



Western Australian Planning Commission

(Part 17 Significant development)

Agenda

Notice is hereby given the next meeting of the Western Australian Planning Commission (Part 17 Significant Development) will be:

Thursday, 15 May, 2025, 2:00 pm

1. Meeting Opening and Commencement
 - 1.1 Acknowledgement of Country
 - 1.2 Apologies and leave of Absence
 - 1.3 Disclosures of interests
 - 1.4 Disclosures of representation
 - 1.5 Declaration of due consideration
2. Deputations and presentations
 - 2.1 Part 17 Development Application - Proposed Extension to Substantial Commencement Period - Shopping Centre Expansion (Westfield Booragoon) - 125 (Lot 500) Riseley Street, 10 (Lot 52) Almondbury Road and 173 (Lot 99) Davy Street, Booragoon (Item 4.1)

6 - 8

Presenters:

Farida Farrag - Urbis, Karen Wright - Urbis, Peter Fitzgerald - Urbis, Ben Manton - Scentre Group and Darren Evans - Scentre Group
 - 2.2 Part 17 Development Application - Proposed Extension to Substantial Commencement Period - Shopping Centre Expansion (Westfield Booragoon) - 125 (Lot 500) Riseley Street, 10 (Lot 52) Almondbury Road and 173 (Lot 99) Davy Street, Booragoon (Item 4.1)

9 - 12

Written Deputation

Presenter: Steve Walker
3. Presentation of key issues by the Department of Planning, Lands and Heritage

Presenter: Paola Di Perna - Planning Director, State Development Assessment Unit
4. Item/s for decision
 - 4.1 Part 17 Development Application - Proposed Extension to Substantial Commencement Period - Shopping Centre Expansion (Westfield Booragoon) - 125 (Lot 500) Riseley Street, 10 (Lot 52) Almondbury Road and 173 (Lot 99) Davy Street, Booragoon

13 - 45
5. State Administrative Tribunal applications
 - Renewable Energy Facility - Wind Farm – Multiple Lots on Bilney Road, Graham’s Well Road, Nookanellup Road South, Yarranup

Road and Warrenup Road in Broomehill West, Lumeah and Borderdale; and

- Lot 1001 (120) Claisebrook Road, Perth – Continued Operation of Holcim Concrete Batching Plant

6. Urgent or other business

7. Meeting conclusion and closure

Information for WAPC members (Part 17 Significant Development) *Quorum: 5 of 9 members*

	Ms Emma COLE <i>WAPC Chairperson</i>		Mr Ray HAEREN <i>WAPC Deputy Chairperson</i>
	Ms Megan ADAIR <i>WAPC Board Member</i>		Ms Jane BENNETT <i>WAPC Board Member</i>
	Ms Helen BROOKES <i>WAPC Board Member</i>		Mr Ryan HALL <i>WAPC Board Member</i>
	Mr Paul LAKEY <i>WAPC Board Member</i>		Ms Bianca SANDRI <i>WAPC Board Member</i>
	Ms Amanda SHEERS <i>WAPC Board Member</i>		

In accordance with Part 17 of the *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*), the Western Australian Planning Commission is granted temporary decision-making powers to determine development applications over \$20 million in metropolitan Perth, and over \$5 million in regional areas.

Membership:

The composition of the Board is in accordance with Section 10 of the *Planning and Development Act 2005*:

10. Membership of board

- (1) The board is to consist of 7 to 9 members appointed by the Minister.
- (2) The Minister must appoint 1 of the members to be the chairperson.
- (3) The Minister may appoint 1 or more other members to be deputy chairpersons.
- (4) A member cannot be a public service officer.
- (5) The terms and conditions of a member's appointment are to be determined by the Minister, subject to —
 - (a) any regulations made for the purposes of section 11(1); and
 - (b) section 12.

- (6) The Minister must ensure that, taken together, the members have what the Minister considers to be a suitable level of knowledge, expertise and experience in the following fields —
 - (a) urban and regional planning;
 - (b) subdivision of land;
 - (c) property development;
 - (d) planning and management of infrastructure;
 - (e) economic, social and environmental policy;
 - (f) public sector governance and administration.
- (7) In addition to the requirement of subsection (6), the Minister must ensure the following —
 - a. that the chairperson, and at least 1 other member, each has what the Minister considers to be —
 - (i) extensive knowledge, expertise and experience in the field of urban and regional planning; and
 - (ii) a suitable professional qualification or accreditation in that field;
 - b. that at least 1 member has what the Minister considers to be extensive experience in local government administration as either or both of the following —
 - (i) a member of the council of a local government;
 - (ii) an employee of a local government;
 - c. that at least 1 member has what the Minister considers to be extensive experience of living and working in regions other than the following —
 - (i) the metropolitan region;
 - (ii) the region referred to in item 6 of Schedule 4.



Request for Deputation / Presentation

Committee:

WAPC Part 17 Significant Development

Meeting Date:

Thursday, May 15, 2025

Deputation Information

Type of Deputation:

Verbal Deputation

Agenda Item:

4.1

Agenda Title:

Part 17 Development Application - Proposed Extension to Substantial Commencement Period - Shopping Centre Expansion (Westfield Booragoon) - 125 (Lot 500) Riseley Street, 10 (Lot 52) Almondbury Road and 173 (Lot 99) Davy Street, Booragoon

Is the presentation in support or against the report recommendation? (contained within the agenda)

Support

Presenter Information

Name of Presenter

Farida Farrag

Organisation:

Urbis

Email Address:

Mobile Number:

Additional Attendees

Karen Wright (Urbis)
Peter Fitzgerald (Urbis)
Ben Manton (Scentre Group)
Darren Evans (Scentre Group)

Special Requirements: In the interest of accessibility and inclusion for people with disabilities, please identify if you have any special requirements:

No

Presentation Information

Brief Outline of Deputation:

This deputation is made by the applicant (Urbis), on behalf of the proponent (Scentre Group) in support of the requested extension and the officer's recommendation.

Please refer to attachment.

Will there be a PowerPoint Presentation?

No

Please attach any documents here

 20250515 - WAPC Part 17 Deputationpdf

Acknowledgements

In submitting this request, you acknowledge that your request form and presentation content will be published to the Planning Online website as part of the agenda.

Yes

I acknowledge that if my request or accompanying documents are not submitted within the required timeframe, they will not be accepted.

Yes

Please attach all accompanying documents to this request. Late submissions will not be accepted. Handouts or PowerPoints will not be accepted on the day of the meeting.

PRESENTATION SUMMARY

To: Western Australian Planning Commission

From: Farida Farrag, Urbis

Meeting Date: Thursday 15 May 2025

Subject: Presentation in support of Item 4.1 – Part 17 Development Application - Proposed Extension to Substantial Commencement Period - Shopping Centre Expansion (Westfield Booragoon)

Dear WAPC Members,

Urbis acts on behalf of Scentre Group, the proponent of the Form 17C request to extend the substantial commencement period of the Westfield Booragoon Shopping Centre expansion by **four** years.

We are pleased to provide our presentation in **support** of the officer's recommendation of approval for the proposed extension. No other variation to the balance of approval conditions, approved uses, or the approved design are proposed within this application.

As outlined in the officer's report, ongoing disruptions to the construction industry and market volatility have contributed to the delay of the implementation of the project. However, Scentre Group have demonstrated a commitment to proceed with the development and have provided an updated works program demonstrating the proposal can achieve substantial commencement within the requested timeframe extension.

Since development approval was granted in 2023, there have been no changes to the applicable provisions of the Metropolitan Region Scheme, the City's Local Planning Scheme No. 6 and the Melville City Centre Structure Plan specific to the site. Confirmation of no objection was received from government agencies, including Main Roads WA, Department of Transport and the City of Melville.

Scentre Group look forward to continuing to work with the City of Melville to deliver the shopping centre expansion to create a true town centre, as envisaged by the Melville City Centre Structure Plan.

We respectfully request the WAPC approves the extension to the substantial commencement timeframe. We would be pleased to answer any questions.

Kind Regards,

A handwritten signature in cursive script that reads "Farida Farrag".

Farida Farrag
Senior Consultant



Request for Deputation / Presentation

Committee:

WAPC Part 17 Significant Development

Meeting Date:

Thursday, May 15, 2025

Deputation Information

Type of Deputation:

Written Deputation

Agenda Item:

4.1

Agenda Title:

Proposed Shopping Centre Expansion (Westfield Booragoon).
125 Riseley Street, Booragoon

Is the presentation in support or against the report recommendation? (contained within the agenda)

Against

Presenter Information

Name of Presenter

Steve Walker

Organisation:

Perth citizen submitter.

Email Address:

Mobile Number:

Special Requirements: In the interest of accessibility and inclusion for people with disabilities, please identify if you have any special requirements:

No

Presentation Information

Brief Outline of Deputation:

2 Page Word file.

Will there be a PowerPoint Presentation?

No

Please attach any documents here

2025MaySDAUDeputationToWFLDplan.doc

Acknowledgements

In submitting this request, you acknowledge that your request form and presentation content will be published to the Planning Online website as part of the agenda.

Yes

I acknowledge that if my request or accompanying documents are not submitted within the required timeframe, they will not be accepted.

Yes

Please attach all accompanying documents to this request. Late submissions will not be accepted. Handouts or PowerPoints will not be accepted on the day of the meeting.

Steve Walker
May 2025

**Deputation on WAPC Part 17 Significant Development Agenda Item 4.1.
Proposed Shopping Centre Expansion (Westfield Booragoon).
125 Riseley Street, Booragoon**

Hello WAPC Panel, and the Significant Development Assessing team.

