

Form 1: Responsible Authority Report (Regulation 12)

Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) for a Development Assessment Panel (DAP) application under Regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs under r.12 except for applications for a review of the original decision or a reconsideration of the original decision, please use the State Administrative Tribunal (SAT) Reconsideration template for those reports.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either “not relevant” or “not applicable” under those headings.

Where the RAR template is submitted to a Council meeting, please note:

- The officer’s recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading “Responsible Authority Recommendation” must contain the Council’s recommendation.
- If the officer recommendation is different from the Council recommendation, this should be shown under the heading “Officer Recommendation”.
- The “Reasons for Responsible Authority Recommendation” section should be completed after the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the “Responsible Authority Recommendation” should be completed and the “Officer Recommendation” section can be deleted.

LOT 104, 3 LARSEN ROAD, BYFORD – PROPOSED SERVICE STATION’, TWO ‘FAST FOOD OUTLETS’, ‘MOTOR VEHICLE REPAIR’ AND ‘MOTOR VEHICLE WASH’ USE

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer Joint Development Assessment Panel
Local Government Area:	Shire of Serpentine Jarrahdale
Applicant:	Nik Hidding, Hidding Urban Planning
Owner:	Byford Development No 3 Pty Ltd
Value of Development:	\$8.5million
Responsible Authority:	Shire of Serpentine Jarrahdale
Authorising Officer:	Andrew Trosic
LG Reference:	PA23/960
DAP File No:	DAP/24/02630
Application Received Date:	8 January 2024
Report Due Date:	24 May 2024
Application Statutory Process Timeframe:	90 Days
Attachment(s):	<ol style="list-style-type: none"> 1. Location/Site Aerial Plan (1a, 1b etc) 2. Development Plans and Elevations (2a, 2b etc) 3. Schedule of Submissions 4. Schedule of referral responses from statutory/public authorities 5. Council Minutes (extract only) 6. Design Review Panel Report (extract only) 7. Full Planning Assessment (where necessary)

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **APPROVE** DAP Application reference Insert DAP reference number and accompanying plans (Plan No, Rev No - if applicable) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (delete for WAPC applications), and the provisions of Clause no. of the LG Name Choose scheme details Planning Scheme No. no., Choose Conditions/Reasons details:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme. Include for LG RARs where land is zoned 'Urban' under the MRS and the conditional Clause 26 of the MRS apply. Delete if a separate decision of the WAPC is needed.
2. This decision constitutes planning approval only and is valid for a period of Number years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 3.

Advice Notes

Please consider carefully the need for advice notes and ensure that they are relevant to and amplify the recommended approval. Where advice notes are used, please do not refer to specific condition numbers unless absolutely necessary.

- 1.
- 2.

Reasons for Responsible Authority Recommendation

Complete this section where the Council resolution differs from the Officer Recommendation and provide the reasons as shown in the Council minutes here. The Officer Recommendation section below, including reasons, will also need to be completed.

Include a brief summary of key issues and provide clear and succinct reason/s for the recommendation. If the recommendation is for a refusal, this section may be used to emphasise the reasons in the recommendation if required.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban Zone
Local Planning Scheme	Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3)
Local Planning Scheme - Zone	Service Commercial
Structure Plan	Byford District structure Plan
Precinct Plan	Byford Townsite Development Area Plan
Use Class and permissibility:	'Service Station' and 'Motor Vehicle Repair' – 'A' uses in the 'Service Commercial' zone.

	'Fast Food Outlet' and 'Motor Vehicle Wash' – 'D' uses in the 'Service Commercial' zone.
Lot Size:	11628.774m ²
Existing Land Use:	Vacant Land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	Yes

Proposal:

The application seeks approval for a 'Service Station', two 'Fast Food Outlets', 'Motor Vehicle Repair' and 'Motor Vehicle Wash' tenancies at Lot 104, 3 Larsen Road, Byford.

It is considered that the proposed development generally aligns with elements of the planning framework and provides land uses that would service and benefit the community by providing an increased mix of commercial services. Officers, however, have received a submission from Main Roads WA (MRWA), who are unable to support the development due to proposed access from South Western Highway, and safety concerns associated with such. While officers recommend support for the development, the MRWA submission will require a separate RAR be provided by the Department of Planning, Lands and Heritage, for its assessment under the Metropolitan Region Scheme.

Background:

Existing Development

The subject site is bound by South Western Highway to the east, Larsen Road to the north, and George Street to the west. The areas to the east and north are predominantly residential. The subject site is in close proximity to the Byford Rail Extension project with the train station and associated works currently being undertaken to the south west. Of particular relevance to this application is the closure of Larsen Road at the rail crossing as part of the project, as well as the construction of a pedestrian overpass. In addition, George Street will also be constructed from Evans Way to Larsen Road. The subject site in context of the locality is depicted following:

proximity of the access from the intersection with Larsen Road and the impact on the future upgrades of South Western Highway. The applicant considers that access to the development from South Western Highway is imperative to make the proposal viable and as such does not wish to remove the access entirely. The applicant did however amend the South Western Highway access to a left in only.

Also at this stage, concerns were raised by the Public Transport Authority (PTA) in relation to the location of the George Street access and the works proposed by the PTA as part of the rail project. As such, the applicant removed the George Street access from the proposal. Officers however consider that access is capable from George Street and can be designed in a manner that satisfies PTA. The initial proposed site plan is shown following:

