,
- any relevant contextual information such as history of the site related to previous development applications or design reviews, and
- a site analysis and other relevant technical information (for example, traffic impact assessment, heritage impact statements, environmental impact reports, flora and fauna surveys, coastal erosion studies and visual impact assessments) which may have been prepared to inform the proposal.

Discretion Sought & Response to Part 11B Legislative Requirements

Where a proposed development departs from the local or regional planning requirements, the pre-lodgement advice request should also outline:

- the extent (if any) of the variation and why this is important to the State / region.
- how the proposal has regard to:
 - the purpose and intent of the local planning scheme,
 - orderly and proper planning and the preservation of the amenity of the locality,

- alignment with any relevant State planning policies and any other policies of the WAPC.

Preliminary Engagement Summary & Responses

It is also helpful for the Department to understand any stakeholder engagement that may have already been undertaken by the proponent and how this has informed the design of the proposal. This includes an outline of which forms of engagement have been undertaken and with whom, and how the design might have evolved since consultation took place.

If the local government or State Government agencies have previously been consulted, proponents should provide a list of all relevant contacts and their contact details as this can streamline subsequent input.

There are no statutory timeframes attached to pre-lodgement advice but typically it should be provided within 42-60 days of submission, depending on whether a meeting of the State Referral Coordination Group or design review is required.

The requirement to consult with the WAPC at r.6(1)(a) of the *Planning and Development (Significant Development) Regulations* will be satisfied upon the provision of responses to the pre-lodgement advice request. If the WAPC does not respond within 42-60 days (or another period as agreed to), then proponents may lodge their applications for development approval.

Design Review

Design review can add value to the pre-lodgement process by highlighting design quality issues of the application early in the process. It can also generate advice which assists the decision maker determine the merit of complex proposals, particularly where these involve the exercise of significant discretion. The WAPC can consequently require that a proposal be referred for design review, and typically makes this decision in consultation with the Government Architect (who chairs the State Design Review Panel) and proponent.

Where a proposal is referred for design review, this is usually scheduled parallel with other pre-lodgement advice although proponents can request that it follow receipt of other advice so that any changes which may arise from agency inputs are reflected in the reviewed plans. The most appropriate sequencing will depend on the attributes of the proposal and where the greatest challenges lie, and this is discussed with the proponent.

Design review typically involves two to three sessions with the last usually occurring following lodgement. Design review may be undertaken by:

- A full State Design Review Panel,
- A single design reviewer, or
- The Government Architect or a representative.

The process is intentionally flexible and will be tailored to suit each proposal in consultation with the applicant.

Some proposals may be sufficiently well resolved not to require any review or may be deemed below the service threshold by the Government Architect. This will be confirmed early in the pre-lodgement process.

Design review advice generated through review sessions prior to lodgement is provided to the proponent to assist in design development. The final (post-lodgement) design review report is also submitted to the WAPC to aid it in making a statutory determination.

Fees

Fees will be payable for applications lodged under Part 11B. The fee schedule will be published when finalised and will be itemised.

Development Application Requirements (Form 11B-1)

It is important that a completed application form, application fees and all plans and supporting documents are submitted at the time of lodgement so that a detailed assessment can be undertaken in a timely manner.

How to Lodge an Application

All applications are required to be submitted through the DPLH Planning Online lodgement portal, <http://online.planning.wa.gov.au/XXX/>. To assist with the lodgement process applicants are required to clearly name and upload each of the documents, appendices and drawing packages individually in one transfer, with the street name and number referenced; for example:

- 140WilliamSt-Proposed Development Plans.pdf
- 140WilliamSt-Applicant Planning Report.pdf
- 140WilliamSt-Applicant Landscape Report.pdf
- 140WilliamSt-Applicant Digital Sign Plans.pdf
- 140WilliamSt-Applicant Transport Impact Assessment.pdf
- 140WilliamSt-Applicant Acoustic Report.pdf
- 140WilliamStreet-Applicant Stormwater Management Strategy.pdf
- 140WilliamSt-Applicant Waste Management Plan.pdf
- 140WilliamSt-Applicant Roadworks Plan.pdf
- 140WilliamSt-Applicant Economic Benefit Statement.pdf

All information submitted with the application will be made available on the Department's online Consultation Hub during public consultation with the exception of any copies of Design Review reports, your consultation summary and any sensitive economic or financial information marked 'Commercial in Confidence'. Any such documents should not be included or referenced as appendices to any planning reports or other documents intended for public consultation purposes.