There was a rushed, late consultation in December 2021.
Contributed via the website 20/12/2021.

Was not notified of the February 2023 SDAU meeting.

Found out in the media in mid-February 2023 that the proposed shopping centre expansion had been approved!

Did receive an SDAU email on 27/2/2023 of the approval notification letter of the development application.

Received your 13/1/2025 notification of the application to amend the approval, and received your 8/5/2025 notification.

It seems the Significant Assessment pathway unit within the State Agency DPLH/WAPC is too afraid to admit the volume of information workload is too much to handle within your restrictive assessing time limits.

Therefore substandard, brief responses to genuine, informed public submitter efforts are neglectfully being rushed into SDAU Final Reports.

This is why errors are occurring (including within proposed projects) do you not agree
Planning Director State Development Assessment Unit Paola Di Perna?

A proper, better way is for full public submissions to be included as a separate attachment, and for the WAPC to properly reply to them, and for the Applicant to properly reply to them. As the ignorance, and brief, bare if any is a failure for Perth.

Currently in May 2025, the DPLH submitter link to my December 2021 effort (...5SCZ -93N ...) has not been fixed, therefore stopping me from viewing and references my effort.
Clearly the DPLH SDAU team are too busy.

Reiterate all my concerns of December 2021.

Have been able to quickly view the February 2023 WAPC Report now. Of note:

(WAPC Page 159) City of Melville did not want the digital sign. Plus other submitters were unsupportive.

Attachment 5. (WAPC Pages 166, 167) A mere two pages.

Was there any support for the digital sign? Seems not.

No idea of the quality of many of the submissions. Possibly they were a mere few sentences.

Clearly the WAPC does not take the submitter responses process seriously.

Attachment 6 is barely six pages. The Applicant is not addressing real submitter concerns, they are ignoring them. Disrespectful to Perth, WA.

There was substandard effort on notification and consultation for December 2021, and end of January/start February 2023.

Pretending to involve the public is a disaster for important Perth sites.

As for the May 2025 SDAU Report:

WAPC Page 9, 20 days consult? 16 days in January (13 -29/1). Fail again.

A mere 20 public submissions.

Attachment 5. A mere four pages.

Were all the submitters quality? How many of them understand the area? Or are they new to Perth?

WAPC Page 37, clearly the applicant does not understand what the submitter was referring to.

To Conclude:

The realities of Perth metropolitan in terms of population, and spending, and retail workers.

Perth cannot afford new, bigger shopping centres. The current Shopping Centre site is large enough. There is no need to add another 100 stores. It is stupidity.

Reiterate my January 2025 recommendation, give the proponent a ten year delay to their proposed extension.

Hopefully over the next ten years Westfield exits the site. They do not care, they are merely shoving their Eastern States retail recipe onto the Booragoon site, with the financial interests of their Sydney shareholders as the highest priority.

It is time the WAPC panel cared for Perth interests by putting them first, and putting corporate interests of Westfield and Urbis last.

Thankyou.

REPORT TO	Western Australian Planning Commission		
Meeting date	15 May 2025	File number	SDAU-017-20-17C.1
Title	Part 17 Development Application - Proposed Extension to Substantial Commencement Period - Shopping Centre Expansion (Westfield Booragoon) - 125 (Lot 500) Riseley Street, 10 (Lot 52) Almondbury Road and 173 (Lot 99) Davy Street, Booragoon		
Purpose	For decision		
Head of power	Part 17, Section 279(6A) of the <i>Planning and Development Act 2005</i>		
Confidentiality	Non-confidential		
Name and title of responsible officer	Paola Di Perna – Planning Director, State Development Assessment Unit		
Date DPLH received / conformed	10 December 2024		
Processing days	148 days		
SITE DETAILS			
Local government(s)	City of Melville		
Region Scheme / Zone	Metropolitan (MRS) / Urban		
Local Scheme / Zone	City of Melville Local Planning No. 6 (LPS6) / ‘C1 – Centre’ zone with density code of ‘RAC-0’		
Property address	No.125 (Lot 500) Riseley Street, No.10 (Lot 52) Almondbury Road and No. 73 (Lot 99) Davy Street, Booragoon		
Site area	21.72ha		
Existing land use	Shopping Centre, cinema, library		
Landowner/s	Scentre Custodian Pty Ltd, Dexus Wholesale Property Ltd City of Melville		
Applicant/s	Urbis		
State Heritage	No - not on Register		
Local Heritage	N/A		
Bushfire prone area	NO		
Contaminated site	NO		

PART 17 / 11B SIGNIFICANT DEVELOPMENT PATHWAY	
Value of development	\$792 million
Referral pathway	Prescribed significant development
Design review	Not required
ATTACHMENTS	
A1 – Location and Zoning Plan A2 – WAPC approval notice A3 – Melville City Centre Land Exchange Agreement Deposited Plan A4 – Applicant cover letter A5 – Summary of public submissions and applicant response A6 – Detailed project delivery program (CONFIDENTIAL)	

EXECUTIVE SUMMARY

On 9 December 2024 an application to amend Condition 1 of the Western Australian Planning Commission's (Commission) 9 February 2023 approval for a shopping centre expansion at 125 (Lot 500) Riseley Street, No.10 (Lot 52) Almondbury Road and No. 173 (Lot 99) Davey Street, Booragoon (subject site) was received under Part 17 of the *Planning and Development Act 2005* (PD Act).

Condition 1 of the approval requires the development to be substantially commenced within 24 months of the date of the approval notice, being 9 February 2025. The application seeks to extend the substantial commencement period by four years, effective from the date of the Commission's approval, if granted.

The key considerations identified in assessing this application are as follows:

- whether the planning framework has changed substantially since the approval was issued;
- whether the proposal remains capable of approval; and
- whether the applicant has actively and relatively conscientiously progressed the development approval.

The application seeks only to extend the substantial commencement timeframe and does not amend the built form, approved land uses or other conditions of approval. The reasons the Commission supported the original application remain valid and therefore the development remains capable of approval.

The applicant has provided documentation demonstrating the steps that have been undertaken to implement the approval, affirming the proponent's ongoing commitment to the project despite significant challenges presented by current market conditions.

Given the scale and complexity of the project, a four-year extension is considered reasonable to achieve substantial commencement of the project. It is recommended the Commission approve the amendment of Condition 1 of the development approval, extending the substantial commencement period by an additional four years to 9 February 2029, taken from the substantial commencement date of the original approval.

RECOMMENDATION

That the Western Australian Planning Commission resolves to APPROVE the application to amend development approval (reference SDAU-017-20) for the proposed demolition of a library, partial demolition of a shopping centre, and the proposed expansion of a shopping centre and associated parking, landscaping and public realm works at No.125 (Lot 500) Riseley Street, No.10 (Lot 52) Almondbury Road and No.173 (Lot 99) Davy Street, Booragoon, in

accordance with s.279(6A) of the Planning and Development Act 2005, with Condition 1 of the approval dated 9 February 2023 (SDAU-017-20) being amended to read:

- 1. This decision constitutes planning approval only. If the development is not substantially commenced by 9 February 2029, the approval shall lapse and be of no further effect.**

Advice

- a. Other than amended Condition 1, all other conditions of the development approval dated 9 February 2023 remain applicable to this development.**

BACKGROUND

Existing Part 17 development approval

On 9 February 2023, the Commission granted approval for the proposed demolition of a library, partial demolition of a shopping centre, and the proposed expansion of a shopping centre and associated parking, landscaping and public realm works at 125 (Lot 500) Riseley Street, No.10 (Lot 52) Almondbury Road and No. 173 (Lot 99) Davey Street, Booragoon (subject site) under Part 17 of the PD Act. Condition 1 of the approval requires the development to be substantially commenced within 24 months of the date of the approval, being 9 February 2025. Refer **A2**.

Site Context

The approved development extends across three lots including No. 125 (Lot 500) Riseley Street, a portion of No. 10 (Lot 52) Almondbury Road and a portion of No. 173 (Lot 99) Davy Street, Booragoon. The majority of the works are proposed on No. 125 (Lot 500) Riseley Street, which has an area of 17.7 hectares and contains the existing Westfield Booragoon shopping centre. Refer **A1**.

Lot 99 (No. 173) Davy Street contains the Gateway building, a two-storey non-residential building and associated car parking. An agreement is in place between the landowners which will facilitate the relocation of Andrea Lane approximately 30 metres to the west resulting in the reconfiguration of car parking and vehicle access for the Westfield Booragoon shopping centre. No changes are proposed to the built form of the Gateway building.

Lot 52 (No. 10) Almondbury Road is owned by the City of Melville (the City). This land contains the City's Administration Offices, Melville Library, a war memorial and other public infrastructure. The Council has approved a proposed land exchange and the City has entered into a High Street Precinct Development Agreement and Land Exchange Agreement with the shopping centre owners in February 2022. These agreements facilitate the creation of a 'High Street' in accordance with the provisions of the Melville City Centre Structure Plan as well as redevelopment of a new library and cultural centre (LCC) and the relocation of the war memorial. Refer **A3**.

In March 2024, the City's Council approved a business case for the City's future LCC valued at close to \$60 million with construction anticipated to commence in mid-2026. The LCC will replace the existing Civic Square Library and form the focal point of the Melville City Centre 'High Street', which is interlinked with Scentre Group's redevelopment of the Westfield Booragoon shopping centre. In December 2024 the City of Melville was granted \$15 million worth of funding through the Federal Government's Thriving Suburbs Program for its future LCC.

The land exchange agreements, creation of the 'High Street' and the City's LCC are tied to the subject proposal. The progression of the approved expansion of the Westfield Booragoon centre will facilitate the straightening of the common boundary between the City's land and Westfield Booragoon, to create a public High Street in this location, and will contribute to the transformation of the overall precinct into a true town centre as envisaged within the Melville City Centre Structure Plan.

