

New approvals pathway for significant developments

09 November 2020

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On 13 July 2020, we reported an update to the *Planning and Development Amendment Act 2020 (PD Amendment Act)*, which modified the *Planning and Development Act 2005 (WA)* to, among other things, introduce a new approvals pathway for significant developments.

In this alert, Solicitor [Lily Robinson](#), outline the new assessment pathway for significant developments.

New approvals pathway

1. Intention to Lodge Form

Applicants may complete and submit an Intention to Lodge Form (available [here](#)) with the State Development Assessment Unit (**SDAU**).

The SDAU is a new team that has been created within the Department of Planning, Lands and Heritage for the purpose of supporting the Western Australia Planning Commission (**WAPC**) with the assessment of significant development applications. The SDAU, upon receiving an Intention to Lodge Form, will initiate concept discussions and determine whether or not proposals meet the significant development eligibility criteria.

2. Form 17A

If an application meets the significant development eligibility criteria, the applicant may complete and submit a Form 17A with the SDAU. Form 17A is a pre-lodgement advice request by which applicants can receive advice from the SDAU on matters concerning their application, such as the requisite supporting information and any issues with the application that can be amended prior to formal lodgement.

During this stage, the SDAU may choose to refer applications to the State Design Review Panel for consideration. This provides an opportunity for relevant agencies and stakeholders, such as local government, to provide feedback on the application.

3. Form 17B

Form 17B is the formal application for development approval, which must be accompanied by the appropriate application fee.

The Form 17B application will be referred to the Development Assessment Forum where it will undergo consideration. This consideration process involves mandatory public consultation and referral to relevant regulatory agencies (if not already done so as part of a pre-lodgement

advice request).

The Development Assessment Forum will then conduct a review of all submissions received and prepare a recommendation for the WAPC.

4. Determination

The WAPC will make a determination on the significant development application. The determination will either be to:

- approve the application;
- approve the application subject to conditions;
- approve the application subject to minor modifications and conditions;
- defer the application; or
- refuse the application.

5. Appeal

Applicants can appeal a determination to the State Administrative Tribunal.

Comment

Completion of the pre-lodgement process is not mandatory. However, applicants who choose to complete it are armed with an understanding of the matters that need to be addressed in their formal application, creating stronger applications and a more efficient approvals process as deficiencies are identified and corrected prior to formal lodgement. The take-away is that this is an attempt to streamline and incentivise a more proactive approach by all stakeholders.

Further, requirements of mandatory public consultation and referral to relevant state agencies and local government eliminate concerns that this new approvals process will skirt around public and local government scrutiny.

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