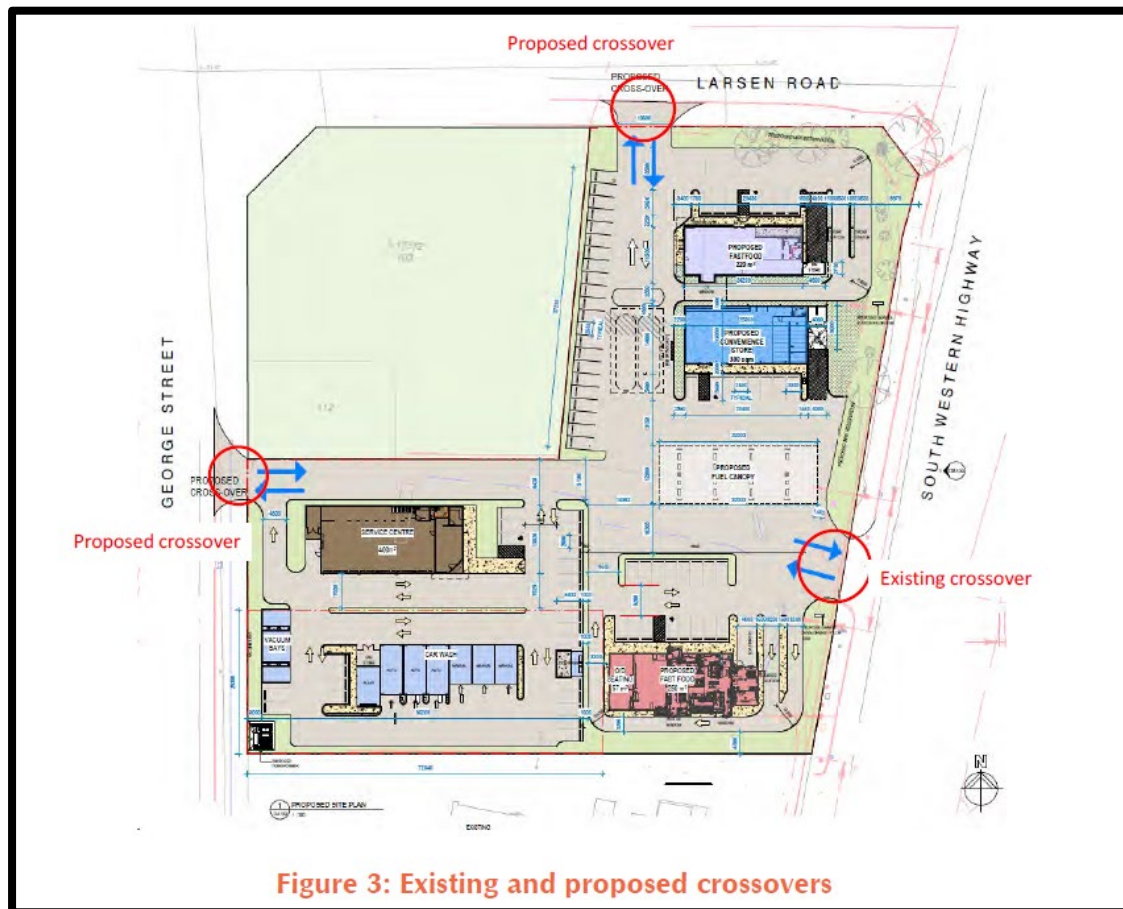


Figure 3: Existing and proposed crossovers

Proposed Development

The development application seeks approval to construct a commercial development comprising of five buildings and associated parking as follows:

Service Station

- A Liberty branded service station with an eight-bowser fuel canopy (16 fuel points for light vehicles) which would be open 24 hours a day, seven days a week;
- The fuel canopy would be set back 7.7m from the South Western Highway boundary at its closest point; and would feature the Liberty branding and colour scheme that includes red, blue and white;

- A 300m² convenience store with a building height of up to 5.3m and set back 14.2m from the South Western Highway boundary;
- Eight car parking bays available immediately in front of the convenience store;
- Employment of up to the three staff.

Fast Food Outlet (South)

- A Fast-Food outlet with a floor area of 220m² featuring an outdoor alfresco dining area, covered awning and a drive through;
- The proposed building would be set back 18.63m from the South Western Highway boundary and 20.55m from the Larsen Road boundary;
- The building is proposed with a height of 6m extending up to 7.5m height for the north-east corner featuring a blade wall;
- Seven car parking bays in front of the building.

Fast Food Outlet (North)

- Fast Food Outlet with a floor area of 250m² with an outdoor alfresco dining area of 57m²;
- A dual lane drive through provided with 16 marked bays in front of the building;
- The building is proposed with a height ranging between 4.8m and 6m. The building is proposed to be set back 7.2m from the southern property boundary and 12.37m from the South Western Highway boundary;
- 24 hours a day operation, seven days a week with 10 staff members during peak operating times;
- A separate bin store and loading bay is proposed on the eastern sides of the fast-food buildings.

Service Centre

- A branded Service Centre facility for Bridgestone with a floor area of 400m² consisting of workshop space with three roller doors for vehicles to access for servicing and tyre repairs;
- A small retail showroom and waiting area is proposed at the main entry of the service centre building, along with reception and small office. A 144.5m mezzanine is also proposed for storage;
- The proposed building will be constructed using concrete panels, 7.7m in height and set back 11.9m from George Street;
- A fenced bin store and scrap tyre enclosure along with loading bay is also proposed, located at the western side of the building;
- The facility will operate between the hours of 8:00am and 5:00pm, Monday to Friday; 8:00am to midday on Saturday and will be closed on Sunday;
- There will be up to eight staff working in the facility during peak times.

Motor Vehicle Wash facility

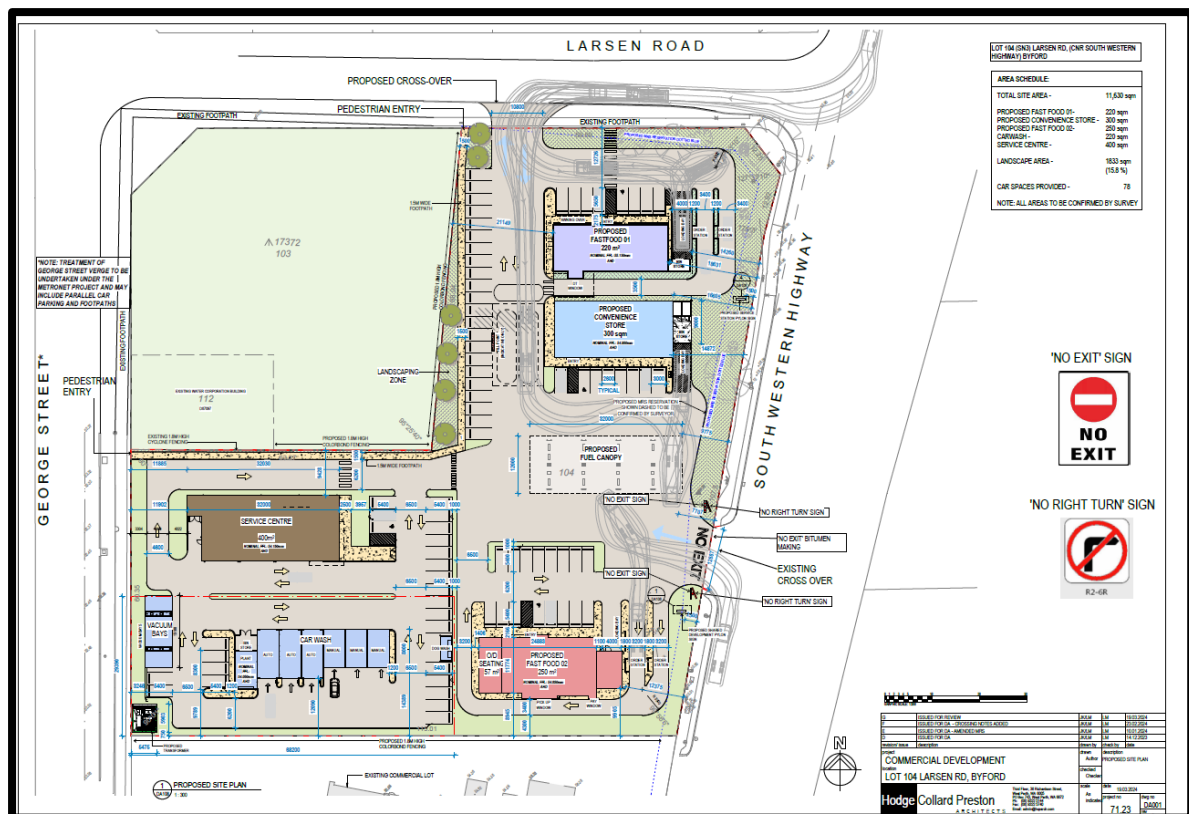
- A 6.5m high building constructed of concrete panels with three auto wash bays and three manual wash bays (open 24 hours a day, seven days a week);
- The proposed Motor Vehicle Wash building will be set back 9.78m from the southern property boundary;

- Four vacuum bays set back 3m from the George Street boundary. The vacuum bays are also located under a permanent roof structure;
- Dog Wash facility;
- No staff would be on-site other than occasional maintenance personnel from time to time.