Planning Context

The subject site is located within the 'C1 – Centre' zone with a density code of 'RAC-0' under the City's Local Planning Scheme No. 6 (LPS6). The City commenced a review of LPS6 in 2021 and in 2022 the Commission considered the City's report of review and provided its support of the City's recommendation to review and amend existing LPS6, rather than adopt a new LPS. Draft amended LPS6 has progressed but is not yet a seriously entertained planning proposal, with the City anticipating its presentation to Council in Q3 2025 for consent to publicly advertise. It is understood that draft amended LPS6 does not contemplate any changes to the existing zoning or scheme provisions specific to the site.

The proposal is located within the Booragoon secondary centre (Booragoon precinct) and is subject to the 'Centre Core' provisions of the Melville City Centre Structure Plan (MCCSP), which expires in October 2025. There have been no amendments to the MCCSP since development approval was granted by the Commission on 9 February 2023. The City has applied to the Commission to extend the approval of the MCCSP, whilst it undertakes its comprehensive review and anticipated preparation of the Booragoon Precinct Structure Plan (BPSP), which is intended to replace the MCCSP as the relevant local planning framework instrument guiding the growth and development of the precinct. The application is pending Commission determination, at the time of preparing this report. The City undertook preliminary engagement in relation to the review in February 2025 and anticipates development of the draft PSP for the precinct to commence in mid-to-late 2025.

Legislative Framework

The introduction of Part 17 into the PD Act temporarily established the Commission as the decision-making authority for significant development applications to support the State's economic recovery from the COVID-19 pandemic. Part 17 provides the Commission with decision making abilities that support a more strategic assessment approach to significant developments that deliver broad economic, social and environmental benefits to the State.

In June 2022, the WA Parliament passed legislation to allow the Commission to consider applications to extend the substantial commencement period for proposals approved through the Part 17 pathway. Relevant to this proposal, this legislation was introduced to assist projects that are experiencing material supply challenges and labour shortages in the residential and commercial construction markets. In accordance with s.278 of the PD Act, an application can be made or determined even if the original proposal has lapsed. In such circumstances, the proposal comes back into effect when the application for a time extension is granted.

In accordance with s.279 of the PD Act, an owner or applicant can apply to the Commission to:

- extend the period specified in the approval;
- amend or remove any of the conditions imposed on the approval;
- amend any part or aspect of the approved development;
- amend the approval in any other way; or
- cancel the approval.

Further, s.279 of the PD Act specifies that only one application can be made and determined by the Commission relating to a request to extend the substantial commencement period specified in the approval.

As a result of these changes to the planning framework, the former Commission Chair, on behalf of the Commission, endorsed the following consultation process for applications that are seeking only to extend the period of substantial commencement:

- *Public consultation* – at a minimum, all those who made submissions on the original application, and owners and occupiers of properties abutting and directly adjacent to the site, will be invited to comment on the amended application. Consultation will be for a period of 14

calendar days.

- *Local Government and stakeholder consultation* – all stakeholders who made a submission on the original application will be invited to make comment on the amended application. Consultation will be for a period of 20 calendar days.
- *Decision-maker* – all applications to amend the substantial commencement period will be determined by the Commission.

As this proposal relates only to an amendment to the substantial commencement timeframe by modifying Condition 1, it is not open to the Commission to reconsider any other aspects of the original approval where there has been no change to the planning framework.

PROPOSAL DETAILS

On 9 December 2024, an application was received seeking approval to amend Condition 1 of the development approval for the subject site by extending the substantial commencement period by four years. No changes to the development plans are proposed. The application documents confirm the delivery of the project in two major stages and note that a further amendment application is envisaged to align the staging and delivery of the project in a manner which minimises financial and operative risks in the context of current and anticipated changing market and construction industry conditions.

The applicant's documentation consists of the following:

- Covering letter that summarises the steps completed to date and an explanation for the time extension request **(A4)**; and
- A commercial in confidence addendum with a detailed project delivery program for achieving substantial commencement of Stage 1 works **(Confidential A6)**.

In pursuing the proposed extension to the substantial commencement period, the landowner is seeking investment certainty to progress the review, detailed design and conditions clearances for the approved Stage 1 works. The applicant has provided an updated development program for the Stage 1 works as well as an overview of the project feasibility considerations, including the detailing of land tenure and major anchor tenant ownership changes, which in combination with current market and construction industry conditions, have contributed to the increased complexity in delivery of the project and the applicant's requested extension of time to achieve substantial commencement.

The steps taken by the applicant to implement the approval are discussed in further detail in the assessment section of the report.

CONSULTATION

Minister for Planning

In accordance with s.276(2) of the PD Act, the Minister for Planning was consulted regarding the subject development application. No submission was received.

State Government and Service Agencies

In accordance with s.276(6) of the PD Act, relevant State Government that made a submission in relation to the original development application were consulted. In summary:

- The Department of Biodiversity, Conservation and Attractions (DCBA) and the Public Transport Authority (PTA) did not provide a response.
- The Department of Transport (DoT) and Main Roads WA (MRWA) advised of no objection to the proposed amendment application.
- The Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries (DLGSCI-RGL) advised of no remarkable elements to note at this stage of the proposal and that any applications for licenses for any new or altered licensed premises at the centre would be assessed on their merits at the time of application.

- The Department of Water and Environmental Regulation (DWER) advised that it had no comments to provide in relation to the application.

Local Government

In accordance with s.276(4) of the PD Act the application was referred to the City of Melville (the City) for comment. While the Council of the City of Melville did not consider the development application, the City's officers provided an email response advising that the City has no comment or objection to the proposed amendment subject to the development approval containing the previous recommended conditions and advice provided by the City, a copy of which was attached to the email.

As the subject application seeks only to amend the substantial commencement period (Condition 1) no other changes are contemplated to the conditions or advice notes imposed on the Commission's original approval.

Public Consultation

In accordance with s.276(6) of the PD Act, the application was publicly advertised for a period of 17 calendar days, taking into consideration the Australia Day public holiday, concluding on 29 January 2025. Consultation letters were sent to the owners and occupiers of properties surrounding the site, and to those who made a submission on the original proposal. During the consultation period the application documents were made available for viewing via the 'Consultation Hub' on the Department of Planning, Lands and Heritage website.

A total of 20 submissions were received during the consultation period, with six submissions in support (30%), four submissions of support with changes (20%) and ten objections (50%).

Submissions received that supported the application commented on the community benefits that would be delivered by the centre's revitalisation. Most of the submissions of support with changes and the objections raised concerns that the time extension sought is too long and that the existing centre is tired and run down and in more urgent need of improvement. Other concerns that were raised included a lack of economic benefit at a time of increased housing stress and high cost of living pressures, the amount and availability of information available during public advertising, and the purported lack of communications between the landowner/centre management and existing tenants.

It is noted that all submissions have been read and provided to the Commission in full. The key themes and issues identified from the submissions are included together with the applicant's response to the submissions in **Attachment 5**.

DISCUSSION

The assessment is confined to the applicant's request to modify Condition 1 by extending the substantial commencement period by four years. Pursuant to s.269 of the PD Act, the term 'substantially commenced' means:

"...that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed."

Town planning case law, including decisions by the State Administrative Tribunal (SAT), provides guidance on the assessment of applications that are seeking to extend the substantial commencement period through a range of considerations, including:

1. whether the planning framework has changed substantially since the approval was issued;
2. whether the proposal remains capable of approval; and
3. whether the applicant has actively and relatively conscientiously progressed the development approval.

In a recent decision by the Commission relating to the extension of time for substantial commencement for a Part 17 development approval, consideration was also given to whether the applicant sought to 'warehouse' the development approval and whether the period for substantial commencement originally imposed was adequate.

Whilst these principles are not exhaustive, they provide useful guidance on the assessment of an application to extend the term of substantial commencement. Consideration of the proposal against these principles is outlined in further detail below.

Whether the planning framework has changed substantially since the approval was issued.

Local Planning Framework

Since the development approval was issued, there have been no Metropolitan Region Scheme or Local Planning Scheme amendments that relate to the development site. The applicable provisions of the City's LPS6 and MCCSP specific to the site remain operative and unchanged since the Commission's approval of the original development application.

State Planning Policy 4.2 – Activity Centres

State Planning Policy 4.2 (SPP4.2) was released in June 2023, after the approval for the centre's expansion and refurbishment was issued. A draft of SPP4.2 was considered as part of the assessment of the original application, with the development deemed consistent with the key draft policy provisions.

Under SPP4.2, any secondary activity centre expansion should be guided by an adopted precinct structure plan. In this case the approved development remains consistent with the adopted MCCSP to the same extent as previously considered by the Commission. The scale of the development is consistent with that envisaged for a secondary centre under SPP 4.2, aligning with the intended activity centre hierarchy, providing a mix of retail and commercial land uses, within an accessible secondary centre. The approved development is considered to be consistent with SPP4.2.

Whether the development is capable of approval.

There have been no changes to the planning framework that would alter the zoning or built form applicable to the site. As the application proposes only to extend the substantial commencement timeframe and does not amend the built form, approved land uses or other conditions of approval, the proposal remains consistent with the most recent determination. As the reasons the Commission supported the original application still apply, the development remains capable of approval.

