

Form 2: Responsible Authority Report

(Regulation 17)

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 17 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs prepared under r.17. An application under Reg 17 is not an application 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.

An application may be made under r.17 to:

- (a) amend the approval so as to extend the period within which any development approved must be substantially commenced;
- (b) amend or delete any condition to which the approval is subject;
- (c) amend an aspect of the development approved which, if amended, would not substantially change the development approved;
- (d) cancel the approval.

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 Extension of Substantial Commencement Timeframe

Form 2 – Responsible Authority Report (Regulation 17)

DAP Name:	Metro Outer Joint Development Assessment Panel	
Local Government Area:	Shire of Serpentine Jarrahdale	
Proposed Amendments:	Extension of Substantial Commencement Timeframe	
Applicant:	Altus Planning	
Owner:	Byford Development No.3 Pty Ltd	
Value of Amendment:	\$ N/A	
Responsible Authority:	Shire of Serpentine Jarrahdale	
Authorising Officer:	Andrew Trosic – Director Development Services	
LG Reference:	PA23/493	
DAP File No:	DAP/18/01419	
Date of Original DAP decision:	11 December 2018	
Application Received Date:	14 July 2023	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	<ol style="list-style-type: none"> 1. Initial approval dated 11 December 2018 2. Amended approval dated 1 October 2019 3. Subject application details 4. Summary of Submissions 5. Clause 67 Checklist 6. Traffic Impact Assessment Addendum 7. Subdivision Approval 8. Council Resolution 	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

Ensure that there is an appropriate delegation for the RAR.

Where there is a Council resolution, this is the Responsible Authority Recommendation. If the Council resolution differs from the Officer Recommendation, the Officer Recommendation section of this report also needs to be completed.

Where local government officers have delegation to provide the RAR to the DAP secretariat, the Officer Recommendation section in the body of the report can be deleted and only the section below needs to be completed.

That the Insert DAP Name resolves to:

1. **Choose Accept/Refuse** that the DAP Application reference Insert DAP reference number as detailed on the DAP Form 2 dated Choose date is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Choose Approve/Refuse** 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., for the proposed minor amendment to the approved development details at property location, Choose Conditions/Reasons details:

Choose Conditions/Reasons

1. Amended Condition (with relevant Condition Number OR reason for refusal)
2. Amended Condition (with relevant Condition Number OR reason for refusal)

New Conditions - if required

Please consider any consequential impact/s of amended or new conditions and ensure that they are consistent with the full text of the modified approval.

1. Insert New Condition
2. Insert New Condition

Amended Advice Notes - if required

1. Amended Advice Notes (with relevant Advice Note Number)
2. Amended Advice Notes (with relevant Advice Note Number)

New Advice Notes - if required

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. Insert New Advice Note
2. Insert New Advice Note

All other conditions and requirements detailed on the previous approval dated Choose date shall remain unless altered by this application.

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
Local Planning Scheme	Local Planning Scheme No.3
Local Planning Scheme Zone/Reserve	'Service Commercial'
Structure Plan/Precinct Plan	Byford District Structure Plan
Structure Plan/Precinct Plan Land Use Designation	'Service Commercial'
Use Class (proposed) and permissibility:	'Service Station' A 'Motor Vehicle Wash' D 'Bulky Goods Showroom' P
Lot Size:	1.16ha
Net Lettable Area (NLA):	1562m ²
Number of Dwellings:	N/A
Existing Land Use:	Vacant
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	No

Proposal:

The application seeks to amend a lapsed development approval relating to a 'Service Station, Car Wash, Vehicle Service/Tyre Centre, Showroom/restricted retail and car park' at Lot 3, 104 Larsen Road, Byford. This was an approval issued by the Development Assessment Panel, however has lapsed on the basis that substantial commencement was not achieved by 11 December 2022.

It is noted that:

- Regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011* provides that application may be made to amend an approval so as to extend the period within which any development approved must be substantially; and
- Regulation 17(2)(a) provides such application may be made *during or after* the period within which the development approved must be substantially commenced.

The application seeks to amend the lapsed development approval by extending the timeframe for substantial commencement for a further two years, being to 11 December 2024.