Signage

- One 7.2m x 2m pylon sign for the Liberty Service station; and
- One 6m x 2m pylon sign to be shared by the other developments

The site revised plan is depicted following:



Proposed Site Plan

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- *Metropolitan Region Scheme*

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- Environmental Protection Authority Environmental Assessment Guideline for Separation Distances

Local Policies

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Byford District Structure Plan
- Byford Townsite Detailed Area Plan
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
- Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16)

Consultation:

Public Consultation

Issue Raised	Officer comments
<p><i>“Do not spend any money on the roads. Get the business / users to pay for access. Not the ratepayers.”</i></p>	<p>Should the proposal be approved and the development result in the requirement for road upgrades, the cost of these would be required to be covered by the applicant. In particular, should the MODAP approve the application, a condition is recommended requiring the upgrade of the intersection at South Western Highway and Larsen Road at the cost of the applicant.</p> <p>The second objection was from the Cancer Council who objected to the Fast Food Outlets due to the potential impacts on health. Officers acknowledge these comments; however it is considered that they do not form grounds for recommending refusal of the application.</p>

Referrals/consultation with Government Agencies

Main Roads Western Australia (MRWA) Initial Response

Government Agency Response:

The initial application was referred to MRWA who objected to the proposed development for to the following reasons:

1. Vehicular Access on SWH

- *Under WAPC Development Control Policy 5.1 Regional Roads (Vehicular Access) (WAPC DC 5.1), Main Roads seeks to minimise the driveways on Primary Regional Roads. Alternative accesses are available via George Street and Larsen Road which were previously approved by the JDAP application.*
- *South Western Highway is a strategic freight route. Crossover access to the Regional Road will negatively impact the road safety and efficiency.*
- *Any access at this location would compromise the safety and efficiency of the future left turn slip lane.*
- *Proximity to Larsen Road intersection and the adjoining property driveway to the proposal.*

2. Future Road Planning

- *Please be advised Land Protection Plan 201232-006 (enclosed) shows additional land requirement for the Primary Regional Road reservation under the Metropolitan Region Scheme (MRS).*
- *The proposal conflicts with enclosed Carriageway Pattern Profile Plan 201232-002 and Vehicle Access Strategy (see attached). Larsen Road will require a median at the SWH intersection.*
- *The upgrade of SWH is not in Main Roads' 4 year forward estimated construction program and all projects not listed are considered long term. Please note project timing is subject to change and Main Roads assumes no liability for any change to the timing information provided.*

Officer Comment:

In order to address the issues raised by MRWA, the applicant amended the proposal to have a left in only access from South Western Highway and deleted the out bound vehicle. The updated site plan and addendum to the Traffic Impact Assessment reflecting the modified changes was sent to MRWA for further assessment.

Main Roads Western Australia (MRWA) Second Response

Government Agency Response:

Subsequently, on 12 April 2024 MRWA provided a further submission objecting to the proposal as follows:

1. Vehicular Access to / from South Western Highway

- *Main Roads seeks to minimise driveways on Primary Regional Roads in accordance with WAPC Development Control Policy 5.1 - Regional Roads (Vehicular Access) (DC Policy 5.1). Main Roads object to the access point onto South Western Highway. Alternative access points are available via George Street and Larsen Road.*

Section 3.3.2 of DC Policy 5.1 states:

'On regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads. Where alternative access is or could be made available from side or rear streets or from rights-of-way or laneways, no access shall be permitted to the regional road unless special circumstances apply.'

The previous DAP application determined on the subject site aligned with DC Policy 5.1 with reference to the subject access point (PA18/372 / DAP/18/01419 refers).

- *The above position is reiterated by draft Operational Policy 1.12 - Planning Proposals adjoining Regional Roads WA Section 5.1:*

'On Regional Roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads, particularly where alternative access is available from a side or rear street, right of way or laneway.'

- *South Western Highway is a strategic freight route. Crossover access to the regional Road will negatively impact the road safety and efficiency.*
- *Any access at this location would compromise the safety and efficiency of the future left turn slip lane (refer Point 2 below).*
- *Proximity of the access point to the adjoining property's crossover*

2. Future Road Planning requirements

- *Land Protection Plan 201232-006 (enclosed) illustrates the additional land requirement for the Primary Regional Road reservation under the Metropolitan Region Scheme (MRS).*
- *The development proposal conflicts with enclosed Carriageway Pattern Profile Plan 201232-002 and Vehicle Access Strategy (enclosed). Future upgrades include a left turn slip lane on South Western Highway approaching Larsen Road and a median adjacent the subject access point.*

3. Matters to be Considered - Planning and Development (Local Planning Schemes)

Regulations 2015

Further to the above, the Shire is to have due regard to the provisions of Clause 67 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015. The matters relevant to the consideration of this application for development approval include:

- (c) *any approved State planning policy;*

- (e) any policy of the Commission;
- (f) any policy of the State; and
- (za) the comments or submissions received from any authority consulted under Clause 66.

Officer Comments

As discussed in the Traffic section of the report, Officers believe there is scope for a limited access from South Western Highway, as revised by the amended 'entry only' concept. An entry only solution is considered viable, considering the available access via George Street and Larsen Road, with George Street to be fully connected through from Abernethy Road north to beyond Larsen Road in the near future.

Public Transport Authority (PTA) - Initial Submission

Government Agency Response:

The PTA provided a submission stating they were unable to support the proposed development for the following reasons:

- *The proposed driveway on George Street (refer to figure 3) will clash with 4 of BRE proposed parking spaces along the east side of George Street (i.e. 2 with the driveway itself and 2 to the north of the driveway due to sight distance.*
- *Traffic assessment for development doesn't appear to consider park and ride facility for Marri Grove school, to be confirmed by developer/LGA.*
- *Development plans also do not consider proposed speed humps and parking bays, to be considered in proposal.*
- *The assessment nominates George St operating under the default speed limit (50km/h) whereas under our design will be posted 40km/h.*
- *Interfacing of construction works will be required so that the developer works around the BRE project and agreed construction staging.*
- *Any associated works outside of the development site (such as utilities works) footprint will need to be coordinated and interfaced.*
- *Impacts will be on the parking bays and the drainage proposed for George Street.*
- *With regard to the pedestrian bridge, the landing points are also pretty close to the driveway entrance, so there will be a tendency for patrons coming off the train, to cross George Street, not at the ped crossing to the north, but directly into the development through the driveway access, creating conflict with vehicles.*

Officer Comment:

In order to address concerns raised by the PTA the applicant removed the access from George Street. The updated site plan reflecting the modified

changes was sent to PTA for further assessment. Whilst an updated submission has not been received to date; Officers consider that removal of the George Street access satisfied all of the above concerns. While the applicant have chosen to remove a direct George Street access, it is considered that such may still be possible as part of future design and layout configurations, which could be dealt with through a subsequent development application. George Street access is an important frontage to the Service Commercial zoned precinct south of Larsen Road.