Once an application has been received you will be provided with fee payment details: this can be paid through B-Point.

If an application is incomplete, you will be advised of the additional information required within seven days of fees being paid. Your application will not be deemed lodged until all relevant fees have been paid and submission requirements received.

Application Submission Requirements

The specific requirements for each application will vary with the nature of the proposal and its complexity and location (eg whether it is in a Bushfire Prone Area or subject to transport noise). Submission requirements are defined in detail in written pre-lodgement advice. If pre-lodgement advice was not sought, you are encouraged to consider common requirements listed on the Development Application Checklist and to contact the Department prior to submitting your application to confirm what is likely to be needed.

Standard Submission Requirements

Submission requirements which apply to all applications include:

- Completed Development Application Form (11B-1).
- Application fee.
- Detailed plans, elevations, drawings and illustrations.
- A Planning Report / statement of justification and associated technical studies and supporting information.

Development Application Checklist

A checklist has been prepared to assist applicants compile the information required for a Part 11B development application: www.wa.gov.au/XXX

Completed Application Form

Application Signatures

Form 11B-1 must be signed by the registered proprietor/s as shown on the Certificate/s of Title. Where the landowner/s cannot sign, an authorised agent can sign and attach evidence of the authority.

If the subject land is owned by a company, you must confirm whether it is a sole proprietorship company and state the full name/s and position/s of the company signatory/ies.

Appropriate company signatory/ies include one director and the company seal, two directors, or one director and one secretary.

E.g.:

John F. Smith - Director
Smith Pty Ltd _____

Peta S James - Director
Smith Pty Ltd _____

Or

John F. Smith - Sole Director
Smith Pty Ltd _____

If the subject land is owned by a strata company, consent can be signed by the strata company secretary or by an elected person of the strata company providing proof of authority either by letter of delegated authority, signed by all strata owners, or minutes showing delegated authority.

Certificate of Title

Ensure the Certificate/s of Title is/are current (no older than six months) and provide copies with the application.

Change of name

Applications made by people or companies that have changed names from that depicted on the Certificate of Title, must provide supporting documentation showing the change of name such as:

- a transfer of land document that incorporates a lodgement receipt
- a company search from the Australian Securities and Investment Commission
- a marriage certificate or
- a change of name certificate.

Contact Details

A contact name, phone number and email address for the application are essential, in case additional information is required and to issue correspondence relating to the WAPC's decision.

Contracts of sale

Where the land is subject to a contract of sale or offer and acceptance, evidence of the landowner's consent must be provided. Relevant evidence may include:

- an express provision of consent by the vendor on the contract of sale or offer and acceptance
- a letter of consent from the registered proprietor/s giving the prospective purchaser/s consent to lodge the application or
- a copy of the transfer of land document that incorporates a lodgement receipt

SIGNIFICANT DEVELOPMENT PATHWAY

Assessment Process
for Significant
Developments under
Part 11B of the *Planning
and Development Act
2005*

GUIDE
FOR APPLICANTS

Crown land

Where the land is registered in the name of the Crown, the application form must be signed by an authorised officer of the Department of Planning, Lands and Heritage stating their name and position. Alternatively, a letter of consent from an authorised Crown land officer may be provided.

Deceased estates

Where the land is registered in joint tenants, one of whom is deceased, a copy of the death certificate of that person must be provided. Where the land is registered in tenants in common, a copy of the grant of probate or endorsed enduring power of attorney must be provided.

Government agencies

Where the land is registered in the name of a government authority, the application form must be signed by an authorised officer of the relevant authority, stating the name and position of the signatory/ies. Alternatively, a letter of consent signed by an authorised officer may be provided.

Application Fees

Fees will be payable for applications lodged under Part 11B. The fee schedule will be published when finalised and will be itemised.

The Department will advise applicants of the fee payable and B-Point details upon lodgement of applications (and can provide a pre-lodgement estimate upon request).

Refer to www.dplh.wa.gov.au/xxx for the current feeschedule.

