

Hon Matthew Swinbourn MLC
Chair, Environment and Public Affairs Committee
By email – env@parliament.wa.gov.au

Dear Chair,

Re: Petition 162 – Tavern Premises in Iluka Plaza

Thank you for offering the opportunity to provide a submission on the petition regarding the plans for a tavern at Iluka Plaza.

The issues that have been raised about by the local residents and by the proposed developers highlight the kinds of problems we see all too frequently in local planning matters.

The information that has been provided to the Development Assessment Panel and that I have no doubt will be provided to the Committee is technical and hinges on the relationships between a number of planning instruments that apply to the site.

The fact that we are at a point already in this process where the merits of this application and its allowability in the planning system already require the applicants use of a planning lawyer suggest that a tavern usage is by no means immediately desirable in the location.

It also points to the ongoing concerns I have with the legibility and clarity of the planning system as a whole.

It is perfectly reasonable for the local residents to understand that the planning documents that most specifically and explicitly apply to the site are the ones that are most directly about the site – ie, Local Structure Plan 25.

It is disappointing, but sadly not remotely unusual, that a business owner would be seeking a way to get around the planning instrument that directly says that their business is a non-desired use.

The technical arguments I have read regarding what is and is not part of the local planning scheme, how far due consideration could or should take a decision-maker and how to interpret elements of the regulations all indicate the un-necessary complexity of the planning system.

The arrangements around this site are already complex as a number of compromises have already been made due to issues with traffic safety, pedestrian safety, sightlines in and around the centre and traffic management. Additionally discretion has already been exercised to abut the walls of the local centre up against the walls of the nearby apartments.

From the documents I have read, it seems that approvals have already been made on the basis of sharing parking bays for a number of businesses in the centre. From anecdotal experience, parking at the site is already very challenging, without adding a 700 customer venue to the area. The area is poorly serviced by public transport and local residents anticipate that traffic and parking will remain a major issue, especially with a large attractor like a tavern onsite.

The plumbing layout for the site has already been made in accordance with the proposed tavern plans, rather than in accordance with the approved three individual tenancies.

The plumbing approval was then backdated six months after works were complete. It is difficult for the community to believe that the consultation they have been part of has any bearing on the ultimate decision-making, when works are taking place well in advance of the consultation process being complete or approval being granted.

The consultation for the Local Structure Plan has had no bearing on what application for development has been made, and the consultation on the development application appears to have been a tick-and-flick exercise, as some works have been undertaken prior to approval.

I would also like to note that this petition and these submissions are coming to the Legislative Council's Environment and Public Affairs Committee as the residents and the local community have no other way of being sure that their voices are heard in the decision-making process.

We have recently debated the need for third-party rights of appeal and it seems to me that this case very amply demonstrates why third-party rights of appeal are important. Should this development be refused, or conditions placed that the applicant does not like, they will be able to go to SAT and potentially have that overturned.

Should the application be approved, the surrounding residents are quite simply stuck with it and their valid concerns about the conflicts between existing uses and a tavern will not have been dealt with by any trusted arbiter.

I encourage the Committee to look closely at this specific site and this specific issue. I also encourage the Committee to also look at the wider planning system and to understand how these conflicts between community and developers keep occurring and how applications that do not match the Local Structure Plan are allowed to proceed to this point.

Yours sincerely,



Hon Alison Xamon MLC
Member for North Metropolitan

11 September 2020