Water Corporation

Government Agency Response:

The application was referred to Water Corporation who raised no objections and the following advice was provided :

- *There is reticulated water and sewerage currently available to the subject land in the surrounding network. This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.*
- *The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works. Water Corporation may also require land being provided for works.*

Officer Comment:

Noted. This advice has been provided to the applicant.

Department of Energy, Mines, Industry Regulation and Safety (DMIRS)

Government Agency Response:

DMIRS raised no objections and the following advice was provided:

- *“Based on the provided information there is no issue identified at this stage with the proposal. Before the site is used to store Dangerous Goods above manifest quantity, it will require a Dangerous Goods Site licence.*
- *The storage of bulk fuel is governed by AS1940; and Dangerous Goods Site Licence applications will be assessed against this and any other relevant Australian Standards during the application process.”*

Officer Comment

Noted. These recommendations are discussed within the relevant sections of the report.

Department of Water and Environmental Regulation (DWER)

Government Agency Response:

DWER raised no objections but provided advice on the following key issues and recommendations which can be viewed within the summary of submissions.

- Native Vegetation;
- Industry Buffers;
- Spill Containment;
- Contingency Plan;
- Underground Tanks; and
- Water Quality Protection.

Officer Comment:

These recommendations are discussed within the relevant sections of the report.

Department of Health (DoH)

Government Agency Response:

The DoH provided the following comment:

1. Chemical Hazards

The DoH endorses the EPA (2005) guidelines “Separation Distances between Industrial and Sensitive Land Uses” and therefore recommends a default separation/buffer distance of 200m be established around non-freeway service stations that will operate 24 hours per day, as they may create significant noise, dust and odour impacts from traffic and refuelling activities.

The commitment for compliance with Dangerous Goods Regulations is noted. However, there is no strategy provided to address mitigation of emissions with potential to cause public health risks related to a nearby childcare facility.

Therefore, it is recommended that potential off-site impacts (dust/fumes, noise, light) from the service station are considered, prior to determining the suitability of the site for the current development.

Furthermore, the use of land as a commercial laydown area has the potential to give rise to land contamination, including from fuel oils and asbestos, and these should be safely removed prior to development to avoid the creation of new contaminated sites. Please consult and ensure Department of Water and Environmental Regulation (DWER) have cleared the site for any future sensitive land-uses prior to final approvals

2. Drinking water supply

The DoH recommends all drinking water is connected to the Water Corporation’s mains water supply. All drinking water provided onsite must meet

criteria set out in the <https://nhmrc.gov.au/about-us/publications/australian-drinking-water-guidelines>

Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and depending on system configuration and suitable backflow prevention arrangements.

3. Wastewater management

The subject site must be connected to reticulated sewerage in accordance with the Government Sewerage Policy 2019.

4. Food Act requirement

All food related areas (fast food outlet, preparation areas, etc.) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines. Details available for download from:

https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA

Officer Comment:

The Shire has referred the application to DWER and any spill and contamination requirements will be addressed by way of conditions if an approval is considered by the DAP. The proposal will be subject to a Dangerous Goods Licence which will address any of the separation requirements for odour and gas emissions from the site. The proposal is also noted to have supplied an adequate ENA for any noise considerations. Drinking and Wastewater has been considered by the Water Corporation and adequate reticulated services are accessed to the site.

Department of Planning Land and Heritage (DPLH)

Government Agency Response:

The Precincts and Projects team has reviewed this application and does not have any objections at this time. The following advice has been provided:

- *We recommend that you consider the application in conjunction with the proposed development of a pedestrian crossing and associated parking/drop-off areas in the adjacent site (Lot 103) to serve Marri Grove Primary School from the eastern catchment.*
- *The Traffic Impact Study notes that "the proposed relocation of the railway level crossing from Larsen Road further south to Clara Street would remove most of the existing traffic along Larsen Road towards SWH". The application notes the level crossing removal but does not mention the pedestrian crossing or the associated parking/drop-off areas proposed on the adjacent site. Given the above context, please approach the Office of Major Transport Infrastructure Delivery (OMTID) for their advice on this application.*

- *Please be aware that the application has only undergone an assessment for matters of METRONET precinct interest, and the Precincts and Projects team has not conducted a technical evaluation of the proposal.*

Officer Comment:

The site plan has been amended by removing George Street crossover to address the traffic concerns regarding the close proximity of the crossover to the park and ride facility for Marri Grove school. The submissions from MRWA and PTA have been fully addressed within the body of the report. A summary of the submissions and applicant comments can be viewed in **attachment 3**.

Design Review Panel Advice

N/A

Swan Valley Planning

N/A

Planning Assessment:

Land Use

The proposal falls within the four land use definitions of 'Fast Food Outlet', 'Motor Vehicle Repair', 'Motor Vehicle Wash' and 'Service Station' defined under LSP3 as follows:

"Fast Food Outlet: *means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -*

(a) without further preparation; and

(b) primarily off the premises".

"Motor Vehicle Repair: *means premises used for or in connection with -*

(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or

(b) repairs to tyres other than recapping or retreading of tyres".

"Motor Vehicle Wash: *means premises primarily used to wash motor vehicles".*

"Service Station: *means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -*

(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or

(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles".

The site is zoned 'Service Commercial' under LPS3 where the proposed land uses are discretionary with the 'Motor Vehicle Repair' and 'Service Station' uses requiring advertising.

Local Planning Scheme No. 3 (LPS3)

The objectives of the 'Service Commercial' zone under LPS3 are as follows:

- *"To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites.*
- *To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones."*

The objectives of the 'Service Commercial' zone under LPS3 promote a variety of trades and services to which the proposal generally provides. The 'Service Station' and 'Motor Vehicle Wash' land uses typically require larger sites to accommodate the development given their scale and access via a range of different sized vehicles. Good vehicle access is also required to allow for the safe continuous flow of traffic movements through the site and allow for manoeuvring of larger service vehicles. The access from South Western Highway has been objected to by MRWA, however officers consider that with the changes in function and saturation of traffic to the Larsen Road / South Western Highway intersection, there is scope to support a limited entry only driveway off the highway.

The driveway access in question dates back until (at least) 1981, with aerial photography confirming its use in conjunction with the Larsen Road intersection to the north. Given the application also includes a Traffic Impact Assessment that documents sufficient operation of the intersection in conjunction with the driveway, it is recommended for support by Officers.