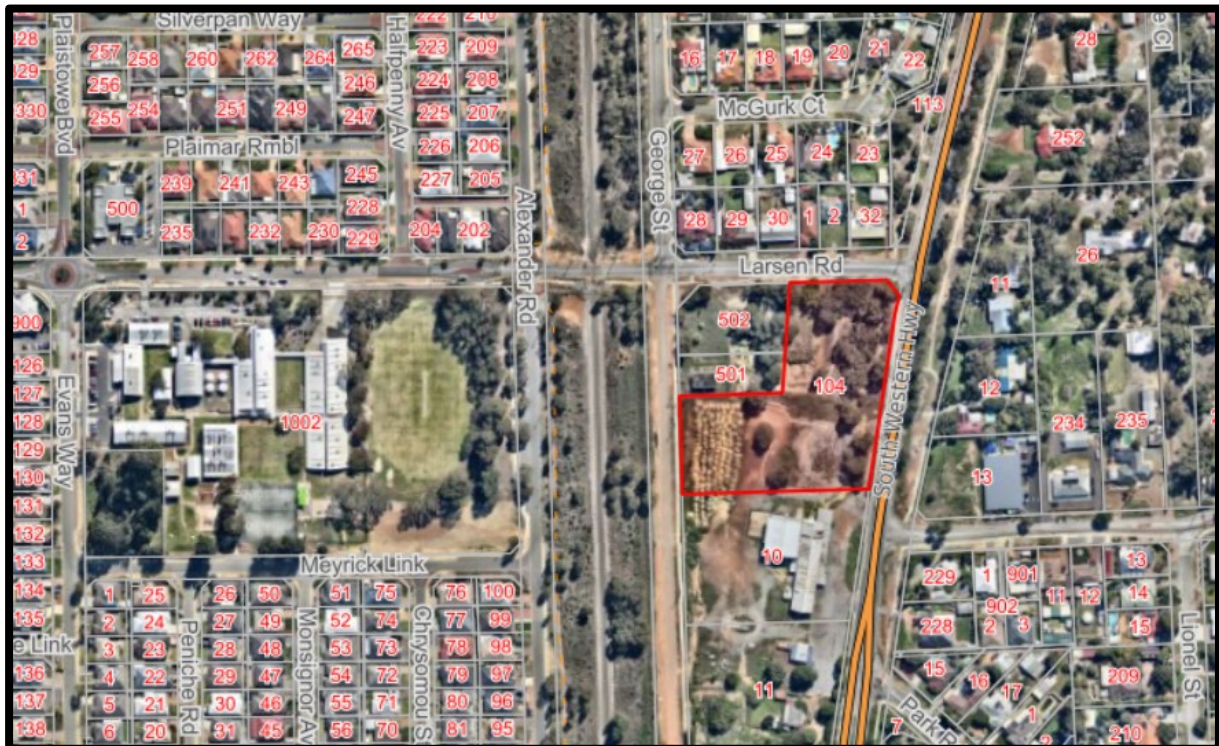
Background:

On 11 December 2018, the Metro Outer Joint Development Assessment Panel (MODAP) approved a development application for a 'Service Station, Car Wash, Vehicle Service/Tyre Centre, Showroom/restricted retail and carpark' at the subject site. The approval is contained within **attachment 1**. This development was required to be substantially commenced by 11 December 2020.

On 1 October 2019, the MODAP approved an application for design changes to the development including the addition of pitched roofs to the fuel shop, internal car park and access modifications, and deletion of Condition 13 which required the design changes to the fuel shop. The approval is contained within **attachment 2**. This approval did not alter the substantial commencement timeframe, however, under Clause 33 (3) (a) of the COVID-19 *Response and Economic Recovery Omnibus Act 2020*, the approval remains valid for a further two years resulting in a substantial commencement timeframe of 11 December 2022. As this has now passed, the development approval has lapsed.

This application seeks to amend the substantial commencement timeframe by adding a further two years, to a date of 11 December 2024.

The subject site is bound by South Western Highway to the east, Larsen Road to the north and George Street to the west. The subject site is 1.16ha in area and is currently vacant with vegetation located alongside South Western Highway.



Approved Development

To recap, the approved development plans are contained within **attachment 3** and comprise the following elements:

- A 432m² convenience store incorporating a café, outdoor seating area, cool room, store room, sales area, preparation area and drive-thru;

- A service station with eight fuel points for cars and two for trucks (24 hour operation);
- A 100m² car wash with four manual wash bays, one automatic wash bay and four vacuum bays (24 hour operation);
- A 400m² tyre and automotive centre;
- A 630m² showroom tenancy;
- A drive-thru coffee shop;
- A car park comprising of 79 bays;
- Landscaping area of 3,116.5m²

The works were required to have been substantially commenced by 11 December 2022, meaning the development approval has lapsed.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine-Jarrahdale Local Planning Scheme No. 3

Local Policies

- Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals

Consultation:

Public Consultation

The application was advertised for a period of 28 days to surrounding landowners within a 200m radius of the subject site, from 24 July 2023 to 21 August 2023. The application details were displayed on the Shire's website for the same period. During the consultation period 12 submissions were received including two of support and 10 raising concerns or objecting. A full copy of the submissions together with the applicant's response is contained within **attachment 4**. The concerns raised and Officer comments are detailed in the table below, and further discussed under the relevant headings of the report:

