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## Minister for Transport; Planning; Ports

Our Ref: 72-34016  
Your Ref: LUPC014

Mr Grant Henley  
Mayor, City of Busselton  
[Grant.Henley@busselton.wa.gov.au](mailto:Grant.Henley@busselton.wa.gov.au)

Dear Mayor

### **RE: PROPOSED DEVELOPMENT AT SMITHS BEACH**

Thank you for your letter of 23 July 2021 regarding the development of Smiths Beach and the City of Busselton's view on the various development assessment pathway options.

As you are aware, as part of the State Government's early COVID-19 response measures, new laws were passed by Parliament in June 2020 to provide an alternate pathway for the streamlined assessment and determination of significant development proposals that could underpin local investment and create jobs. While it is acknowledged that Western Australia is in the enviable position of having the strongest economic growth of any State during the past year, our economic recovery should not be taken for granted given the ongoing uncertainty from the COVID-19 pandemic.

The streamlined delivery of these significant projects assists in maintaining jobs and investment beyond the immediate term and remain an important part of the Government's economic recovery plans. It will ensure that there is a pipeline of investment over many years to come.

As has been documented, the Department of Planning, Lands and Heritage has received a request for preliminary advice on a development proposal for tourist and community facilities at Smiths Beach. The Department has confirmed that to date no formal development application has been received.

If a formal application is submitted, please be assured it will undergo a transparent process including rigorous assessment, extensive public consultation as well as referrals to relevant State Government stakeholders, including the EPA and importantly the City of Busselton. The meetings held by the Western Australian Planning Commission (WAPC) to determine these applications are open to the public, deputations can be made to the WAPC and reasons for the decisions must be published.

While the temporary significant development pathway does enable the WAPC to consider the broader economic and public benefits of a development proposal, it is important to note that the new assessment process is not intended to subvert orderly and proper planning outcomes. Nor does it mean that the proposal will not be subject to Section 5 of the *Environmental Protection Act 1986*.

Further, when considering a significant development application, the WAPC must have due regard to submissions received during consultation and have regard for:

- the purpose and intent of the Local Planning Scheme;
- ensuring orderly and proper planning, and preservation of amenity of the locality;
- the need to facilitate development responding to economic effects of COVID-19; and
- relevant State planning policies (including State Planning Policy 6.1-Leeuwin-Naturaliste Ridge) and any other relevant WAPC policies.

Assessment of an application for the Smiths Beach site would also focus on design quality, building height and density, visual and environmental impacts, bushfire management, Aboriginal heritage, coastal erosion, servicing, parking and traffic, community facilities, landscaping and public access to the beach.

It is worth acknowledging that the existing environmental approval was provided in 2010 and the existing structure plan approval, allowing for tourism and residential development was approved in 2011.

Finally, I want to make clear, as Minister I have no capacity and nor does the State Government to direct the proponent as to which assessment pathway they wish to use, both are legally available for them. Equally, I am not involved in the decision making process, the Western Australian Parliament entrusted that role to the WAPC.

Yours sincerely



**HON RITA SAFFIOTI MLA  
MINISTER FOR PLANNING**

28 JUL 2021