Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 13 October 2026; 1:00pm
Meeting Number: MODAP/164
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
MODAP/164 - 13 October 2026 - City of Swan - Shire of Serpentine Jarrahdale

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF SWAN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications

   4.1 Lot 201 (No. 231) Morrison Road, Midvale - Mixed Commercial Development - Replacement of approved 600m2 childcare building with proposed 417m2 Motor Vehicle repair building with reduced setback and removal of boundary landscaping, Proposed use of approved 537m2 Retail Building as Restaurant and Fast Food outlet and increase to 554m2, Increase of approved Fast Foor Outlet from 215m2 to 311m2, Modification to site carparking layout – DAP/22/02304

   Deputations
5. Section 31 SAT Reconsiderations

PART C – SHIRE OF SERPENTINE-JARRAHDALE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications

   4.1 Lot No.603 and No.605 (No.1537) Thomas Road, Oakford - Service Station - Proposed Extension of Commencement Timeframe for Approved Service Station – DAP/18/01394
5. Section 31 SAT Reconsiderations

Clayton Higham
Presiding Member, Metro Outer DAP

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PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

Clayton Higham
Presiding Member, Metro Outer DAP

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DAP Members
Clayton Higham (Presiding Member) Dale Page (Deputy Presiding Member) John Syme
Cr Mel Congerton (Part B – City of Swan) Cr Rod Henderson (Part B – City of Swan)
President Rob Coales (Part C – Shire of Serpentine-Jarrahdale) Cr Nathan Bishop (Part C – Shire of Serpentine-Jarrahdale)

DAP Secretariat
Tenielle Brownfield
Ashlee Kelly

Clayton Higham
Presiding Member, Metro Outer DAP

Part B – City of Swan
Applicant
Dane Gaunt (Rise Urban) Nick Grindrod (Saracen Properties)
Officers/Technical Advisors in Attendance
Phil Russell

Part C – Shire of Serpentine-Jarrahdale
Applicant
Daniel Lewis (SLR Consulting) Hannah Kelly (SLR Consulting)
Officers/Technical Advisors in Attendance
Heather O'Brien Andrew Trosic Ryan Fleming

Members of the Public / Media

Nil

Observers via livestream

There were 8 persons observing the meeting via the livestream.

Clayton Higham
Presiding Member, Metro Outer DAP

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:03pm on 13 October 2026 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders under the *Planning and Development (Development Assessment Panels) Regulations 2011.*

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil

3. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the DAP website.

Clayton Higham
Presiding Member, Metro Outer DAP

PART B – CITY OF SWAN

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 4.1, received on 9 October 2026 was published in Part B of the Related Information.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

Nil

4. Form 2 DAP Applications

4.1 Lot 201 (No. 231) Morrison Road, Midvale - Mixed Commercial Development - Replacement of approved 600m2 childcare building with proposed 417m2 Motor Vehicle repair building with reduced setback and removal of boundary landscaping, Proposed use of approved 537m2 Retail Building as Restaurant and Fast Food outlet and increase to 554m2, Increase of approved Fast Foor Outlet from 215m2 to 311m2, Modification to site carparking layout – DAP/22/02304

Deputations

Dane Gaunt (Rise Urban) addressed the DAP in support of the application at Item 4.1 and responded to questions from the panel.

Nick Grindrod (Saracen Properties) addressed the DAP in support of the application at Item 4.1 and responded to questions from the panel.

The City of Swan addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.

Clayton Higham
Presiding Member, Metro Outer DAP

SUBSTANTIVE MOTION 1

Moved by: Nil **Seconded by:** Nil

That the Metro Outer Development Assessment Panel resolves to:

A. **Not Accept** that the DAP Application reference DAP/22/02304 as detailed on the DAP Form 2 dated 12 June 2026 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011 for the following reason:

1. The proposal constitutes a substantial change to the development approved by way of:

(i) The replacement of a "childcare premises" use under the current approval with a proposed "motor vehicle repair" use;
(ii) The proposed introduction of a new building to accommodate the "motor vehicle repair" use to be sited with a nil setback to the adjoining reserve and entails the removal of the boundary landscaping under the current approval;
(iii) The replacement of the "shop" use of the retail building with a "restaurant" and "fast food outlet" use and an increase in building floorspace from 537m2 to 554m2;
(iv) An increase in the approved 'fast food outlet" building from 215m2 to 311m2; and
(v) Modification to the layout and number of car parking bays provided onsite.

The Substantive Motion LAPSED for want of a mover and a seconder.

SUBSTANTIVE MOTION 2

Moved by: Dale Page **Seconded by:** John Syme

That the Metro Outer Development Assessment Panel resolves to:

A. **Accept** that the DAP Application reference DAP/22/02304 as detailed on the DAP Form 2 dated 12 June 2026 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and

B. **Approve** to amend DAP Application reference DAP/22/02304 for Mixed Use Commercial development at Lot 201 (No.231) Morrison Road, Midvale in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, subject to the following conditions:

Clayton Higham
Presiding Member, Metro Outer DAP

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Conditions

1. This decision constitutes planning approval only and is valid for a period of four (4) 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.

2. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.

3. This approval is for the following land uses as defined in the City of Swan Local Planning Scheme No.17:
   - Restaurant;
   - Veterinary Centre;
   - Fast Food Outlet; and
   - Motor Vehicle Repair.

4. Lot 100 (No.83) Farrall Road and Lot 2 (No.231) Morrison Road, Midvale shall be amalgamated into a single lot on a certificate of title or subdivided in accordance with Western Australian Planning Commission conditional approval 157995. Amalgamation must occur prior to practical completion of the development.

5. Prior to occupation of the development, a satisfactory arrangement is to be made with the City of Swan for the provision of a median treatment within the Farrall Road road reservation at the east crossover of the development site, for the purpose of providing a functional and safe right turn vehicle movement out of the development site onto Farrall Road. The arrangement shall be based on the following principles:
   i. The proponent is to prepare and submit the detailed design of the proposed median treatment to the City of Swan for approval.
   ii. The proponent will provide a contribution to the City of Swan to fund a portion of the cost of the median treatment.
   iii. The cost apportionment is to be based on the pro-rata proportion of traffic using the Farrall Road crossover, with the City of Swan being responsible for funding the portion of the works that is not attributed to the development hereby permitted.

6. Prior to occupation or use of the development, 60 car parking bays and 11 drive through bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).

Clayton Higham
Presiding Member, Metro Outer DAP

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7. A minimum of 12 bicycle parking bays shall be provided on site prior to occupation of the development. The design and construction of the bike bays shall be in accordance with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.

8. Prior to occupation or use of the development, a detailed parking management plan must be prepared, implemented, constructed and thereafter maintained to the satisfaction of the City of Swan, for the life of the development.

9. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.

10. The Applicant is to arrange to the satisfaction of the City, the provision of access across the subject lots to the benefit of Lot 357 (No.227) Morrison Road, Midvale.

11. Prior to occupation or use of the development a footpath is to be constructed adjoining the subject lot, at the Applicants cost, along Morrison Road, to the satisfaction of the City of Swan and to the specifications of the local government.

12. Waste collection is to be limited to between 7.00am and 7.00pm - Monday to Saturday and between 9.00am and 7.00pm on Sundays and Public Holidays unless further evidence, to the satisfaction of the City of Swan is provided that compliance can be achieved with *Environmental Protection (Noise) Regulations 1997* outside of those times.

13. Prior to the lodgement of a building permit, unless compliance with the environmental noise regulations is demonstrated through the submission of an acoustic report to the City of Swan, the following is to be implemented in relation to the Motor Vehicle Repair:

    - The Motor Vehicle Repair is permitted to operate 7:00am to 5:00pm Monday to Friday and 8:00am to 12:00pm on Saturdays.
    - The Motor Vehicle Repair use is restricted to servicing light vehicles with a gross vehicle mass under 4.5 tonnes.
    - The ceiling of the Motor Vehicle Repair workshop shall be lined with gyprock and insulation.
    - The walls of the workshop shall be constructed of brick or concrete panels.
    - Vehicles may only be worked on within the workshop with the roller doors down.
    - The use of air compressors and compressed-air tools is not permitted.

Clayton Higham
Presiding Member, Metro Outer DAP

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14. Prior to the lodgement of a building permit, a Waste Management Plan must be submitted to and approved by the City of Swan. The plan must include the following details to the satisfaction and specification of the City of Swan:
    a) The location of bin storage areas and bin collection areas;
    b) The number, volume and type of bins, and the type of waste to be placed in the bins;
    c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
    d) Frequency of bin collections.

    The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.

15. Prior to the submission of a Building Permit, a detailed landscaping plan shall be submitted, and approved by the City of Swan, and is to include additional tree plantings within the car park.

16. All landscaping must be completed in accordance with the approved detailed landscaping plan, prior to the occupation of any building. All landscaping is to be maintained onsite to the satisfaction of the City of Swan.

17. The signage shall comprise no internal illumination and shall only relate to the operation within the premises.

18. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.

19. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).

20. Prior to the lodgement of an occupancy permit, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:

    a. Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount ($34,000 with the applicable 15% discount). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of an occupancy permit for the approved development, whichever occurs first; or

    b. Provision of Public Art on-site to a minimum value of the 1% contribution amount ($40,000). The following is required for the provision of Public Art on-site:

i. the landowner or applicant on behalf of the landowner must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;

ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,

iii. the approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.

21. Prior to the lodgement of a building permit, an updated external colours, finishes and materials schedule, shall be submitted and approved to the satisfaction of the City of Swan.

22. Prior to the lodgement of a building permit, amended plans to the rear façade of the motor vehicle repair workshop shall be submitted that provide passive surveillance from the office and staffroom to the adjoining public realm.

