

This fact sheet contains information on the process specified in Part 11B of the *Planning and Development Act 2005* (as amended) (The Act) which allow for the Premier, on the advice of the Minister for Planning, to give authorisation for a development application to be lodged for determination by the Western Australian Planning Commission (WAPC) under the significant development pathway in circumstances where the development does not meet the value thresholds for eligibility and on the grounds that the application raises matters of State or regional importance.

#### Disclaimer

This document has been produced by the Department of Planning, Lands and Heritage. 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.

## PREMIER AUTHORISATION TO LODGE A DEVELOPMENT APPLICATION UNDER PART 11B OF THE *PLANNING AND DEVELOPMENT ACT 2005*

### Premier authorisation to lodge a development application under Part 11B

A prospective applicant in relation to a development application that has not yet been made, may submit notification to the Minister for Planning under section 171M to request the Premier to authorise the lodgement of the application for determination by the WAPC under Part 11B. On receipt of such a request, the Minister may recommend that the Premier give authorisation for the lodgement and determination of the application by the WAPC under Part 11B on the grounds that the application raises such issues of State or regional importance that it would be appropriate for the application to be lodged and determined under this Part. On receipt of the Minister's recommendation, the Premier may authorise the lodgement of the application under Part 11B.

Part 11B identifies development to which that Part does not apply.

### Matters considered when determining whether an application raises issues of State or regional importance

In considering a request for the Premier to authorise an application to be lodged under Part 11B, the Minister may seek advice from any State agency on whether a development application raises matters of State or regional importance.

In providing such advice, consideration may be given to the social, economic and environmental importance of the application to the State or a region, with reference to factors including but not limited to:

- the nature, scale and/or geographical area of influence
- projects that facilitate the delivery of major new housing in Western Australia, in particular community and/or affordable housing opportunities
- the potential contribution to delivery of physical, community or other infrastructure and/or building sustainable communities
- the potential contribution to the economic well-being of the State or region such as by facilitating local employment opportunities
- the potential contribution to the strategic direction or strategic outcomes identified in relevant State policies, plans or strategies including industry development initiatives or regional or sub-regional strategies

- the potential to make an important contribution for the State or region to promotion of the sustainable use and development of land and the general principles of the State Planning Framework.

In addition to the above matters, in considering whether a development application raises matters of State or regional importance, appropriate regard would be given to:

- other relevant considerations including applicable legislation, applicable State policy and the applicable State and local planning framework, and,
- whether the proposal is classified as a complex or state significant proposal under the Lead Agency Framework.

Information about the Lead Agency Framework is available at [Lead Agency Framework](http://www.wa.gov.au) (www.wa.gov.au)

### **Public notification of a decision by the Premier to authorise an application under section 171M**

If the Premier authorises a development application to be lodged for determination by the WAPC under Part 11B, as soon as practicable a copy of the authorisation must be provided to the WAPC and tabled before each House of Parliament. Upon being notified of the Premier's authorisation, the WAPC is to publish the authorisation on its website.

### **Timeframe for a decision by the Premier to authorise an application under section 171M**

The Act does not specify a timeframe for the Premier to make a decision on a request to be authorised lodged under Part 11B.

### **Manner and form**

A request made to the Minister for the Premier to authorise a development application must be made in the manner and form required by the Minister and must include any documentation or information required by the Minister. These requirements are outlined on the 'Notice to Minister for Planning' application form [weblink TBC].

### **Submission of a request for Premier authorisation**

A request made under section 171M for the Premier to authorise lodgement of a development application under Part 11B must be submitted, together with all required supporting information and attachments, via email to the Minister for Planning.

### **Applicable fee for a development application subject to a request for Premier authorisation**

Where Premier authorisation is given under section 171M for lodgement of a development application under Part 11B, the application is subject to the required application fee under the significant development pathway.

### **The section 171M process under Part 11B**

(see flow chart on page 3)

## Process for Premier authorisation for assessment and determination under Part 11B of a development proposal considered to raise issues of State or regional importance