Issue Raised	Officer Comments
Traffic safety at the intersection of South Western Highway and Larsen Road	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic is proposed to be accommodated at the intersection. Specifically, the application resulted in the imposition of conditions to upgrade the intersection, based on the position of MRWA. This Condition is as follows:</p> <p><i>“Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation at the applicant’s cost.”</i></p> <p>No amendments to this condition are proposed or recommended as part of this application. This remains an acceptable upgrade to the intersection, based on the development activities remaining unchanged.</p> <p>The impact on the future road network is also discussed within the main body of the report.</p>
Traffic increase	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic can be adequately accommodated on the local road network and also includes a 10-year forward projection. Traffic generated from the proposal has been assessed as not adversely impacting upon the road network.</p>
Noise	<p>An Acoustic Assessment was provided as part of the initial application that demonstrates compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>. The development was approved on the basis that noise generated would not adversely impact upon the amenity of the locality. It is worth noting that a condition was also imposed on the approval as follows:</p> <p><i>“Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation to noise.”</i></p> <p>No changes to this condition are proposed or recommended as part of this application.</p>
Lighting	<p>The subject application does not propose any changes to the built form or lighting plan. There was a condition imposed on the approval requiring a lighting plan to be submitted and approved by the Shire in consultation with Main Roads. It is considered that this condition would ensure that lighting does not adversely impact upon amenity.</p>
Privacy	<p>No changes are proposed to the built form layout that would impact on privacy.</p>
Need for a further Service Station	<p>Officers are required to undertake a merits based assessment of the application, taking account of relevant planning matters. Whether there is a need for a further type of development, is not a relevant planning matter able to be considered.</p>
Inappropriate development within/adjacent to	<p>The use of land and associated works are capable of approval in the zone subject to a merits-based assessment including any impacts on the locality.</p>

Issue Raised	Officer Comments
'Urban Development' zone	<p>New Scheme 3 demarcates this land as zoned 'Service Commercial', with the objectives of that zone specifically stating:</p> <ul style="list-style-type: none"> - <i>To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites;</i> - <i>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.</i> <p>The development is aligned with the zone based objectives.</p>

Referrals/consultation with Government/Service Agencies

Main Roads Western Australia:

Main Roads has no objection to the extension of time, subject to the same conditions being applied as previously approved by the MODAP.

Department of Education:

The Department of Education has no in principle objections to the proposal subject to compliance with the buffer distance requirements as set out in The Environmental Protection Authority's Guidance for the Assessment of Environmental Factors - Separation Distances Between Industrial and Sensitive Land Uses No. 3.

Design Review Panel Advice

N/A.

Swan Valley Planning

N/A

Planning Assessment:

The subject application is made in accordance with r17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. This allows for an application to be made "to amend the approval so as to extend the period within which any development approved must be substantially commenced under regulation 16A(2)".

Supporting this is r17(2)(a), which provides that such application may be made *during or after* the period within which the development approved must be substantially commenced.

In assessing such an application, there are a number of relevant planning matters used to assess whether it is consistent with orderly and proper planning, to grant a further extension of time. These have also been captured in Shire Local Planning Policy 1.3 - Amendments and Extensions to Existing Approvals Policy.

These relevant matters include:

- Whether the planning framework has changed substantially since the development approval was granted;
- Whether the development would likely receive approval now; and
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

For the purposes of this report, discussion is confined to these matters.

Whether the planning framework has changed substantially since the development approval was granted

Since the development approval was granted, the Shire has now gazetted a new Local Planning Scheme No. 3. Further, the Byford District Structure Plan has been amended and updated. The approved development is considered to be consistent with these updated documents that underpin the planning framework, as discussed following:

Local Planning Scheme No.3 (LPS3):

The subject site is zoned 'Service Commercial' under LPS3. All approved uses remains either permissible or discretionary (with community advertising) within the zone, as shown following:

<p>'Service Station' defined as <i>"premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -</i></p> <p>(a) <i>the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or</i></p> <p>(b) <i>the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles."</i></p>	<p>'A' use in the 'Service Commercial' zone meaning there is discretion to permit the use subject to advertising the application and consideration of any submissions as part of a merits based assessment.</p>
<p>'Motor Vehicle Wash' defined as <i>"premises primarily used to wash motor vehicles"</i>.</p>	<p>'D' use in the zone therefore there is discretion to permit the use without advertising the application.</p>
<p>'Bulky Goods Showroom' defined as <i>"premises -</i></p> <p>(a) <i>used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes-</i></p> <p>(i) <i>automotive parts and accessories;</i></p> <p>(ii) <i>camping, outdoor and recreation goods;</i></p> <p>(iii) <i>electric light fittings;</i></p> <p>(iv) <i>animal supplies including equestrian and pet goods;</i></p> <p>(v) <i>floor and window coverings;</i></p> <p>(vi) <i>furniture, bedding, furnishings, fabrics, manchester and homewares;</i></p> <p>(vii) <i>household appliances, electrical goods and home entertainment goods;</i></p> <p>(viii) <i>party supplies;</i></p> <p>(ix) <i>office equipment and supplies;</i></p> <p>(x) <i>babies' and children's goods, including play equipment and accessories;</i></p> <p>(xi) <i>sporting, cycling, leisure, fitness goods and accessories;</i></p>	<p>'P' use meaning it is "permitted if it complies with any relevant development standards and requirements of this Scheme'.</p>