Aerial image depicting long standing entry in off South Western Highway

Car Parking:

Section 4.3 of LPS3 sets out parking requirements for different land uses. Parking provision is assessed in the table following:

Land Use	Parking Requirement	Required Bays	Parking Required
Service Station	2 bays per service bay 1 bay per employee	8 service bays = 16 bays Max 3 employees = 3 bays	16 bays 3 bays
Fast Food Outlet 1	1 bay per 4m ² of counter and/or dining areas, 1 bay per 4m ² of public assembly areas 1 bay per employee* 4 stacking bays for drive through 1 waiting bay provided.	50m ² counter and dining areas = 13 bays 10 staff = 10 bays 4 stacking bays provided = 4 bays Waiting bay available = 1 bay	13 bays 10 bays Provided but not shown on the site plan Provided
Fast Food Outlet 2	1 bay per 4m ² of counter and/or dining areas, 1 bay per 4m ² of public assembly areas 1 bay per employee*. 4 stacking bays for drive through 1 waiting bay provided	100m ² counter and dining areas = 25 bays 10 staff members = 10 bays 4 stacking bays = 4 bays 1 bay	25 bays 10 bays Provided but not shown on the site plan Provided
Motor Vehicle Repair	1 bay per 50m ² NLA and 1 bay per employee	400m ² NLA = 8 bays 8 employees = 8 bays	8 bays 8 bays
Motor Vehicle Wash	1 bay per 50m ² NLA and 1 bay per employee*	220m ² NLA = 5 bays = 0 employees = 0 bays	5 bays 0 bays
Total bays required		88 bays required	79 Bays provided
Total Shortfall			9 bays short fall

The development has an overall parking shortfall of nine bays. In instances where a mixed development has a car parking shortfall, LPS3 states that the Shire may permit two or more land uses on the same lot to share parking bays or may reduce the combined parking bay requirement for all land uses, if reciprocal parking arrangements can be demonstrated. In determining reciprocal parking arrangements the Shire is required to consider the following in accordance with clause 4.3 of LPS3:

- “(a) the peak periods of demand for parking bays generated by each land use;*
- (b) the operating times of each land use;*
- (c) the combined maximum number of parking bays likely to be required at any given time; and*
- (d) potential conflicts which may result from the reciprocal parking arrangement.”*

The applicant provided a Parking Assessment based on the anticipated peak operating times for each land use and the anticipated parking demand (**attachment 5**). The assessment estimates the demand for parking during a typical Friday and Saturday between 6.00am and 9.00pm when the peak parking demand for the proposed development is expected to occur within. The findings show that at least nine bays would remain available on a Friday and 18 bays would remain available on a Saturday, worst case scenario.

The results of the combined parking supply /demand for all the land uses are presented in the figures below.



Figure 1: Parking supply/ demand on a typical Friday



The Parking Assessment concludes that the proposed parking provision is sufficient to meet the demand of the development.

In addition, Officers consider that there is sufficient merit to support the variation given the reciprocal parking nature of land uses. It is likely that visitors to the development would visit more than one tenancy and that parking across the whole development could be utilised. The different uses would have differing operating times and peak periods which would further ameliorate strain on parking supply across the site. Additionally, the creation of on-street parking along George Street, which apart from school drop off and pick up times, will be available for use, is capable of inclusion within overall car parking consideration for the development.

Byford District Structure Plan (BDSP)

The BDSP provides high-level strategic guidance on future planning and development in the Byford locality. Under the BDSP the site is designated 'Service Commercial', in line with LPS3. For the reasons discussed earlier, the proposed development is considered to be consistent with the BDSP.

Byford Townsite Detailed Area Plan (DAP)

The subject site lies within Character Area H - Highway Commercial of the DAP with the intention of accommodating "showrooms, bulky goods, offices, medical centres, consulting rooms and the like". The DAP also sets out the aspirations of the future built form of the character area to which the proposal is generally consistent with, these are assessed in full within the Clause 67.

Traffic and Access

Clause 67 of the *Deemed Provisions*, specifically (s) and (t) relate to the ability of a development to manage access and egress arrangements, and whether traffic generated by a proposal would be suitable considering the local road network. A Transport Impact Assessment (TIA) was provided with the application.

Access - South Western Highway:

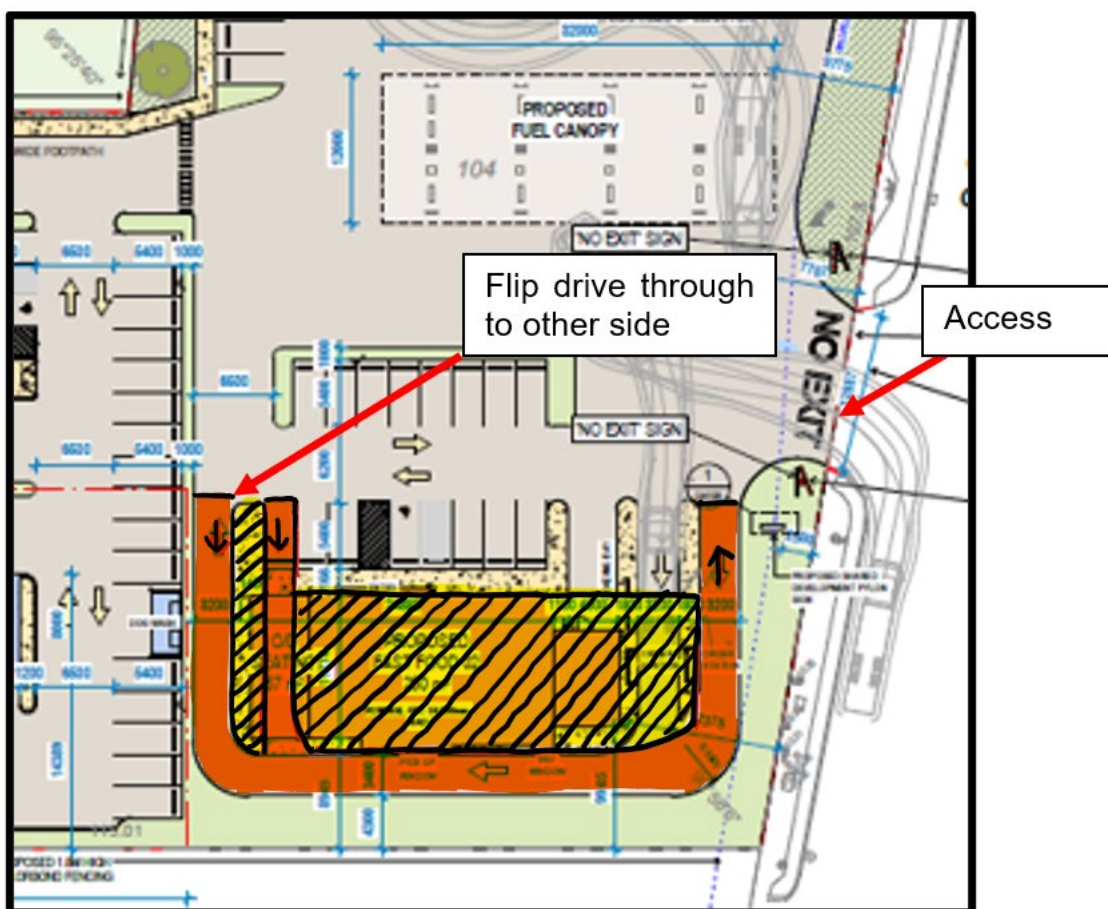
As previously stated, the application proposes a left-in access from South Western Highway which is designated as a 'Primary Regional Road' under the Metropolitan Region Scheme (MRS) and operates under the sign-posted speed limit of 60km/h in the vicinity of the site. South Western Highway has the capacity to cater for approximately 25,000 to 30,000 vehicles per day (vpd), however will certainly be impacted by the provision of the new Tonkin Highway extension that will likely reduce the amount of traffic along the highway.