Plans, Elevations, Drawings and Illustrations

Site plan(s)

Plans are to be drawn at an appropriate scale to enable printing at A3 and are to show (where applicable):

- the location of the site including street names, lot numbers, north point and the dimensions of the site
- the existing and proposed ground levels over the whole of the land that is the subject of the application
- the location, height and type of all existing structures and environmental features, including watercourses, wetlands and native vegetation on the site, and details of whether they are to be retained or removed
- existing buildings and structures to be demolished and new buildings and structures to be erected on site
- the existing and proposed means of access for pedestrians, and vehicles to and from the site
- the location, number, dimensions and layout of all car parking spaces intended to be provided, and the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas
- the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the open storage or trade display area
- the nature and extent of any open space and landscaping proposed for the site
- proposed external lighting and signage
- the location and access points of all services to and within the site (including power, water, sewer, gas, telecommunications etc)
- details of infrastructure, services and treatments in the adjacent road reserve (including street trees).

Floor plans

These should include:

- a plan of every storey of the proposed development showing floor levels
- internal layout showing rooms, windows and doors
- roof/eave lines
- total floor areas in square metres
- setbacks to all boundaries on all sides
- cone of vision from major openings as they relate to adjoining properties
- A separate set of plans showing plot ratio areas (inclusions and exclusions) and calculations

Elevations

These should include:

- elevations and perspectives of each side of the proposed development, and internal elevations where relevant
- natural and proposed ground and finished floor levels (relative to nominated datum point of AHD)
- wall heights and roof heights
- proposed materials, colours and finishes of the exterior of the building
- proposed locations of all services including fire booster cabinets, fire hydrants, kitchen exhaust ducting, air conditioner units and pipe work and associated details are to be provided on the drawings submitted.

Sections

Sections through the most typical building volumes, and through both the length and width of the development, are to be provided, including floor to ceiling heights and any proposed basement levels.

SIGNIFICANT DEVELOPMENT PATHWAY

Assessment Process for Significant Developments under Part 11B of the *Planning and Development Act 2005*

GUIDE FOR APPLICANTS

Context plans

These should include:

- a local context plan comprising plan(s) and photographs of the existing features of the wider context of the proposed development, including adjoining properties and the other side of the street, that show:
 - pattern of buildings, proposed building envelopes and heights, setbacks and subdivision pattern
 - streetscape including land use, building typologies, overall height and important parapet/datum lines of adjacent buildings
 - movement and access for vehicles, servicing, pedestrians and cyclists
 - topography, landscape, open spaces and vegetation
 - significant views to and from the site
 - any sources of nuisance emissions near the site such as noise, light and odour that may have a bearing on the residential proposal, particularly vehicular traffic, train, aircraft and industrial noise
 - location of relevant heritage items, areas of environmental significance and elements of cultural significance.
- a wider context plan that identifies the site in relation to retail and commercial areas, community facilities, public open space, transport and other major public destinations within a 10-minute walk (400m radius) of the site. This plan should also identify the climate zone of the site.

Streetscape elevations

Provide photographs or drawings of the site in relation to the streetscape and along both sides of any street that the development fronts, that show:

- overall height (storeys, metres) and important parapet/datum lines of adjacent buildings

- patterns of building frontage, street setbacks and side setbacks and
- permitted heights under the local planning scheme.

Overshadowing plan

To ascertain the overshadowing impacts of the proposed development, diagrams must be provided indicating the shadow cast by the development at 10am, noon and 2pm on 21 June, 22 August, 22 September and 22 October. (A variation to these standard hours may be requested depending on the nature of the project.) The shadows cast by any adjacent or nearby buildings are to be identified separately and the cadastral boundaries, streets and the outline of the surrounding buildings, including the location of openings, are required to be included in the diagram.

Where an application includes building heights and/or setbacks that depart from the local planning scheme requirements, the overshadowing diagrams shall also include the shadow cast by a 'compliant' built form compared to the shadow cast by the proposed development.

Photomontage and/or coloured perspectives

A coloured photomontage or coloured perspective, or both, of the proposed development must be submitted, showing the proposal in context to the existing streetscape from a pedestrian viewpoint. Other key views or relevant images may be required where considered helpful for assessing the proposal.

Landscape details

Landscape details must be submitted indicating the location, dimensions and design of any proposed landscaping areas including plant types/species and the materials and finishes for any hard landscaping elements. This can be provided separately or included as part of the site or ground plans.