<p>(xii) <i>swimming pools.</i></p> <p><i>or</i></p> <p>(b) <i>used to sell goods and accessories by retail if -</i></p> <p style="padding-left: 20px;">(i) <i>a large area is required for the handling, display or storage of the goods; or</i></p> <p style="padding-left: 20px;">(ii) <i>vehicular access is required to the premises for the purpose of collection of purchased goods.”</i></p>	
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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; and*
- *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 development includes showroom land uses to which the zone is identified for. The ‘Service Station’ and ‘Motor Vehicle Wash’ land uses typically also 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 proposal is therefore considered consistent with LPS3.

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 remain consistent with the BDSP.

Whether the development would likely receive approval now

An assessment against Clause 67 of the Deemed Provisions has been undertaken and forms **attachment 5**. The application is considered consistent with the new LPS3 and BDSP, the proposal in its form has not changed since the approval and the remainder of the planning framework remains unchanged.

In assessing whether the development would likely receive approval now, it is required to undertake an assessment of how the locality has changed in terms of new development and infrastructure. In this regard, the development of the Byford Rail Extension project has significantly progressed. The Western Australian Planning Commission (WAPC) are currently considering a development application including the following elements:

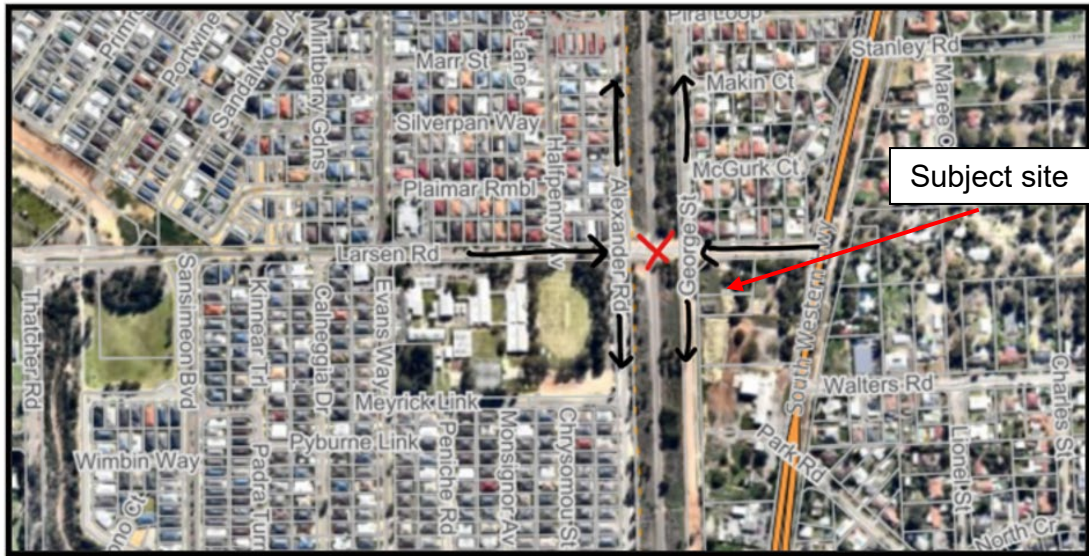
- Train station building;
- Station platforms;
- Canopies;
- Bus interchange;
- New plaza;
- Station forecourt;
- Principle shared path;
- Park and ride;

- Kiss and ride;
- Bicycle parking; and
- New roads and infrastructure (including road treatments).

This development will ultimately have a significant impact on the Byford Town Centre and surrounding area. The proximity of this development from the subject site is depicted below:



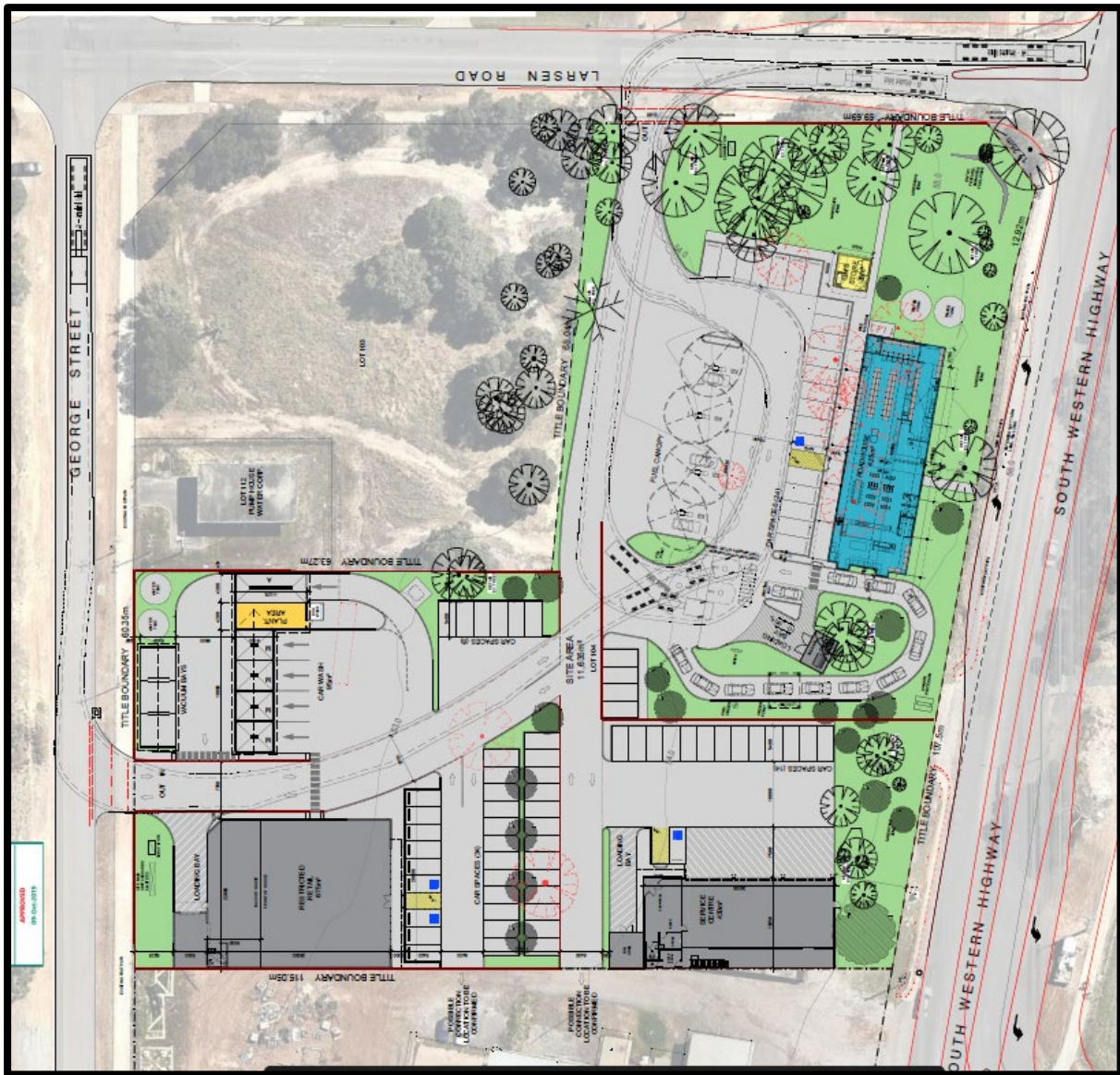
Of particular relevance to this application is the closure of Larsen Road at the rail crossing as part of the project, as depicted following:



This creates a significant change for accessibility throughout Byford and the town centre as well as the development of the subject site. A pedestrian overpass will also facilitate pedestrian movement between the residential area to the west, in particular the school, and the town centre.