While it is imperative that users of development can access and egress sites along South Western Highway safely, it is also important to recognize the functionality of the highway in respect of its character at the points between Abernethy Road (to the south) and Thomas Road (to the north). In this section, the function of the highway is changed to one which is more about accessibility, than section beyond this which are more focused on mobility. Given that long standing access has been enjoyed for the property from South Western Highway, there is a character of accessibility which traffic is used to, and which development general presents.

The proximity of the proposed access from South Western Highway to the intersection of South Western Highway and Larsen Road is important, however the risk of conflict has been greatly reduced by virtue of the removal of Larsen Road west of George Street. This residual link of Larsen Road between George Street and South Western Highway, now carries a minor traffic amount, especially as school traffic from the nearby Marri Grove Primary School, and nearby childcare centres west of the railway, have been removed from the link.

The main risk which Officers consider needs addressing, is how vehicles turning left into the subject development can be safely managed given the proximity of Larsen Road. To this end, a condition is recommended that requires the design of a deceleration lane, and upgrade to the Larsen Road and South Western Highway intersection to a traffic signal, that demonstrates to the Shire (on advice from MRWA) that intersection and driveway performance can operate safely. This is considered an issue capable of being addressed, noting the longstanding access that the subject land has enjoyed from the highway.

In addition to this condition, a further condition is recommended to require the proposed fast food takeaway outlet be flipped on its vertical plain, so that the drive through is accessed on the western side of the building, rather than the eastern side. This will reduce any queuing impact back onto the highway.



The resulting increase in the distance between the crossover and the drive through, will ensure a reduced or completely eliminated risk of queuing on South Western Highway

MRWA has also objected to the application based on the proposed access from South Western Highway detailing that it is inconsistent with Development Control Policy 5.1 which states:

“On regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads. Where alternative access is or could be made available from side or rear streets or from rights-of-way or laneways, no access shall be permitted to the regional road unless special circumstances apply” [emphasis added].

In response to these concerns, the applicant has stated that given the speed limit of 60km/h, the function of South Western Highway as a freight route should be balanced with the need for accessibility within the Byford Town Centre. This is also a position held by Officers, as expressed above. The functionality of the section of South Western Highway between Abernethy Road and Thomas Road, is expected to be entirely different to the extents outside of this area. Furthermore, the extension of Tonkin Highway will eliminate a majority of freight and other traffic which currently utilises the highway for regional mobility. In order to reflect the broader strategic objective for a safe and accessible town centre, Officers consider that the long standing driveway for the subject land can be supported to be retained and integrated into the proposed development, subject to the conditions already specified above.

Intersection of Larsen and South Western Highway

A SIDRA analysis was undertaken to analyse the performance of the intersections surrounding the development including:

- the crossover onto South Western Highway;
- the crossover onto Larsen Road; and
- the intersection of Larsen Road and South Western Highway

SIDRA is an intersection modelling tool commonly used by traffic engineers for all types of intersections. SIDRA outputs are presented in the form of Degree of Saturation, Level of Service, Average Delay and Queuing. The analysis indicates that all intersections would operate satisfactorily in 2025 during peak hours with acceptable levels of service, minimal delays and queuing. The year 2025 being when all road upgrades surrounding the site are proposed to be completed. As already mentioned, beyond 2028 the new Tonkin Highway extension will operate, which will directly reduce traffic volumes along South Western Highway, further creating capacity for safe intersection performance.

The SIDRA analysis was undertaken based on both the traffic volumes in 2021 (prior to the closure of Larsen Road) and in 2025 (following the closure of Larsen Road). Based on the 2021 volumes, the intersection of South Western Highway and Larsen Road operates at capacity with a level of service of F for the critical right turn movement out of Larsen Road onto South Western Highway.

In general, there are six levels of service designated from A to F, with Level of Service A representing the best operating condition (i.e., free flow) and Level of Service F the worst (i.e., forced or breakdown flow). The below table shows the vehicle numbers observed and modelled for queuing on Larsen Road as well as the average time delay waiting to turn right on South Western Highway in 2021.

Table 1: SIDRA results for the critical right turn movements at the SWH / Larsen Rd intersection in 2021

	Movement: Right turn out from Larsen Rd			
	Observed (2021)		Modelled (2021)	
	AM	PM	AM	PM
95% back of queue (Veh)	5.3	4.6	5.8	4.1
Average delay time (S)	68	52	72.1	70.3
LoS	F	F	F	F

Based on the 2025 volumes, the SIDRA analysis indicates less traffic at the intersection compared to in 2021 due to the closure of Larsen Road at the railway. The closure of Larsen Road essentially removes traffic from the west of the railway, including the school. But, based on current intersection design, there is still shown to be an unacceptable level of service.

Table 2: SIDRA results for the critical right movements at the SWH / Larsen Rd intersection in 2025

	Movement: Right turn out from Larsen Rd	
	2025 After road closure and with development	
	AM	PM
95% back of queue (Veh)	2.7	2.8
Average delay time (S)	57.9	56.7
LoS	F	F

In order to address this, a condition is recommended that requires the design of a deceleration lane, and upgrade to the Larsen Road and South Western Highway intersection to a traffic signal, that demonstrates to the Shire (on advice from MRWA) that intersection and driveway performance can operate safely with an acceptable level of service. This will also help to book end the town centre extent of Byford, with a single upon entry at Abernethy Road and departure at Larsen Road. This is considered an infrastructure requirement directly associated with the proposed development.

It may be questioned in respect of whether a requirement for an intersection upgrade should be placed upon a proposed development. It is the professional assessment by Officers that the development causes the level of service of the intersection to remain at LOS F, despite the removal of significant traffic to the west of the development. For a condition to be deemed reasonable, it would have to be held that such condition arises from the changes precipitated by the development in question. If it does reasonably relate, then the position of Officers and the planning framework is that it is not unreasonable to see a broader benefit arrive for the public to a greater or lesser extent. Whilst the intersection upgrade will cause benefit to not just the development, it is the development that directly identifies the need for the intersection improvement, by virtue of its SIDRA analysis. A traffic signal will create an acceptable LOS, and also aid greater efficiency in general road performance through the area.

Traffic Volumes

The assessment year that is adopted for the analysis of traffic volumes is 2025, once the surrounding road network upgrades have been completed. The TIA states that the greatest demand on the capacity of the local road network will be experienced during the combined peak hour of business activity of the development and the commuter traffic activity during the weekday morning and afternoon periods.