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

Since obtaining development approval, the proponent has outlined that the following steps have been undertaken to progress the development approval:

- The establishment of the Westfield Booragoon Elder Reference Group in mid-2023 to develop cultural content and explore its integration into the site design;
- Key major and specialty retail partner engagements on critical pre-leasing agreements;
- The completion of several extensive project review phases and ongoing design development options in response to changing market conditions;
- Commissioning specialist design consultants including structural and civil, building services, landscape, BCA and sustainability, fire engineering, acoustic engineering, façade, and traffic engineering to progress detailed design;
- Engaging with key trade contractors to determine direct market feedback on cost and delivery capacity; and

- Continued to work with the City including physical works associated with the City's existing HVAC plant (by the City) which enables the Agreement for Exchange of Land to progress to facilitate access to the land for development.

The application affirms the proponent's ongoing commitment to the project despite significant challenges presented by current market conditions. Accordingly, it can be concluded that the applicant has not sought to 'warehouse' the approval.

Substantial Commencement Period

The application to extend the substantial commencement timeframe by four years is based upon the revised delivery programme for Stage 1 provided in support of the proposal (refer **Confidential A6**). These key milestones include:

- Project review testing, market engagement and retailer pre-commitment finalisation by Q4 2027;
- Construction documentation completed by Q3 2028;
- Final pre-commencement approval achieved Q4 2028;
- Substantial commencement of Stage 1 works by February 2029.

The application form accompanying the application indicates no change to the estimated cost of the development arising from the proposed amendment to the approval, being \$792 million. The following observations are made in relation to the outlined timeline:

- The key milestones provided by the applicant are based on a decision being made by the Commission in February 2025.
- The details and scope of amendments to the development plans have not been specified in this application and will be subject to separate consideration at a later time. It is noted that there is no limit to the number of amendment applications that can be sought under Part 17, that do not relate to substantial commencement, and these will be determined on their merits;
- The timeframes have generous contingencies incorporated into intended milestones;
- In implementing the approval, further permits and approvals, and the satisfaction of the terms of the Land Exchange Agreement with the City, are still required. This represents a reasonable timeframe to achieve these milestones.

The Commission approved the original application on the basis that development would be undertaken in two stages, with the applicant intending to open parts of the redeveloped centre progressively, while construction is still occurring on other portions of the site. While it was envisaged that a substantial commencement period of 24 months was sufficient at the time of approval, factors beyond the applicant's control, including labour market constraints and a volatile construction market, as well as the Land Exchange Agreement and interdependencies with the creation of the future city centre high street and LCC project, have led to delays in achieving the planned project milestones and have necessitated further investigation into ways to maintain the project's feasibility and delivery.

The proposed four-year extension to achieve substantial commencement has been considered in the context of recent extensions of time granted by the Commission for other projects approved via the Part 17 pathway, including the \$1.088 billion Cockburn Gateway shopping centre expansion (five-year extension to original three-year substantial commencement period) and the \$311 million St John of God Hospital expansion (two-year extension to original three-year substantial commencement period). Within the context of these approvals, the proposed four-year extension to an original two-year substantial commencement period is considered reasonable, having regard to the scale and complexity of the proposal.

Section 279(6A) of the PD Act allows for one extension of time to an application approved under s.274 of the PD Act. The requested timeframe extension of four years provides sufficient flexibility should further unforeseen construction delays occur, while ensuring the proposal can be implemented. This

is considered reasonable in the current climate and given that, under s.279 of the PD Act, no further extensions to the substantial commencement period may be sought. While the extension of time being sought could be regarded as considerable, it is open to the Commission to approve an extension of a greater or lesser period.

CONCLUSION

The amendment application for the approved expansion and partial redevelopment of the Westfield Booragoon shopping centre has been assessed against the applicable planning framework and the relevant matters set out under Part 17 of the PD Act.

Ongoing disruptions to the construction industry and market volatility have contributed to the delay of the implementation of the project. However, the applicant has satisfactorily demonstrated a commitment to proceed with the development and has provided an updated works program demonstrating the proposal can achieve substantial commencement within the requested timeframe extension. For these reasons a four (4) year extension to the substantial commencement period is considered reasonable to ensure the project can be delivered in a timely manner while allowing for some unforeseen delays. The proposed extension will also facilitate the completion of the complex and interdependent land exchange agreement with the City. This will facilitate the delivery of the LCC project together with the shopping centre expansion to create a true town centre, as envisaged by the Melville City Centre Structure Plan.

The City of Melville has indicated no objection to the proposed extension of time and has provided its consent to the application as landowner of Lot 52 (No.10) Almondbury Road. Whilst the majority of public submissions were critical of the ongoing delays to the shopping centre expansion a four-year extension is considered reasonable given the scale and complexity of the project.

For these reasons it is recommended that the Commission approve the modification to Condition 1, to extend the timeframe to achieve substantial commencement of the development by four years to 9 February 2029.

Attachment 1

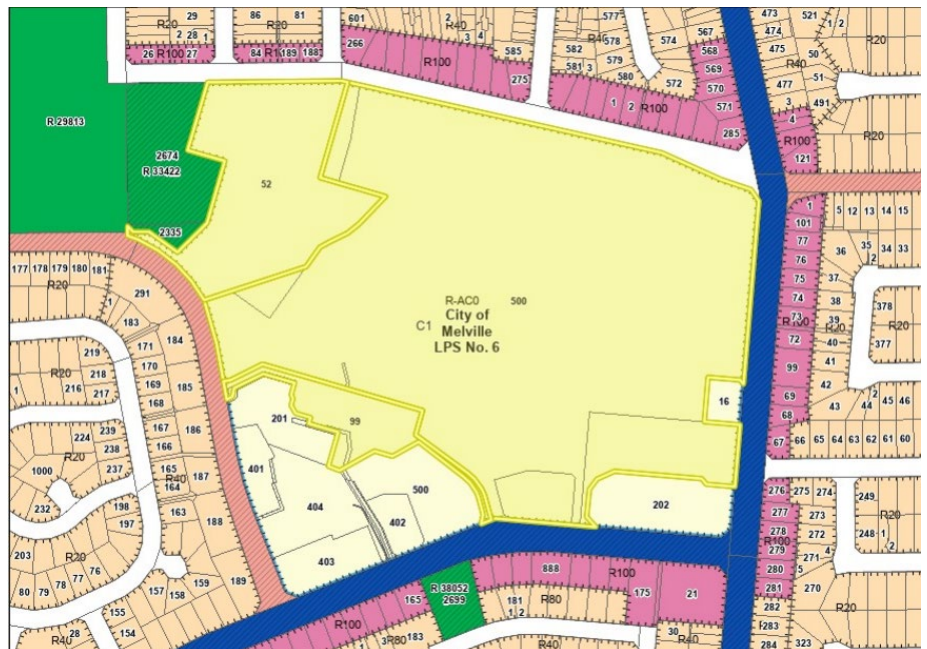
Location and Zoning Plan



City of Melville Local Planning Scheme No. 6

Legend

- Cadastre (View 1)
- LPS Boundary
- LPS R-Code Boundary
- Region Scheme Reserves**
 - Regional open space
- LPS Zones and Reserves**
 - Centre
 - District distributor road
 - Local distributor road
 - Local road
 - Mixed use
 - Public open space
 - Residential



Melville City Centre Structure Plan





SDAU Ref: SDAU-017-21
Enquiries: Katrina Shooobridge (6551 9618)

Mr Kris Nolan
Urbis
Level 14, 1 William Street
Perth WA 6000

Dear Mr Nolan

APPROVAL OF SIGNIFICANT DEVELOPMENT APPLICATION – SHOPPING CENTRE EXPANSION, BOORAGOON - 125 (LOT 500) RISELEY ST, 10 (LOT 52) ALMONDBURY RD AND 173 (LOT 99) DAVY ST, BOORAGOON.

WAPC Ref:	SDAU-017-21
Property Location:	No.125 (Lot 500) Riseley Street, No.10 (Lot 52) Almondbury Street and No. 173 (Lot 99) Davy Street, Booragoon.
Application Details:	Proposed demolition of a library, partial demolition of a shopping centre, and the proposed expansion of a shopping centre and associated parking, landscaping and public realm works.

Thank you for your Form 17B Application for Development Approval, plans and technical documents submitted to the Department of Planning, Lands and Heritage on 22 November 2022 for the above-mentioned proposed development.

This application was considered by the Western Australian Planning Commission (the Commission) at its meeting held on 09 February 2023, where in accordance with section 274(2) of the *Planning and Development Act 2005*, it was resolved to **approve** the application subject to conditions, as per the attached Notice of Determination.

Should the applicant not be satisfied by this decision, an application can be made to the Commission to amend or remove any of the conditions imposed on the approval; or to cancel this development approval in accordance with section 279 of the *Planning and Development Act 2005*. Please also be advised that there is a right of review through the State Administrative Tribunal in accordance with section 283 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

The Commission is responsible for the clearance of any conditions of approval. The Commission's clearance may be required before any site works commence and will be required prior to an application being made to a permit authority for a demolition or building permit.

Should you have any queries with respect to the conditions of approval, or the process for the clearance of conditions, please contact Katina Marchbank on 6551 9568 or via email Katrina.Shoobridge@dplh.wa.gov.au.

Yours sincerely



Ms Sam Fagan
Secretary
Western Australian Planning Commission

24/02/2023

Att: Notice of Determination
Approved Plans

Planning and Development Act 2005
Section 274(2)

APPROVAL OF FORM 17B SIGNIFICANT DEVELOPMENT APPLICATION

WAPC Ref: SDAU-017-21
Property Location: No.125 (Lot 500) Riseley Street, No.10 (Lot 52) Almondbury Street and No. 173 (Lot 99) Davy Street, Booragoon.
Application Details: Proposed demolition of a library, partial demolition of a shopping centre, and the proposed expansion of a shopping centre and associated parking, landscaping and public realm works.