Planning report / statement of planning justification

Each application must be accompanied by a planning report which includes a clear outline of the project and rationale of its approval. The planning report should provide information on the following aspects:

Site description and context

A description of the existing situation including:

- location
- property and tenure
- the current uses of the site
- the current buildings located on the site
- an analysis of existing site conditions
- site context
- any history relating to the development of the site to date or details of any heritage significance and listings of the buildings or place
- site opportunities and constraints.

Proposed development

An outline of the nature and details of the proposed development, including:

- Land uses and floor areas
- The design principles and concepts that have informed the proposed development
- An architectural statement indicating the design concepts and elements.

Planning considerations, policies and development control

An outline of how the proposal addresses the purpose and intent of relevant planning instruments including, where appropriate, any development requirements and standards. These might include

- region planning scheme
- local planning schemes
- local planning policies and development guidelines (including R-Codes where relevant)
- relevant structure or precinct plan(s)
- any relevant local government-adopted planning study
- relevant strategies
- any relevant State planning policies.

Where the proposal varies the usual development requirements or standards of these instruments, justification for this should be provided: the WAPC's draft guidance on the use and application of discretion may provide useful information in this regard.

Extraordinary Discretion

The Part 11B pathway includes the capacity for the WAPC to approve proposals which would not normally be approvable under the local planning framework. This power is distinct and additional to that to vary development standards and exercise discretion which is available to local governments and development assessment panels through those more common pathways.

Proposals which seek use of this 'extraordinary discretion' should demonstrate that:

- the conflict is of a minor nature and the proposal is aligned with relevant State planning policies, codes and any current local planning strategy; or
- the planning framework has not been maintained in accordance with the statutory requirement and is no longer contemporary / no longer reflects State planning policies; or
- The proposal raises issues of State or regional importance and determination is demonstrably in the public interest; and
- Should illustrate how the proposal represents orderly and proper planning and preserves the amenity of the locality.

The WAPC is preparing further guidance on this unique aspect of the pathway.

SIGNIFICANT DEVELOPMENT PATHWAY

Assessment Process
for Significant
Developments under
Part 11B of the *Planning
and Development Act
2005*

GUIDE FOR APPLICANTS

Technical reports

Other supporting reports providing technical advice on relevant matters such as:

- bushfire assessment
- traffic impacts and parking management
- noise impacts
- heritage impact
- environmental impact and management
- urban design
- sustainability, water and energy efficiency
- contaminated sites and acid sulphate soils
- waste management
- other reports as required by the Department.

Pre-lodgement advice (where sought) will have identified the specific supporting information and material (including specialist reports) required to be submitted with the application and minimise the likelihood of additional information requests.

Response to Pre-Lodgement Advice and / or Design Review

If the proposal has been through a pre-lodgement process and / or design review, details of how the proposal has responded to the preliminary advice is to be provided.

Spatial data requirements for 3D modelling and digital twin integration

Digital spatial information is required to be submitted with Form 11B-1 applications that allows for the modelling of the proposed development in three dimensions.

Minimum Level Information

All applications require submission of a digital design file that clearly identifies the proposed building shape and mass. The building needs to be identifiable within the design in reference to a horizontal and vertical datum. The horizontal datum must be displayed in reference to a defined horizontal coordinate system or in reference to the related cadastral parcel. All heights specified within the design must be defined in reference to an accepted Australian height datum, being either the Australian Height Datum (AHD) or the Australian Vertical Working Surface (AVWS).

Within the City of Perth local government area, additional specifications apply to accommodate integration with the City's 3D model. This specification may also be extended to other areas where 3D models have been or are being developed. Where relevant, the Department will provide the digital data submitted with the application to the relevant local government for inclusion in its 3D model.

Data Format Specifications

All data and models must adhere to the following common requirements:

- Accurate and true representation of the proposed development.
- Entire development must be modelled up to the property boundary.
- Only the external elements (except floor slabs) are required.
- Model must include correct ground level fall across

the site.

- Units must be in metres.

It is the applicant's responsibility to ensure that the model is complete and represents the proposed development accurately. Best practice modelling techniques, object naming and layering standards should be applied.

If the design of the development is revised during the assessment process, an updated file must be submitted. If amendments are made to the development after an approval has been issued, an updated 3D digital model incorporating all approved modifications may be requested.