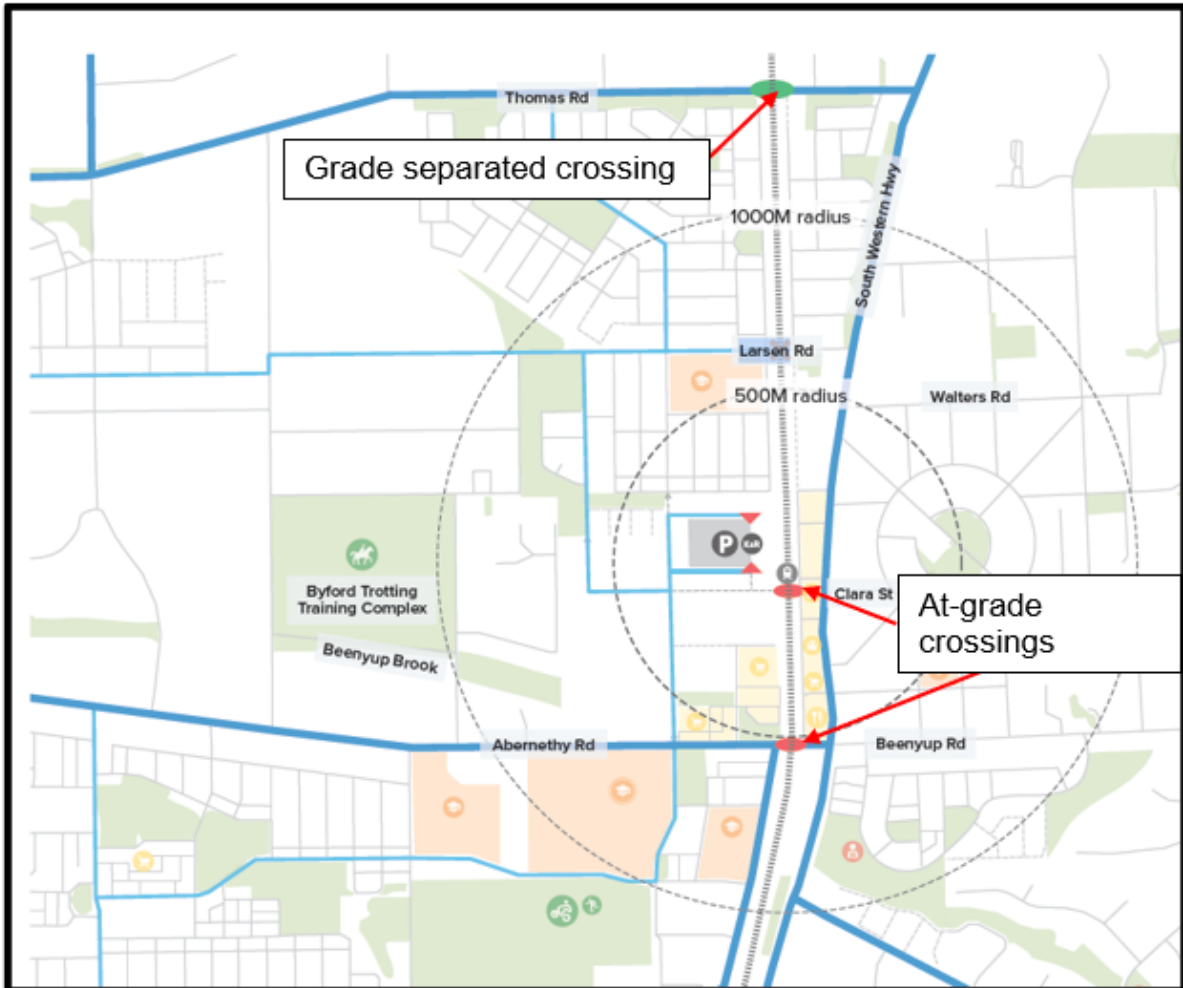


As part of the initial approval, access to the development was approved from Larsen Road and George Street, as depicted following:

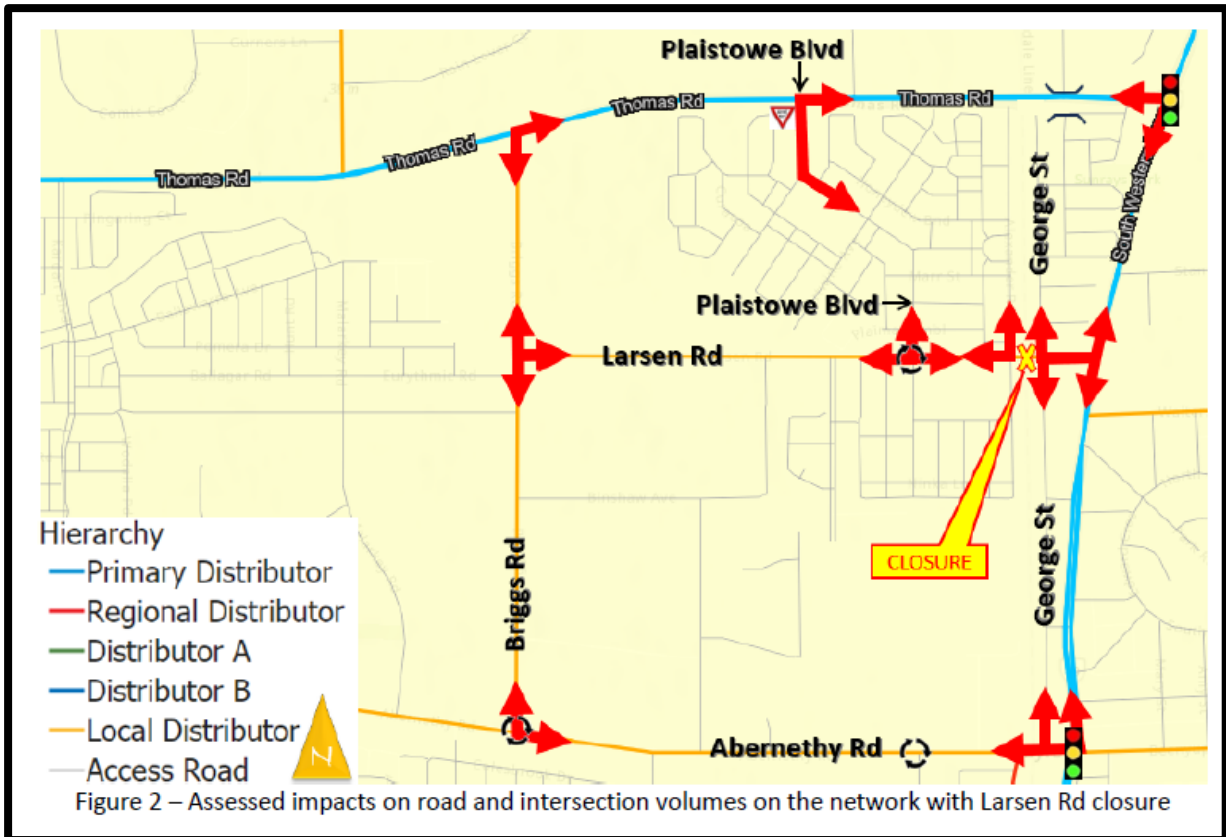


The approval facilitated fuel tankers to access the site from George Street and exit on to Larsen Road to ensure safe movement of these large vehicles. The approval also resulted in the requirement to provide dual turning lanes at the Larsen Road/South Western Highway intersection to increase the capacity of Larsen Road and to eliminate concerns of traffic stacking.

Given the upcoming closure of Larsen Road at the railway, traffic will no longer be able to access the subject site on Larsen Road directly from the west. East-west road connectivity over the railway will be via the Thomas Road bridge to the north, and Clara Street West and Abernethy Road to the south, as depicted following:

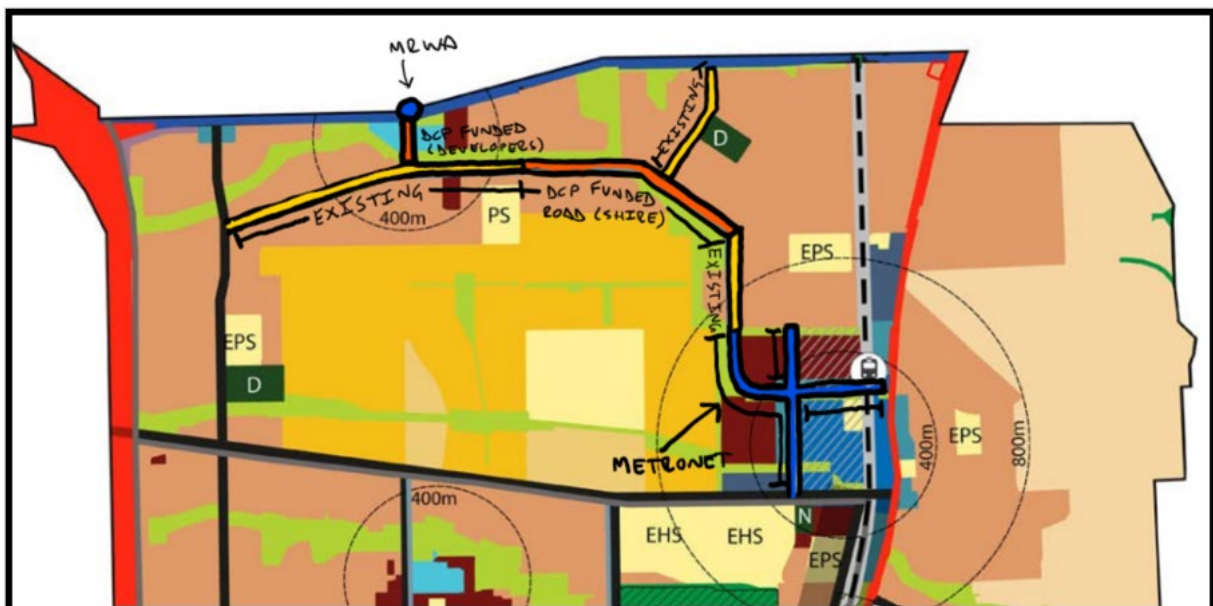


The applicant has provided additional information in the form of an addendum to the TIA (**attachment 6**). This states that there is currently no traffic model of the forecast impacts of the road closure on the road network. “A *preliminary assessment of the changed routes suggests significant increases to volumes along Plaistow Blvd and the right turns into and out of Plaistow Blvd at the Thomas Rd Give-Way controlled T intersection, as well as changes in volumes at up to 10 other intersections*”. This is depicted on the figure below:



The addendum considers that these changes will result in a significant reduction in volumes on Larsen Road between the Railway and South Western Highway and minor changes to the overall volumes through the intersections.