That the Western Australian Planning Commission resolves to **APPROVE** development application reference SDAU-017-20 and accompanying plans and documents (date stamped 22 November 2022) for the proposed demolition of a library, partial demolition of a shopping centre, and the proposed expansion of a shopping centre and associated parking, landscaping and public realm works at No.125 (Lot 500) Riseley Street, No.10 (Lot 52) Almondbury Street and No. 173 (Lot 99) Davy Street, Booragoon in accordance with s.274 of the *Planning and Development Act 2005*, subject to the following conditions:

Conditions

Approval Timeframe

1. This decision constitutes planning approval only and is valid for a period of 24 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Conformity with Plans

2. The development is to be undertaken in accordance with the approved plans and documents (date stamped 22 November 2022) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage (condition clearance stage), to the satisfaction of the Western Australian Planning Commission.
3. Prior to submission of the relevant building permit application, revised plans are to be submitted to the satisfaction of the Western Australian Planning Commission, which demonstrate the following:
 - a. the delineation of street furniture, street lighting, awnings and shade structures that adjoin the 'High Street' and town square;
 - b. active frontages to all ground level tenancies facing the area designated 'High Street' and 'Entertainment and Leisure Precinct';
 - c. building facades facing the 'High Street' and Almondbury Road are to have transparent (not frosted, reflective, heavily tinted or similar) glazing and bi-fold windows and/or doors oriented to the street;

- d. the materials and design of the Almondbury Road / 'High Street' frontage including the visual enhancement of blank walls and service areas;
 - e. the 'High Street' road has been designed and will be constructed to a 'public road' standard; and
 - f. the inclusion of 50 bicycle parking bays and associated end-of-trip facilities located within the southern section of the development.
4. Prior to the submission of the relevant building permit application, a copy of the final working drawings (prepared for submission of a building permit application) and all associated plans, reports and information that address the conditions of approval are to be submitted to and approved by the Western Australian Planning Commission.
 5. Prior to the occupation of any part of the development, Lot 500 Riseley Street and affected portions of Lot 52 Almondbury and Lot 99 Davy Street, Booragoon are to be legally amalgamated on one Certificate of Title, or a suitable alternative, at the expense of the owner, to the satisfaction of the Western Australian Planning Commission.

Land Use

6. Should the proposed 'Tavern' and 'Child Care Premises' be constructed as part of the development; they are to be located as shown and/or annotated on the development plan 01.0813 (Rev G).
7. This approval is for 'Cinema / Theatre', 'Consulting Rooms', 'Convenience Store', 'Fast Food Outlet / Lunch Bar', 'Market', 'Medical Centre', 'Office', 'Recreation - Private', 'Restaurant / Café', 'Shop', 'Bulky Goods Showroom' and 'Veterinary Centre' as defined under the City's Local Planning Scheme No. 6.

Construction

8. Prior to the commencement of development, a dilapidation report prepared by a suitably qualified professional shall be submitted to, and approved by, the Western Australian Planning Commission on advice from the City of Melville, detailing the current condition and status of all buildings, surrounding paved areas and ancillary structures located on, but not limited to, the following properties:
 - a. 8 Bragor Place, Ardross
 - b. 31 - 37 (inclusive) Almondbury Road, Ardross
 - c. 123 Riseley Street, Ardross
 - d. 547 Marmion Street, Booragoon
 - e. 551 -555 (inclusive) Marmion Street, Booragoon
 - f. 173-175 (inclusive) Davy Street, Booragoon and
 - g. 10 Almondbury Road, Booragoon (Council Administration Offices).
9. Prior to submission of the relevant building permit application, a Construction Management Plan is to be submitted to, and approved by, the Western Australian

Planning Commission on advice from the City of Melville. The Construction Management Plan is to have regard to the City of Melville Local Planning Policy 1.22 Construction Management Plans and address (but not limited to) the control of vibration, dust, noise, waste, sand and sediment; temporary fencing; hoardings and gantries; site access/egress; deliveries of construction materials; heavy construction machinery; parking for contractors and tradespersons; traffic control. The approved plan shall be implemented and adhered to at all times during the construction phase, unless otherwise approved by the Western Australian Planning Commission, on advice from the City of Melville.

10. Prior to the commencement of site works for each stage of the development, a Tree Protection Plan, establishing tree protection zones as per Australian Standard AS4970-2009, detailing the protection and care of retained and relocated site and verge trees during construction, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Melville, and thereafter implemented.
11. The existing street trees together with the nominated existing on-site trees as detailed within the Landscape Strategy prepared by Urbis (date stamped 28 November 2022) are to be retained and protected during development works with in accordance with the approved tree protection plan and maintained during the construction period to the satisfaction of the Western Australian Planning Commission, on advice from the City of Melville.

Design, Materials and Finishes

12. The development is to be constructed with high quality and durable external materials and finishes, with final details (including colour swatches or material samples) being provided prior to applying for the relevant building permit, to the satisfaction of the Western Australian Planning Commission.
13. Prior to the occupation of the development, a Graffiti Management Plan shall be submitted to and approved by the Western Australian Planning Commission. Once operational, the development shall be managed in accordance with the approved Graffiti Management Plan unless otherwise agreed to by the Western Australian Planning Commission.
14. All external facing service infrastructure, service area doors, electrical transformers, air-conditioning condensers and building plant are to be integrated into the design of the development or screened to minimise any visual or noise impacts on residential properties and the public realm, with final details being submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application/s.

Landscape and Public Realm

15. Prior to the submission of the relevant building permit application, detailed Landscape Plans, including hard and soft landscape specifications and reticulation details, aligned with the Landscape Strategy prepared by Urbis (date stamped 28 November

2022) and the approved Development Plans, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Melville.

16. Landscape areas for each stage of the development are to be completed in accordance with the final approved Landscape Plans prior to occupation of each stage of the development, and thereafter maintained by the owners or operators of the development, to the satisfaction of the Western Australian Planning Commission. Any species which fails to establish within the first two planting seasons following implementation shall be replaced to the satisfaction of the Western Australian Planning Commission.
17. The Universal Access Report prepared by BCA consultants, date stamped 16 December 2022, must be updated to reflect the final updated working drawings. The final report is to be submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application/s.
18. Prior to the submission of the relevant building permit application, a lighting plan shall be provided by a suitably qualified consultant and approved in writing by the Western Australian Planning Commission demonstrating that lighting is to be provided to all car parking areas, building facades and external public spaces in accordance with the relevant Australian Standard AS 1158.3.1. Prior to the occupation of the development the applicant shall demonstrate the lighting has been installed in accordance with the approved plan.

Sustainability and Water

19. Prior to the submission of the relevant building permit application for each stage of the development, a Stormwater Management Plan detailing stormwater management in accordance with water sensitive urban design principles, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Melville, and thereafter implemented.
20. The development is designed and constructed to achieve a 5 Star Green Star design rating by the Green Building Council of Australia or a demonstrated equivalent. All recommendations contained within the Sustainable Design Strategy prepared by Full Circle Design Services and date stamped 30 November 2022 are to be implemented in full. Prior to submission of the relevant building permit application, an updated sustainability report which demonstrates the development will achieve an equivalent sustainability design rating is to be submitted to the satisfaction of the Western Australian Planning Commission.
21. Prior to the occupation of each stage of the development, documentation from a suitably qualified professional is to be provided certifying that all applicable sustainability initiatives identified in the approved Sustainability Report have been implemented in the construction of that stage, to the satisfaction of the Western Australian Planning Commission.

Transport, Access and Parking

22. Prior to the submission of the relevant building permit application, detailed designs for the site access, road and intersection improvements consistent with the SLR Consulting Transport Impact Assessment (date stamped 28 November 2022) and Roadworks Plans prepared by BG&E Engineering (BGC-73.6023 -Rev G), shall be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Melville, Main Roads WA and the Department of Transport, subject to the following modification:
 - a. The proposed zebra crossing on Almondbury Road is to incorporate fencing, or another design measure, on the northern side of the street to guide pedestrians from the existing footpath on Bragor Place to the new crossing point.
 - b. The Almondbury Road roundabout, in proximity to the signalised intersection, is designed to minimise any queuing impacts on to Riseley Street.

Suitable arrangements are to be made for the completion and/or implementation of approved works prior to the occupation of the development to the satisfaction of the Western Australian Planning Commission, on advice of the City of Melville and Main Roads WA.

23. Prior to the commencement of the relevant stage of development an independent Road Safety Audit for each intersection or road upgrade is to be prepared and submitted to and approved by the Western Australian Planning Commission on advice from the City of Melville. Unless otherwise agreed, the recommendations of the Road Safety Audit are to be implemented to the satisfaction of the Western Australian Planning Commission.
24. Prior to the submission of the relevant building permit application, a Green Travel Plan shall be submitted to and approved by the Western Australian Planning Commission on the advice of the Department of Transport and City of Melville. The measures identified in the approved Travel Behaviour Change Plan shall be reviewed annually and implemented to the satisfaction of the WAPC.
25. Prior to submission of the relevant building permit application, a Parking Management Plan which incorporates the Transport Impact Assessment prepared by SLR Consulting (dated stamped 28 November 2022) as well as any changes that may be required as part of the final Green Travel Plan, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Melville and Department of Transport. Once operational, all parking on site shall be managed in accordance with the approved Parking Management Plan.
26. Prior to the submission of the relevant building permit application, a Loading and Servicing Management Plan shall be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Melville. The development shall thereafter operate in accordance with the approved Loading and Servicing Plan unless otherwise approved.
27. Prior to the occupation of the development, certification shall be provided by a suitably qualified professional confirming that all car parks, vehicle access-ways and bicycle bays have been constructed in accordance with Australian Standards AS2890.1 and AS2890.3 and are consistent with the approved plans, to the satisfaction of the Western Australian Planning Commission.