Outside City of Perth boundaries

For applications outside of the boundaries of the City of Perth (where no 3D model exists), spatial data can be provided in the format of a computer-aided design (CAD) package or a GIS format as a minimum, within a defined horizontal coordinate system and with heights of surfaces clearly identified by their elevation in relation to the AHD or AVWS height datums.

Acceptable formats for CAD and GIS formats include: DWG, DXF, DGN, DWF, OBJ, SHP

Inside the City of Perth boundaries

All 3D Models are to be supplied in one of the following formats: Autodesk FBX, DWG, MAX, 3DS, DAE, OBJ or SKP.

In addition to the common data requirements:

- Only standard material types will be accepted (No materials which are specialised for professional rendering software, eg. Mental Ray, Vray).
- If no textures are supplied, then colours MUST be added.
- Textures to be in JPEG, TIFF or PNG formats.
- All redundant Lines, Splines, Helpers, Dummy objects, Cameras, Trees, Shrubs, Vehicles, Casework, Furniture and minor fixings must be removed.

SIGNIFICANT DEVELOPMENT PATHWAY

Assessment Process
for Significant
Developments under
Part 11B of the *Planning
and Development Act
2005*

GUIDE FOR APPLICANTS

Additional Specific Software Guidance:

Autodesk 3DS Max

- Use diffuse colours or textures in JPEG; TIFF or PNG formats.
- Opacity maps can be used, PNG format only.
- Export model in FBX format with 'Embed Media' option enabled.

Autodesk Revit

- Use diffuse colours or textures in JPEG, TIFF or PNG formats.
- Opacity maps can be used, PNG format only.
- Export model in FBX format with 'Embed Media' option enabled.

Autodesk Autocad

- Ensure objects have appropriate colour assigned per object layer (material assignments will not export correctly).
- Delete/purge all nonessential items and layers.
- Provide model in native DWG format.

Graphisoft Archicad

- Turn off or delete non-required objects within a 3D view and set scale to 1:1.
- Export model in 3DS format.
- DWG is acceptable only if correct colours have been assigned to objects.
- Include any textures with the delivered model folder.

Google SketchUp

- Remove/delete ALL furniture, fixtures, entourage and other unrequired objects.
- Use standard colours or materials in JPEG or PNG formats.
- Opacity maps can be used (preferably PNG).
- Provide clean model in native SKP 8.0 format.

Assessment and Determination

Applications will be assessed by the Department on behalf of the WAPC. The assessment will generally follow a similar process to applications processed by local government and involve

1. Conformance check and allocation to planning officer
2. Referrals, including to:
 - a. Local government
 - b. State agencies (via State Referral Coordination Unit)
 - c. Design review (if required)
 - d. Minister for Planning
3. Community consultation
4. Assessment and reporting for determination.

The allocated planning officer will be in regular communication with the applicant and flag any issues which may be identified. A robust pre-lodgement process should significantly reduce the likelihood of unexpected issues arising.

Referrals and Consultation

Referrals and consultation will generally follow the 'complex applications' processes set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* and involve:

- 28 day public consultation, including letters to nearby property owners and occupants, sign/s on site and public notice; plus
- 60 day referral to local government (to provide for sufficient time for a 42 day referral and consideration by Council).

The State Referral Coordination Unit will manage the State agency referral process and work closely with referral bodies on providing a single State referral response, representative of the whole of government. The Referral Unit can help identify and resolve

potential conflicts early in the planning process.

All consultation and referral processes will be undertaken to fit within the total 120 day determination timeframe. Where referral or consultation submissions raise concerns, the applicant will be provided with a summary of key issues raised and the opportunity to respond. Applicants may request or agree to additional time to address submissions received during consultation or any other issues identified through the assessment process but this is at their discretion.

Both consultation outcomes and any responses provided by the applicant will be communicated to the WAPC with the officer's report providing an analysis of the key issues and rationale for the recommendation. As with any statutory planning process, the assessment will be framed by the parameters established in Part 11B of the Act and revolve around the criteria and considerations this sets (and which the Application Submission Requirements invite information on).

Determination

Determination of applications under Part 11B must be made within 120 days of lodgement (or a longer period where agreed between the applicant and the WAPC). Where an application has not been determined within this timeframe the applicant has a right of review (appeal) to the State Administrative Tribunal.