Officers note that the addendum is only a specific and narrow snapshot of the subject land, and does not take account of how the planned road network of Indigo Parkway and Sansimeon Boulevard will transform accessibility for the communities which are developed north of Abernethy Road, and south of Thomas Road. Once the road network is fully delivered, the planned movement patterns will take place as intended under the BDSF. There will, however, be stages of delivery of the road network, which will need to deal with interim access arrangements.



As part of the initial application in 2018, the TIA considered the traffic at the time as well as a further 10-year forecast. The TIA also acknowledged the closure of the rail crossing at Larsen Road.

The WAPC Transport Impact Assessment Guidelines (2016) provides guidance on the assessment of traffic impacts. As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any section of road but increases over 10 percent may.

Larsen Road is a 'Local Distributor' road and as such has a maximum desirable volume of 6,000 vehicles per day (vpd) or 600 vehicles during its peak hour. The TIA of 2018 includes the total peak hour volumes in the table below:

Midblock	→			←		
	Existing 2018	Forecast	Total	Existing 2018	Forecast	Total
Midweek 1-2 PM	73	72	145	115	45	160
Midweek 4-5 PM	95	76	171	193	39	232
Saturday 12-1 PM	97	97	194	150	50	200

Table 3 – Assessed total mid-block volumes on Larsen Rd

The maximum traffic volumes in 2018 and the forecasted volumes would not exceed the 600 vehicles per hour, with a maximum of 200 forecasted. The addendum states that the closure of the railway crossing is likely to have an impact on the forecast 200 trips as up to 50 of these were expected to be associated with traffic coming from, or going to, areas on the west side of the railway crossing. This is considered to demonstrate that Larsen Road has sufficient capacity to accommodate the additional traffic generated from the development now and in the immediate future.

Furthermore, the closure of Larsen Road at the railway will remove school traffic from the portion of Larsen Road that is relevant to the proposal, and in turn remove the school traffic from the Larsen Road / South Western Highway intersection. As such, the changes to the road network will not have any negative impact on the approved condition requiring the upgrade to the intersection of Larsen Road and South Western Highway.

South Western Highway and George Street provide access to the site for northbound and southbound vehicles. George Street is an 'Access Road' which have the capacity to carry up to 3,000 vpd. The traffic generated from the development is therefore less than 10% of its capacity and is therefore unlikely to have a material impact in accordance with the WAPC's Guidelines. George Street will also be connected through to Abernethy Road, as part of the Byford Rail Extension and this work will be undertaken by Metronet.

The traffic generated from this development is considered capable of being accommodated and as previously stated MRWA has raised no objections to the proposal.

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

The applicant has advised that since the determination of the application in 2018 the following has occurred to pursue the implementation of the approval:

- *"Subdivision application for Lot 104 Larsen Road submitted on 7 August 2019 (WAPC 158316) seeking to create individual lots for the Service Station, Tyre Centre, Car Wash and Retail components.*
- *Subdivision application 158316 approved on 8 November 2019 (attachment 7).*
- *Commercial agreements were in place in 2019 and early 2020 (pre-Covid).*

- *The property developer and financial partner was based in Victoria and therefore, the process required to be undertaken to realise a development outcome and finalise the agreements was hampered by Covid lockdowns and the associated restriction on interstate travel for the best part of two years.*
- *The property was then placed on the market with an offer to purchase being executed on 1 October 2021 and rescinded on 27 April 2022.*

Following the failed sale, the developers now wish to reinvigorate the opportunity and need extended approval to allow them the chance to produce a new facility and see a return for their investment in the land.”

Based on the information provided, it is considered that the applicant has actively and relatively conscientiously pursued the implementation of the development approval, in accordance with LPP1.3.

Conclusion:

The application seeks to amend the approval by extending the timeframe for when the development is required to be substantially commenced. The development approved was required to be substantially commenced by 11 December 2022. The application seeks to allow a further two years for substantial commencement (11 December 2024).

It is considered that the proposal remains consistent with the planning framework. Furthermore, the development approval has actively and relatively conscientiously pursued the implementation of the development approval. The application is therefore recommended for approval.

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 Metro Outer Joint Development Assessment Panel resolves to:

1. ACCEPT that the DAP Application reference DAP/18/01419 as detailed on DAP Form 2 dated 28 June 2023, is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations)*.
2. APPROVE, in accordance with regulation 17(4)(a) of the DAP Regulations, the application dated 28 June 2023 to amend DAP Application reference DAP/18/01419 in order to extend

the period by which development must be substantially commenced till 11 December 2024, subject to all conditions, footnotes and advice notes remaining as per the DAP's decision of 11 December 2018 and amended decision dated 1 October 2019.

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.