All car parking spaces and access aisles shall be thereafter maintained to the satisfaction of the Western Australian Planning Commission, on advice from the City of Melville.

28. Prior to the occupation of the development, all bicycle parking and associated end-of-trip facilities shall be installed and operational. The provision of bicycle parking bays, associated bicycle infrastructure and end-of-trip facilities (including showers and clothes lockers) for staff and visitors shall be provided as indicated on the approved development plans and retained in perpetuity and maintained for the life of the development, to the satisfaction of the Western Australian Planning Commission on advice from the City of Melville.

Operational Management

29. Prior to the occupation of any development fronting the 'High Street', a Place Management Plan for the 'Entertainment and Leisure Precinct', detailing effective management of events, alfresco areas, entertainment noise, deliveries and service vehicles, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Melville. The plan is to be implemented and complied with for the duration of the development.
30. Prior to submission of the relevant building permit application, the Acoustic Report prepared by Stantec (dated stamped 5 November 2021) is to be updated to reflect the approved development plans and approved land uses, and detail effective management of noise ingress and egress for the proposed childcare centre, all hospitality venues, veterinary centre, loading docks, and mechanical services, plant and equipment associated with the development. The final report is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Melville.
31. Prior to the occupation of the development, the final plans shall be certified by a qualified acoustic consultant confirming the development incorporates the recommendations outlined in the approved Acoustic Report.
32. The development shall be constructed and operated in accordance with the Waste Management Plan prepared by Talis Consultants (date stamped 11 January 2023), and Local Planning Policy LPP1.3 Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments, to the satisfaction of the Western Australian Planning Commission.
33. Prior to the occupation of the development, a Shopping Trolley Management Plan shall be submitted to the satisfaction of the Western Australian Planning Commission on advice of the City of Melville. Once operational, the development shall operate in accordance with the approved Shopping Trolley Management Plan unless otherwise agreed by the Western Australian Planning Commission.

Signage

34. Prior to the installation of any external signage a signage strategy shall be submitted to the satisfaction of the Western Australian Planning Commission on advice from the City of Melville, which demonstrates there is no adverse impact on road safety and the amenity of nearby residential areas. The strategy shall be prepared in accordance with the City of Melville Policy CP-093 Outdoor Advertisements and Signage and is to include details of the following:
 - a. The location, size and format of any signage to the building exterior;
 - b. The operation of the large format digital signage, including but not limited to signage content, illumination, operating hours and dwell times;
 - c. Signage to promote and guide wayfinding; and
 - d. Signage to external facing tenancies, particularly those in the "Entertainment and Leisure Precinct" and along the 'High Street'.

Once approved, the signage strategy informs the provision of all signage proposed to the external façade of the development. The approved strategy shall be implemented and adhered to at all times, unless otherwise approved by the Western Australian Planning Commission, on advice from the City of Melville.

Other

35. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so as not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Western Australian Planning Commission and are to be removed prior to initial occupation of the development.

Advice Notes

- a. This is a development approval only. It is the applicant/owner's responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and licence or permit requirements that may relate to the development. Please contact the City of Melville for further advice on building, health, engineering and road reserve requirements.
- b. With regard to Condition 2, the final working drawings are to comply with all of the relevant conditions of development approval, and any variations from the approved plans are required to be clearly identified. Once the Commission is satisfied that the working drawings and information are consistent with the approved development plans and conditions of approval, the Commission will provide a clearance letter and copies of the working drawings to the City of Melville to assist with the issuing of a building permit.

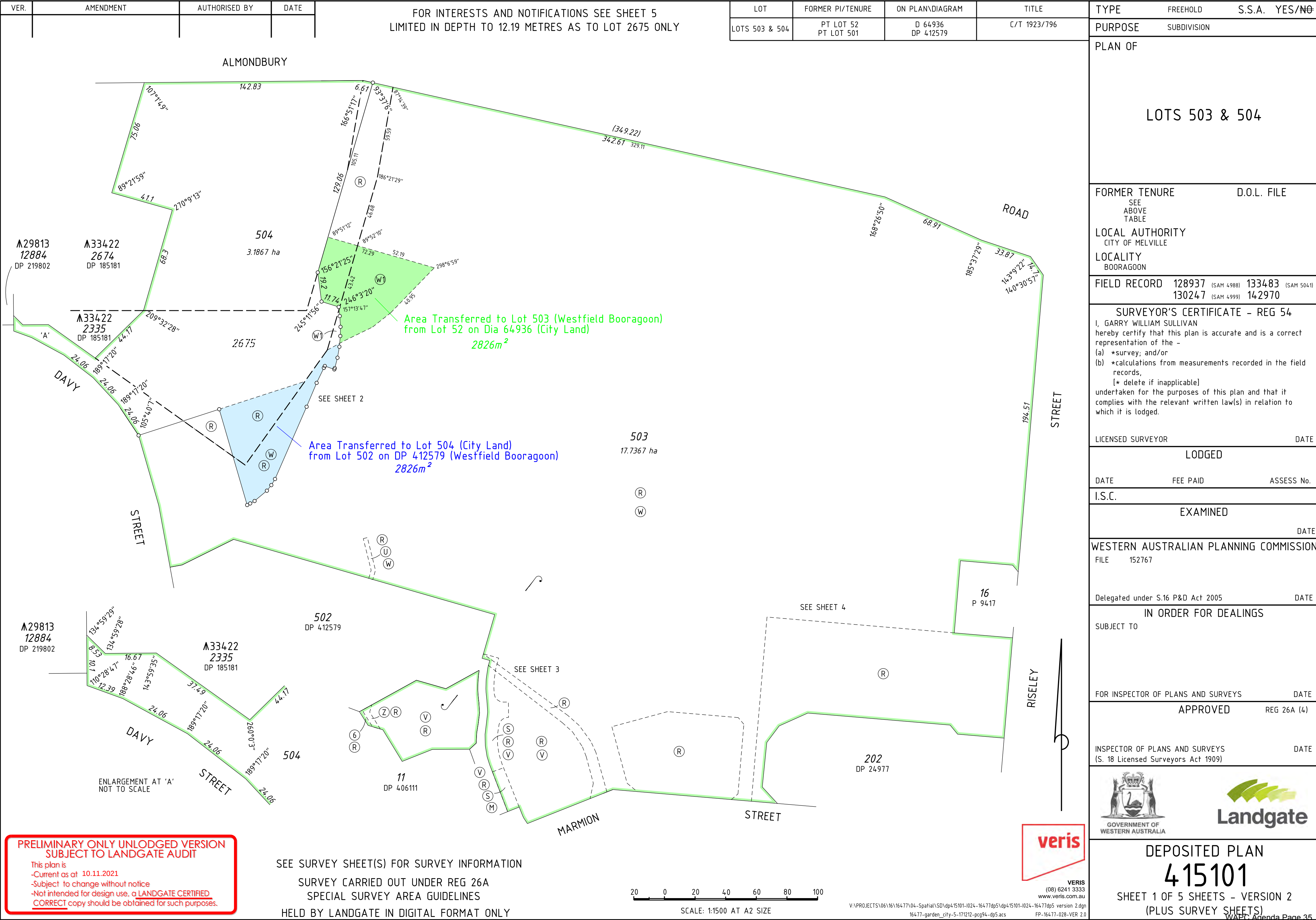
Where works and/or building permits are proposed to be staged, the Commission may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for the Commission's approval.

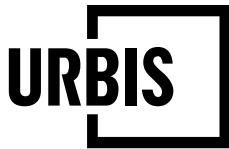
Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Staging Matrix. In an instance where interim documents or plans are accepted by the Commission, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.

- c. With regard to Condition 3, the working drawings are to outline all pedestrian access improvements including the proposed 2.5m wide footpath to Almondbury Road and Marmion Street, as recommended in the Traffic Impact Assessment prepared by SLR Consulting v4.0 (date stamped 28 November 2022). Active street frontages include all ground level tenancies fronting the 'High Street' that include a fully operational pedestrian entry door(s) providing access and egress to and from the 'High Street'. The entry/egress doors shall remain in use during operational trading hours.