The TIA provided that, based on the commercial development comprising a mix of land uses, it is estimated that the development would generate a total of 3,261 daily trips (both inbound and outbound) with approximately 207 (AM) and 248 (PM) vehicles per hour (vph) during the weekday. This estimation was based upon the assumption that incidences of multi-purpose trips (i.e cross-trade) are anticipated meaning that more than one shop/outlet is visited within the development. Accordingly, the applied cross-trade adjustment resulted in an overall reduction in trip generation of approximately 20%.

The peak periods for traffic volumes on South Western Highway are from 8:00am to 9:00am (AM peak) and 4:00pm to 5:00pm (PM peak). During these times it is modelled

that 105 vehicles in the AM peak and 123 vehicles in the PM peak would be generated by the development.

Larsen Road is a link to the Service Commercial area, and South Western Highway has the capacity to cater for approximately 25,000 to 30,000 vehicles per day. Generally, there are no concerns with the capability of the road network being able to accommodate the volume of traffic generated, subject to the Larsen Road intersection upgrade taking place.

Amenity

The Environmental Protection Authority Guidance Statement Note 3 - Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement) provides guidance on generic separation distances between industries and sensitive land uses (dwellings). The purpose of these separation distances is to avoid or minimise the potential for land use conflicts. The recommended separation distance between 'Service Stations' and sensitive land uses is 200m. There are no recommended separation distances under the Guidance Statement for the other proposed land uses. The sensitive receptors within a 200m radius are depicted in the diagram following:



200m EPA recommended separation distances

There are number of sensitive receptors within the generic 200m separation distance. Where sensitive receptors are located within the separation distance, technical reports are required to be provided to demonstrate how specific impacts would be managed. The Guidance Statement identifies impacts from Service Stations with 24 hour operations as gaseous, noise and odour. Specific amenity impacts are discussed following:

Noise

An Environmental Noise Assessment (ENA) was submitted as part of the application (**attachment 7**). The ENA identifies noise sources from the development as

- mechanical plant;
- car movements in a drive through;
- car movements around the site;
- door slams;
- car engine starts' and
- service centre.

The ENA assesses the following sensitive receptors:



Noise Receptors

The following tables are extracted from the ENA, displaying the modelled noise level received by sensitive receptors compared with the acceptable assigned levels. Each table below addresses a single noise source:

TABLE 6 – ASSESSMENT OF SCENARIO 1 – MECHANICAL PLANT

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{A10} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	38	Night Time	38	Complies
R2	42	Night Time	42	Complies
R3	40	Night Time	46	Complies
C4	46	Night Time	60	Complies
R5	28	Night Time	37	Complies

TABLE 7 – ASSESSMENT OF SCENARIO 2 – CAR MOVEMENTS IN DRIVE THROUGH

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{A1} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	33	Night Time	48	Complies
R2	37	Night Time	52	Complies
R3	35	Night Time	56	Complies
C4	41	Night Time	75	Complies
R5	23	Night Time	47	Complies

TABLE 8 – ASSESSMENT OF SCENARIO 3 - CAR MOVEMENTS AROUND SITE

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{A1} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	34	Night Time	48	Complies
R2	45	Night Time	52	Complies
R3	35	Night Time	56	Complies
C4	46	Night Time	75	Complies
R5	23	Night Time	47	Complies

TABLE 9 – ASSESSMENT OF SCENARIO 4 - CAR DOOR SLAMS

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{Amax} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	50	Night Time	58	Complies
R2	56	Night Time	62	Complies
R3	49	Night Time	66	Complies
C4	66	Night Time	80	Complies
R5	38	Night Time	57	Complies

TABLE 10 – ASSESSMENT OF SCENARIO 5 - CAR ENGINE STARTS

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{Amax} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	38	Night Time	58	Complies
R2	44	Night Time	62	Complies
R3	37	Night Time	66	Complies
C4	52	Night Time	80	Complies
R5	26	Night Time	57	Complies

TABLE 11 – ASSESSMENT OF SCENARIO 6 - SERVICE CENTRE

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{A10} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	17	Night Time	38	Complies
R2	17	Night Time	42	Complies
R3	37	Night Time	46	Complies
C4	49	Night Time	60	Complies
R5	24	Night Time	37	Complies

TABLE 12 – ASSESSMENT OF SCENARIO 7 – CAR WASH

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{A10} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	36	Night Time	38	Complies
R2	40	Night Time	42	Complies
R3	40	Night Time	46	Complies
C4	56	Night Time	60	Complies
R5	33	Night Time	37	Complies

TABLE 13 – ASSESSMENT OF SCENARIO 8 – DELIVERY TRUCKS

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L _{A1} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
R1	30	Night Time	48	Complies
R2	40	Night Time	52	Complies
R3	32	Night Time	56	Complies
C4	38	Night Time	75	Complies
R5	19	Night Time	47	Complies

The ENA concludes that all noise received at sensitive receptors will comply with the assigned levels under the Regulations. Notwithstanding compliance with the Regulations, it is noted that noise from the mechanical plant received at sensitive receptors R1 and R2 are modelled as being the same noise level as the assigned level. Officers consider this results in a risk of exceedances occurring

Generally, noise from the mechanical plant can be reduced through its design and location. Officers are satisfied that measures can be put in place to ensure that exceedances do not occur such as the use of shielding or buffering material.

In addition, the assessment for the carwash was undertaken with hooded vacuum units, it is assumed from interpreting the ENA that these are not proposed as part of the development as the ENA acknowledges this and follows with a recommendation that the doors are closed on the service centre and the car wash where possible to minimise noise. It is noted that there are no doors on the car wash.

Whilst Officers consider that noise is capable of being managed, further information should be provided to clarify the abovementioned points. Officers consider that a Noise Management Plan and post development reporting is warranted to ensure noise is appropriately managed in perpetuity and to ensure that neighbouring residents to the north are not adversely impacted upon by noise should the application be approved. The Noise Management Plan should:

- Detail of the final design of mechanical plant including suitable noise shielding or buffering material; and.
- Detail further measures as recommended by the ENA in relation to closing of doors.

Overall, the noise from the development is considered capable of being managed to ensure it does not have an adverse impact upon neighbouring residents, subject to a suitable Noise Management Plan.

Odour and Gaseous Management

Management of potential pollutants is a statutory requirement for all service stations and service centres under the *Dangerous Goods Safety Regulations 2004*. The applicant has provided information that the underground fuel storage tanks will be equipped with a vapour recovery system which ensures that all petrol vapours from the underground tanks are drawn back into the fuel tanker at the time of fuel delivery. This enables the returned vapours to be recondensed.

The development proposal would be required to obtain a Dangerous Goods Site Licence prior to operation and as such it is considered that gaseous emissions can be appropriately managed.

Form of Development

The DAP sets out the aspirations of the future built form of the character area to which the proposal is generally compliant with. Officers have assessed the design of the proposed development in line with the relevant provisions of the DAP as contained within the Clause 67 Checklist

The proposed buildings are of a scale consistent with the expectations of the ‘Service Commercial’ zone and the functionality of the uses. They are of simple form, reflective of surrounding development.