Most applications will be determined by the WAPC or a committee of the WAPC at a public meeting. Opportunities to make a deputation to the WAPC prior to it making a decision may be available in accordance with the WAPC's Meeting Procedures. (www.wa.gov.au/XXX) The WAPC will then deliberate on the information presented to it and make a decision.

Where the WAPC decision amends the recommendation laid out in the officer's report, it must provide reasons for this.

The applicant may appeal the WAPC's decision (including any conditions imposed by the decision) to the State Administrative Tribunal.

Application to amend or cancel approval for Significant Development (Form 11B-2)

Applicants with approved applications can submit a Form 11B-2 to amend any part of the approval (including conditions relating to the duration of the approval).

Justification submitted with amendment applications should include the reasons why the amendment/s are proposed and provide detail about the impacts the proposed amendment/s on the original points of justification submitted with the application and key issues raised in assessment.

Amendments cannot substantially modify the approval or result in it no longer meeting the threshold for application to the pathway.

The general assessment process, timeframes and determination pathway are the same as the original application, the key exception being that consultation and advertising requirements may be varied or waived where the amendment(s) are minor. When determining whether an amendment is minor the Department (on behalf of the WAPC) will consider:

- The extent to which the relevant planning framework has changed and whether new or greater levels of discretion are being sought.
- The potential for new or greater impacts on the amenity of adjoining properties or the surrounding area.
- Whether the application results in a significantly different proposal to that which was previously advertised.

A link to Form 11B-2 can be found at www.wa.gov/xxxx.

Satisfying Conditions of Development Approval

Where a condition of approval requires additional information or detail to be submitted and / or approved prior to another stage in the development delivery process (such as lodgement for a Building Permit, substantial commencement, or occupancy), the Department, on behalf of the WAPC, is responsible for confirming that it has been satisfied. This confirmation should be obtained before applying for subsequent approvals.

To streamline the process, recipients of approvals will be provided with a Condition Tracking Matrix. This should be populated by the applicant and submitted with relevant drawings and documentations to demonstrate compliance. In submitting additional information / drawings, any variations from the approved plans must be clearly identified on the submission. A blank copy of the matrix can also be found at www.wa.gov.au//XXX.

Where a condition includes "on the advice of", the applicant is encouraged to engage with the relevant agency or local government directly prior to seeking the Department's confirmation that the condition has been adequately met. Applicants are also encouraged to arrange a meeting with the Department to discuss the satisfaction of conditions prior to seeking formal written confirmation as this often streamlines the overall process.

Where works and/or building permits are proposed to be staged, the Department may agree to a staged 'clearance' of working drawings and associated conditions of approval. In such cases, the Matrix will need to identify which conditions are relevant to each of the stages of development, as agreed in consultation with the Department. Where further information / documentation is to be provided at a later date, documentation should identify the time or stage for the delivery of the final documents and/or plans.

SIGNIFICANT DEVELOPMENT PATHWAY

Assessment Process
for Significant
Developments under
Part 11B of the *Planning
and Development Act
2005*

GUIDE
FOR APPLICANTS

Requests for confirmation that conditions have been satisfied can be submitted electronically using the Department's Planning Online lodgement portal, under the "Other Lodgements" tab <http://wa.gov.au/xxxx>.

The Department will usually consult with referral agencies in considering condition confirmation requests. Once the Department is satisfied that the conditions have been satisfied, it will confirm this in writing to the applicant and any relevant agencies and local government. For staged developments, the written confirmation will relate only to the conditions that are relevant to that stage.

The Department aims to provide a response within 30 days of receipt of the request and associated information, or sooner where possible.

Enquiries

Further information about the XXX can be found at [XXXX](#)

For any enquiries and to contact the XXX, please email XXX@dph.wa.gov.au or call 6551 XXXX.

The Western Australian Planning Commission recognises the diversity of the Aboriginal peoples of Western Australia and acknowledges the Traditional Owners and custodians and their connection to this land and its waterways. We pay our respect to Elders past and present and those who will follow in their footsteps.

Disclaimer

This document has been produced by the Department of Planning, Lands and Heritage for the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the Government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© State of Western Australia
Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000
Locked Bag 2506
Perth WA 6001
Published date: October 2022

website: www.dph.wa.gov.au
email: info@dph.wa.gov.au
tel: 08 6551 8002
fax: 08 6551 9001
National Relay Service: 13 36 77

This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.