- d. With regard to Condition 6, the maximum patron numbers associated with the 'Tavern' use are to accord with the numbers set out in the final approved Acoustic Report.
- e. With regard to Condition 15, the Landscaping Plan is to outline (but not be limited to) the following:
 - o The location, number and type of proposed trees and shrubs including planter size and planting density;
 - o Any lawns to be established;
 - o Any existing vegetation and/or landscaped areas to be retained;
 - o Locations of all street trees, including those proposed to be removed;
 - o Location of proposed street tree replacement;
 - o The provision of additional trees within the 'High Street';
 - o The provision of water features and other hard landscaped features; and
 - o All verge treatments.
- f. With regard to Conditions 15 and 16, any proposed landscape works outside the development lot boundaries will require consent from the City of Melville as the landowner / manager, prior to implementation. Any street tree removal may require payment of costs to the local government.
- g. With regard to Condition 20, the updated sustainability report is to include details of photovoltaic cells and electric vehicle charging points.
- h. With regard to Condition 22, MRWA has recommended that the roundabout meet the current design standards of the Guide to Road Design (GRD) Part 4 and Main Roads supplements (i.e. approach entry treatments, lane widths on the approaches and circulating carriageway, central island, splitter islands areas, etc).
- i. With regard to Condition 23, the Road Safety Audit is to have regard to the City of Melville Policy CP-034 Road Safety Audit and is to be prepared in consultation with representatives from Main Roads WA and the City of Melville.
- j. With regard to Condition 24, the Green Travel Plan should:
 - o be prepared with regard to Department of Transport's Parking Guidelines for Large Shopping Centres and Travel Plan Guideline for Large Shopping Centres.
 - o include parking and charging facilities for eRideable devices in suitable locations across the development site to increase modal options.
- k. With regard to Condition 25, the Parking Management Plan is to include, but not be limited to, the allocation and management of customer/visitor, staff and special use car, motorcycle and bicycle parking facilities.
- l. With regard to Condition 34, the signage strategy for the Large Format Digital Sign is to specify (but not be limited to) the following:

- The minimum dwell time for any advertisement to be set at 90 seconds;
 - Any proposed illumination to not exceed 150cd.m² (candela per square metre) between sunset and sunrise;
 - No display content to be predominantly red, green or amber;
 - The display content to exclude colours and shapes that may be mistaken for a traffic signal, traffic signs or instruction signs;
 - Must not flash, pulsate or chase; and
 - Must not contain fluorescent, reflective or retro reflective colours or materials.
- m. Prior to the occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owner's cost in accordance with the requirements of the City of Melville.
- n. Prior to commencement of site works, a crossover application shall be submitted to the City of Melville's Technical Services Department. The crossover shall be designed and constructed in accordance with the specifications of the City of Melville.
- o. The applicant should consider any requirements for referral of the proposal under the Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC Act) in relation to potential impacts on threatened black cockatoo habitats.
- p. The applicant should consult with the Public Transport Authority regarding any potential impacts on Booragoon Bus Station, or any proposed bus route changes or route realignments.
- q. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the Planning and Development Act 2005.
- r. With regard to Condition 15, a statement is to accompany the landscaping plans outlining how Aboriginal engagement has contributed in the preparation of the landscaping plan and the interpretation of native planting strategy.
- s. The applicant is to implement the recommendations of the Crime Prevention Through Environmental Design report date stamped 15 August 2022 in satisfying conditions 3, 18 and 29.





LEVEL 8
1 WILLIAM STREET
PERTH WA 6000

URBIS.COM.AU
 Urbis Ltd
 ABN 50 105 256 228

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
09-Dec-2024	SDAU-017-20

15 October 2024

State Development Assessment Unit
 Department of Planning, Lands and Heritage
 140 William Street
 Perth WA 6000

ATTENTION: Paola Di Perma – Planning Director

Dear Paola,

APPROVED SHOPPING CENTRE EXPANSION, BOORAGOON (SDAU REF: SDAU-017-21) - FORM 17C APPLICATION TO EXTEND THE SPECIFIED PERIOD FOR SUBSTANTIAL COMMENCEMENT

Urbis, on behalf of our client Scentre Group (**Proponent**) wish to submit this Form 17C request to extend the specified period for substantial commencement by four (4) years. This letter sets out further background and detail in support of this application.

Specifically, this request refers to the proposed redevelopment of Westfield Booragoon (SDAU-017-21) which the Western Australia Planning Commission (**WAPC**) approved on 24 February 2023 under Part 17 of the *Planning and Development Act*. This approval currently requires substantial commencement prior to the 24th of February 2025.

The following attachments have been included in this application, in accordance with the State Development Assessment Unit (**SDAU**) lodgement requirements:

- A completed and signed SDAU Form 17C – Significant Development.
- Current copies of the Certificate of Title for the subject lots.
- The original WAPC determination notice and accompanying plans.

Urbis understands that there is an application fee of \$295, this will be paid at the time the amendment is lodged with the SDAU.

SUBJECT SITE

Westfield Booragoon is the predominant landholding in the Booragoon secondary activity centre within the City of Melville local government area. **Table 1** below presents the lot particulars for the subject site.

Table 1 – Subject Site Lot Particulars

Lot	Plan / Diagram	Volume / Folio	Area (ha)	Address	Landowner	Description
500	411271	2931/477	17.7	125 Riseley Street	Dexus Wholesale Property Limited Scentre Custodian Pty Limited	Westfield Booragoon
52	064936	1923/796	3.1864	10 Almondbury Road	City of Melville	City of Melville Civic Land & Buildings
99	80350	Refer to Strata Plan 23769	0.9197	173 Davy Street	Strata Lot 23769	Gateway Business Centre (Andrea Lane)

Refer to the enclosed letters confirming landowner consent to make this application.

BACKGROUND

The proposed redevelopment of Westfield Booragoon includes:

- The partial demolition of the eastern portion of Westfield Booragoon.
- An overall increase of net lettable area (**NLA**) from 67,379sqm to approximately 110,000sqm.
- Entertainment and Leisure Precinct including expanded and upgraded cinema complex, entertainment offers, numerous food and beverage tenancies and a tavern linking through to a new high street and the existing City of Melville Administration building.
- Retail expansion including a, relocated and expanded Woolworths, new east-west mall extension and numerous mini-major and specialty retail tenancies, as well as food specialty.
- An upgraded fashion precinct located within the southern portion of the site towards Marmion Street, including a relocated and expanded David Jones, southern mall extension and numerous mini-major and specialty retail tenancies.
- New rooftop and undercroft carparking.

The approved redevelopment is planned to be completed in two main stages.

Land Uses

The approved redevelopment accommodates a range of land uses as defined by the City of Melville Planning Scheme No.6 (**LPS6**) including,

- Child Care Premises
- Cinema / Theatre
- Consulting Rooms
- Convenience Store
- Fast Food Outlet / Lunch Bar
- Market
- Tavern
- Medical Centre
- Office
- Recreation – Private
- Restaurant / Café
- Shop; and
- Bulky Goods Showroom

PROPOSED AMENDMENT

The challenging conditions facing the development and construction industry in recent years have been well documented and are ongoing. Builders and key trades continue to confront labour shortages and supply chain issues which is generating significant cost and delivery uncertainty. These conditions are not unique to Western Australia, or even to Australia more broadly.

Due to these extenuating circumstances the Proponent is unable to achieve substantial commencement within the currently specified period.

As a result of these changing market conditions Scentre Group have undertaken several extensive project reviews to test and refine the appropriate composition and staging of the proposed redevelopment. This work is ongoing and is concurrent with ongoing key tenant and end user stakeholder engagement. Extending the specified period for substantial commencement provides the investment certainty for this critical pre-development work to continue.

Thus, an extension to the substantial commencement period by 48 months (4 years) is sought. No other variation to the balance of approval conditions, approved uses, or the approved design are proposed within this application. We expect to pursue further amendment applications in the future to modify some design and staging elements. This is still work in progress and partially linked to ongoing key tenant engagement.

PLANNING FRAMEWORK

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (**MRS**) and is zoned 'Centre – C1' under LPS6. There have been no relevant changes to the zoning or scheme provisions applicable to the subject site since the WAPC issued the original approval on 24 February 2023.

Within the Melville City Centre Structure Plan, the subject site is located within both the 'Highstreet; and 'Garden City' core. There have been no amendments to the Melville City Centre Structure Plan since the WAPC issued the original approval on 24 February 2023. While it is acknowledged that the City of Melville has advertised a review of LPS6, no changes to the local planning framework which would affect the validity of the development on the subject site were proposed.

PLANNING ASSESSMENT

To assist with consideration of the enclosed application we are pleased to provide further context on the following matters,

- Whether modifications, regardless of the nature/extent, have occurred to the planning framework since the development approval was granted.
- Whether the development is capable of approval.
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.
- Whether the period for substantial commencement originally imposed was adequate.
- Whether the applicant sought to 'warehouse' the development approval.

These matters are addressed below.

Point 1 & 2 – Would the Development Receive Approval Under the Current Planning Framework

The planning framework as it relates to the subject site is materially unchanged since the submission of the development application to the SDAU. Whilst the updated 'State Planning Policy 4.2 – Activity Centres' (**SPP 4.2**) has come into effect since the submission of the development application, the original application and assessment had regard to the draft version of the policy. With the gazetted policy not containing any substantive change that would result in a different outcome in assessment.

As such, if the development application were to be resubmitted under the current planning framework, it would be capable of approval. In this context, an extension to the specified period for substantial commencement is the most appropriate approach. Alternatively allowing the approval to lapse and requiring the Proponent to resubmit essentially the same application simply undermines the investment certainty and unnecessarily prolongs the realisation of the economic benefit that the approved proposal will generate.

Point 3 – Actively and Conscientiously Pursued Implementation

Since the original WAPC determination in February 2023, pre-development work has been actively and conscientiously progressed in an ongoing effort to bring the project to fruition. This has included,

- The establishment of the Westfield Booragoon Elder Reference Group in mid-2023 led by Elder Uncle Neville Collard to develop cultural content and to explore its integration into the site design. This extended in conjunction with ongoing design work to include the development of a plan of key relationships both inside the development (the integration of story nodes and ways with the functional requirements of the development) and outside it (with reference to key story lines, key local and regional relationships). This work was focused on ensuring that the cultural messages are coherently organised and related to one another and to the functionalities of the site.
- Key major and specialty retail partner engagements on critical pre-leasing agreements.

- The completion of several extensive project review phases and ongoing design development options in response to changing market conditions.
- Commissioning specialist design consultants including structural and civil, building services, landscape, BCA and sustainability, fire engineering, acoustic engineering, façade, and traffic engineering to progress detailed design.
- Engaging with key trade contractors to determine direct market feedback on cost and delivery capacity, and
- Continued work with the City of Melville including physical works associated with the City's existing HVAC plant (by the City) which enables the Agreement for Exchange of Land to progress to facilitate access to the land for development.