The buildings are of concrete construction finished with a mixture of timber looking columns, coloured blockwork, composite and cladding. The colour palette ranges from dark/light greys, browns and red which are considered consistent with the rural character of the Shire. The use of timber columns and battens contributes towards the visual interest of the buildings. The elevations are shown following:





Officers consider that the design of the development is compatible with surrounding commercial development, particularly to the south as it seeks to incorporate consistent design elements

Local Planning Policy 4.9: Fast Food Premises

LPP4.24 seeks to provide guidance for Fast Food premises in relation to matters such as scale design, built form, car parking traffic, and amenity. The objectives of the policy are as follows:

- *Promote the design and integration of Fast-Food Premises into vibrant urban environments;*
- *Protect and enhance the existing rural character of the Shire through appropriate built form outcomes.*
- *Protect and enhance the amenity of land surrounding Fast Food Premises*

An assessment against the policy is detailed in the table following:

Policy Provision	Proposed Development
The proposed built form of Fast-Food Premises must be of scale, bulk and mass to provide a positive contribution to streetscape amenity	The fast food buildings are primarily oriented towards South Western Highway.
Car parking must be located at the rear of a property and sleeved by development where possible.	Car parking is conveniently located to provide access to the buildings and the outdoor eating areas provided.
Car parking areas are to be laid out, finished and landscaped in a manner that minimises its visual impact on the locality and sympathetic to adjoining properties.	The application proposes hardstand and access areas which are to be constructed using recycled asphalt or similar product.
Safe pedestrian routes are to be defined in car parking areas.	Footpaths are proposed within the internal parking areas to ensure that the site is easily accessible.
The application for planning approval must identify the location, size and number of seats proposed within an alfresco dining area where proposed.	The development plans show eating areas for alfresco dining area only.
Where a drive-through facility is to be provided, the proposal must demonstrate that the drive through facility will not impact upon the built form outcome, the effective movement of vehicles on public roads, or effective access and parking on site.	A condition has been recommended to address the design of the drive through facility, in order to reduce the risk of impact on the South Western Highway infrastructure.

Local Planning Policy 1.6 - (LPP 1.6) - Public Art for Major Developments

The objective of LPP1.6 is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater.

If the application were to be approved by the MODAP, a contribution towards public art is considered capable of being dealt with by way of a condition, consistent with the policy requirements. The Officer recommendation includes a condition of approval for the provision of or contribution towards public art.

Local Planning Policy - 4.16 (LPP4.16) - Tree Retention and Planting

The key objectives of LPP4.16, relevant to this application, are as follows:

- *To preserve and enhance the Shire's landscape character;*
- *To protect and retain significant trees contributing to the biodiversity and amenity of the Shire;*
- *To provide guidance as to when the Shire will support tree removal and require replacement planting and additional planting in degraded areas*

The site contains mature vegetation of which the proposal includes the removal of. The applicant has provided a Landscaping Plan to aim to offset the vegetation to be removed. Officers are generally satisfied with the level of replacement vegetation given the site is expected to be developed for the purposes proposed.

Local Planning Policy 2.4 (LPP2.4) - Water Sensitive Design

LPP2.4 aims to maximise water efficiency by encouraging best practice urban water management methods. The policy aims to ensure waters sensitive design best management practices are implemented for new developments with the Shire.

A Stormwater Management Plan (SMP) was submitted as part of the application. The SMP proposes a number of drainage swales across the site for the treatment and storage of stormwater. Officers consider that further details should be provided, should the application be approved, showing discharge rates of stormwater as well as demonstration that the storage requirement for rainfall events can cater for a 10% AEP (annual exceedance probability) to ensure that the car parking area does not flood.

Local Planning Policy 4.11 (LPP4.11) - Advertising

Local Planning Policy LPP 4.11 - Advertising sets out development standards and requirements for advertisements. The plans as submitted have identified nominal wall signage for the service station, convenience store and motor vehicle repair integrated into the façade of the development. No detailed drawings of the signage for the fast food outlets and car wash were provided with the application.

If the application is approved, a signage strategy should be required detailing the signage for the tenancies to ensure compliance with the LPP4.11.

In addition, the application proposes two illuminated pylon signs. One for the service station and the second to be shared amongst the other tenancies. The service station pylon sign which is 7.2m high does not comply with the maximum height of 6.5m permitted under the policy. Should the application be approved, the pylon sign should be reduced in height, consistent with the LPP.

Conclusion:

The application seeks approval for a 'Service Station', two 'Fast Food Outlets', 'Motor Vehicle Repair' and 'Motor Vehicle Wash'. Officers consider that the development is generally consistent with the planning framework, and subject to conditions, is recommended for support notwithstanding the objection from MRWA. The MRWA objection will cause the DPLH to submit its own RAR, given they will need to issue a recommendation under the MRS given the Shire does not support the submission from MRWA.

Alternatives

This section should identify whether the proposal is capable of being determined differently to the Officer Recommendation.

If so, discuss the key elements and matters that are required to be considered by the decision-maker in forming that view (if the scheme provides for variations, it may be helpful to refer to criteria under that clause/s).

A summary of the considerations required to exercise discretion should be included. These should refer to the relevant scheme, policy or other provisions and the

circumstances where this may be applied. This discussion may refer to the entire decision or, if an approval, to one of more of the recommended conditions.

An alternate recommendation may be sought by a DAP member under Regulation 13. The overview is important to ensure DAP members, along with other stakeholders, are aware of any specific matters that may need to be addressed if an alternative to the recommendation is to be considered.

Officer Recommendation Delete section if not required.

It is recommended that the Insert DAP Name resolves to:

1. **Choose Accept/Refuse** that the DAP Application reference Insert DAP reference number is appropriate for consideration as a “insert use type” land use and compatible with the objectives of the zoning table in accordance with Clause no. of the LG Name Choose scheme details Planning Scheme No. no.; Delete this point unless the application is for a ‘use not listed’ in the zoning table.
2. **Choose Approve/Refuse** DAP Application reference Number and accompanying plans (attachment number) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (delete for WAPC applications), and the provisions of Clause no. of the LG Name Choose scheme details Planning Scheme No. no., Choose Conditions/Reasons details:

Choose Conditions/Reasons If a refusal, please delete points 1 and 2 below.

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme. Include for LG RARs where land is zoned 'Urban' under the MRS and the conditional Clause 26 of the MRS apply. Delete if a separate decision of the WAPC is needed.
2. This decision constitutes planning approval only and is valid for a period of Number years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Advice Notes

Please consider carefully the need for advice notes and ensure that they are relevant to, and augment the recommended approval. Where advice notes are used, please do not refer to specific condition numbers unless absolutely necessary.

- 1.
- 2.

Reasons for Officer Recommendation

Provide a brief summary of key issues and provide clear and succinct reason(s) for the Officer Recommendation. It should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting. If the recommendation is for a refusal, this section could be used to amplify the reasons in the recommendation if required.