The ongoing pre-development investment and market engagement is a clear demonstration of Scentre Groups commitment despite challenging market conditions.

Point 4 – Whether Adequate Time was Provided for Substantial Commencement

The original two-year timeframe to achieve substantial commencement may have been adequate in less challenging market conditions. However, the cost and delivery capacity uncertainty in the Western Australian/Australian markets have increased the time required to bring significant development projects to market.

Further, we note that other proposed significant projects in various stages of their respective pre-development phase have faced similar challenges and resultant requirements for extensions to specified periods for substantial commencement, with the SDAU citing “...*extenuating circumstances in the building industry*” as a supporting reason to grant an extension to substantial commencement. Such developments include, but are not limited to:

- Cockburn Quarter Development (SDAU reference: SDAU-011-20).
- Chapel Hill Apartment Complex (SDAU reference: SDAU-025-20C).
- 65 South Terrace, Fremantle (SDAU reference: SDAU-026-20).
- 10 Morley Drive, Tuart Hill (SDAU reference: SDAU-007-20).
- Royal George Hotel (SDAU reference: SDAU-018-21C).
- 120 Marine Parade, Cottesloe (SDAU reference: SDAU-010-20-C2).
- Melvista Residential Aged Care Facility – Extension of time (SDAU-004-20).
- Student Accommodation Development, Waterford (SDAU reference: SDAU-27-020).
- 30 Riversdale Road, Riverdale (SDAU reference: SDAU-033-21).
- Residential Aged Care Facility – Doonan Road, Nedlands (SDAU reference: SDAU-004-020).
- Residential Apartments, Café/Restaurant, and Liquor Store at 128-136 West Coast Drive, 2-4 Padbury Circle, 2 Drakes Walk, Sorrento (SDAU reference: SDAU-049-21).
- Retail, Commercial and Residential Development – 816 Beeliar Drive, Success (SDAU reference: SDAU-011-20).

- 15 Multiple Dwellings – 538 Fitzgerald Street, North Perth (DAP reference: DP/13/00912).
- 120 Bedroom Hotel, 61 Great Eastern Highway, Belmont (DAP reference: DAP/16/01137).

The proposed extension to the specified period for substantial commencement establishes a more adequate timeframe for completion of pre-development work in the context of current market conditions.

Point 5 – Are Proponents Warehousing the Development Approval

When development approvals are 'warehoused', it is interpreted to mean that the proponent aims to not act upon it. Typically, this can be utilised to increase the potential resale value of a development. The below points demonstrate why this is not the case:

- In the context of a largely unchanged planning framework and a development proposal that accords with the prevailing planning framework the notion of warehousing a development approval is not relevant. Extending the specified period for substantial commencement in this instance simply provides the investment certainty for the Proponent to continue toward resolving the necessary pre-development work.
- Scentre Group has a proven track record in the redevelopment of and investment in various Westfield Destinations that create extraordinary places that connect and enrich communities.

CONCLUSION

This letter has set out the extenuating circumstances which justify the proposed extension to the substantial commencement period. The redevelopment of Westfield Booragoon materially contributes to the realisation of the City of Melville's 'Melville City Centre Structure Plan'. The Proponent remains committed to the approved development.

We respectfully request that the WAPC move to approve this request to extend the timeframe in which substantial commencement is required.

Kind regards,

A handwritten signature in black ink, appearing to read "Kris Nolan".

Kris Nolan
Planning Director
+61 8 9346 0508
knolan@urbis.com.au



RESPONSE TO PUBLIC SUBMISSIONS

Part 17C Application – Westfield Booragoon Shopping Centre Expansion Extension of Time (SDAU-017-20C1.1)

Theme	Comment Context	Applicant Response
Support Extension of Time of 4 years	One supporting submission commented that with the current state of the economy, and the underutilisation of the existing centre, a four-year extension of time for commencement of the redevelopment seems prudent, and is supported.	Submission noted.
	One supporting submission commented that the proposed redevelopment will bring much benefit to the community, and that if an extension is required to achieve this outcome, it is fully supported.	Submission noted.
Centre upgrade is long overdue – a four-year extension is too long	The centre is outdated and run down and in urgent need of improvement.	The proponent has undertaken several extensive project reviews to determine the most appropriate staging approach and to confirm the likely project programme reflective of the current nation-wide labour shortages and supply chain issues in the building industry.
	A modernized and expanded centre will contribute to a more vibrant, functional centre that encourages local shopping, attracts new business and improves the appeal of the local area.	
	Upgrade has been on the cards for more than a decade, with the public and business community anticipating the upgrade and expansion of the centre for many years.	The requested extension will provide the proponent with sufficient time to continue to progress and resolve critical pre-development work to achieve substantial commencement and progress to the next phase of the project without the potential risk that development approval may lapse.
	Support redevelopment of the centre but not the extension of time – the upgrade is long overdue.	
	4 years is too long.	Acknowledging the community's anticipation for the redevelopment of the Centre to commence, the proponent continues to invest in common mall works to maintain the Centre as an attractive location for the community to shop.
	They should only be given a 1 year extension.	
	Recognise shortage in skills and labour, however extension should be two years not four.	

Theme	Comment Context	Applicant Response
		The proposed extension of time will not impact the execution of these works. The works include furniture upgrades, painting, LED light upgrades, skylight tinting, car park remediation works as well as security and maintenance projects.
Extension of time questions project's viability	Further delays in the project question the viability of the project altogether.	The requested extension of time for substantial commencement will provide investment certainty for pre-development works to continue, without the potential risk that development approval may lapse. To ensure the project continues to be viable, the proponent has advanced several extensive project review phases and design development options in response to changing market conditions with extensive input from a range of specialist design consultants. Importantly, the proponent has also engaged with key trade contractors to determine direct market feedback on cost and delivery capacity, as well as with major and specialty retail tenants on critical pre-commitment agreements to progress the proposal.
Further delay creates uncertainty and reduces investor and business confidence	Further delay creates uncertainty and weakens confidence in investment in the local area and ability to grow and attract new businesses.	The ultimate redevelopment of the Centre is designed to enhance its attractiveness to customers and business partners.
	Property owners have invested in local area in anticipation of the centre upgrade. This delay creates uncertainty and has potential to affect property values.	The proponent has provided supporting information to the Significant Development Assessment Unit (SDAU) to demonstrate that the project is being actively and conscientiously

Theme	Comment Context	Applicant Response
	Existing centre infrastructure is run down and tired, reducing attraction to investors and affecting business confidence.	implemented, with ongoing design work being undertaken. The extension of time request aims to provide a clear and realistic timeline to inform the community and business partners alike, and to reduce uncertainty regarding the timing and progress of the redevelopment. In the meantime, the proponent continues to invest in immediate improvements to the Centre, including mall furniture upgrades, painting, LED light upgrades, skylight tinting, car park remediation works, and security and maintenance projects to enhance visitor experience. The proposed extension of time will not impact the execution of these works.
If extension granted the existing centre should be repaired and maintained, including for wheelchair users and people with disabilities	Carpark surface needs immediate repairs/maintenance.	The proponent acknowledges the demand for upgrades and continues to encourage customers to raise any specific maintenance issues with centre management where required. The proponent continues to invest in immediate improvements to the Centre, including mall furniture upgrades, painting, LED light upgrades, skylight tinting, car park remediation works, and security and maintenance projects to enhance visitor experience. These works will not be impacted by the requested extension to the overall redevelopment proposal.
	A wheelchair accessible pathway should be provided from Davy Street into the entrance by HBF.	
	The light over the pedestrian crossing at the Davy Street entrance needs to be repaired.	
	The lifted paving outside the entrance and by the car park outside the HBF door requires repair.	
	The footpath and crossing ramps along Marmion Street from Davy Street to the Transperth Bus Station should be replaced and the disused driveways removed.	
	The centre access and facilities are not fit for purpose for wheelchair users, with poorly maintained paths and lack of wheelchair accessible changing facilities for people with disabilities.	

Theme	Comment Context	Applicant Response
Economic benefits of proposal lacking	Retail spending is down so there is a lack of demand for shopping centre expansion.	The redevelopment of the Centre has already been approved under SDAU-017-021 and no further works are currently being proposed. The submitted Part 17C application only seeks an extension of time to this existing approval, not a new approval for expansion. The extension of time will further enable the proponent to proceed with the approved redevelopment in a manner that supports the community's needs and economic growth.
	Proposal puts profits over people at a time of high cost of living pressures.	
	Proposal lacks merit at a time of rental crisis and unaffordability.	
Extension of time impact concerns	Can developer apply for further extensions?	No additional extensions can be granted through the Part 17C process. As outlined in the application to the SDAU, the extension request will enable the proponent to complete critical pre-development works to achieve substantial commencement. If substantial commencement of the proposal is not met, then the approval would lapse and a new development application would be required to be lodged, further delaying the proposed Centre redevelopment. The requested extension of time is not tied to other major construction projects nearby and will not have any impact on their programmes.
	Community deserves greater clarity as to why the extension is needed.	
	How does the amendment affect other major construction projects nearby, and how will this affect the local community?	
Existing centre staff not being kept informed	Information is being kept from those who work at the centre on the progress of the project.	The submitted Part 17C extension request outlines the anticipated project programme and the requested 4 years extension to the substantial commencement period.
Consultation process concerns	Prior submission information was not available online.	A copy of the previously approved development plans for SDAU-017-21 was provided on the Department of Planning, Lands and Heritage – Have Your Say website. The Part 17 Significant Development Pathway requires that all applications are advertised for public consultation for a minimum of 28 days. This application was advertised accordingly.
	Public is not being properly informed during consultation process, similar to process undertaken for original proposal.	