23. Prior to commencement of works, a Statement of Sustainability measures shall be submitted to the satisfaction of the City of Swan. The Statement of Sustainability shall address, but is not limited to, sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures (where applicable), harnessing of renewable energy sources, and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.

24. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

25. All stormwater produced from this property, including subsoil drainage, is to be collected and disposed into the City of Swan's drainage system in accordance with the City of Swan's requirements and to the satisfaction of the City of Swan.

26. No goods or materials being stored, either temporarily or permanently, in the parking or landscaping areas or within access driveways.

27. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.

Clayton Higham
Presiding Member, Metro Outer DAP

AMENDING MOTION 1

Moved by: Dale Page **Seconded by:** John Syme

That the preamble be amended to read as follows:

That the Metro Outer Development Assessment Panel resolves to:

A. Accept that the DAP Application reference DAP/22/02304 as detailed on the DAP Form 2 dated 12 June 2026 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011; and

B. Approve to amend DAP Application reference DAP/22/02304 for Mixed Use Commercial development at Lot 201 (No.231) Morrison Road, Midvale in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011, subject to the following conditions ***which will replace all conditions of previous approvals****:*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The City of Swan provided a complete set of conditions in response to the regulation 13 request for information. Previous approvals amended or introduced specific conditions, and the numbering and wording of some other conditions have changed through this process. It is therefore prudent and practical to use the consolidated set of conditions provided by the City to ensure clarity and certainty for both the City and the applicant.

AMENDING MOTION 2

Moved by: Dale Page **Seconded by:** John Syme

That Condition No. 13 be amended to read as follows:

Prior to ~~the lodgement~~ ***submission of an application*** *~~of~~* ***for*** *a building permit* ***for the Motor Vehicle Repair building****, ~~unless compliance with the environmental noise regulations is demonstrated through the submission of an acoustic report to the City of Swan, the following is to be implemented in relation to the Motor Vehicle Repair: ~~***, an acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the City of Swan. The report shall demonstrate how the use will comply with the Environmental Protection (Noise) Regulations 1997. It shall identify the construction and operational measures needed to achieve compliance. The Motor Vehicle Repair building shall be constructed and operated in accordance with the approved report, to the satisfaction of the City of Swan. The Motor Vehicle Repair may operate between 7.00am and 5.00pm Monday to Friday and 8.00am and 12.00pm on Saturday.***

Clayton Higham
Presiding Member, Metro Outer DAP

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- ~~*The Motor Vehicle Repair is permitted to operate 7:00am to 5:00pm Monday to Friday and 8:00am to 12:00pm on Saturdays.*~~
- ~~*The Motor Vehicle Repair use is restricted to servicing light vehicles with a gross vehicle mass under 4.5 tonnes.*~~
- ~~*The ceiling of the Motor Vehicle Repair workshop shall be lined with gyprock and insulation.*~~
- ~~*The walls of the workshop shall be constructed of brick or concrete panels.*~~
- ~~*Vehicles may only be worked on within the workshop with the roller doors down.*~~
- ~~*The use of air compressors and compressed-air tools is not permitted.*~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The current condition is unnecessarily prescriptive where an acoustic report containing appropriate recommendations is prepared to the satisfaction of the City of Swan.

AMENDING MOTION 3

Moved by: Dale Page **Seconded by:** Clayton Higham

That Condition No. 21 be amended to read as follows:

> *Prior to the lodgement of a building permit, ~~an updated~~* ***further details of the*** *external colours, finishes and materials ~~schedule~~* ***of the Motor Vehicle Repair tenancy, including improved articulation of the rear boundary wall,*** *shall be submitted and approved to the satisfaction of the City of Swan.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amendment is more reasonable in the context of the previous approvals and the details shown on the approved plans, as well as reducing uncertainty for the applicant.

AMENDING MOTION 4

Moved by: Dale Page **Seconded by:** Cr Rod Henderson

That Condition No. 22 be amended to read as follows:

> *Prior to the lodgement of a building permit, amended plans to the rear façade of the motor vehicle repair workshop shall be submitted ~~that provide passive surveillance from the office and staffroom to the adjoining public realm~~* ***showing highlight windows from the Motor Vehicle Repair office and staffroom to the adjoining reserve, to the satisfaction of the City of Swan****.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

Clayton Higham
Presiding Member, Metro Outer DAP

REASON: The rear wall faces a treed creek reserve, and the workshop will contain expensive equipment. Full-height glazing in this wall could create a potential point of entry from the reserve. Highlight windows will provide the building with a visible and occupied interface with the reserve, allowing light and activity to be visible without exposing the interior of the workshop.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

A. **Accept** that the DAP Application reference DAP/22/02304 as detailed on the DAP Form 2 dated 12 June 2026 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and

B. **Approve** to amend DAP Application reference DAP/22/02304 for Mixed Use Commercial development at Lot 201 (No.231) Morrison Road, Midvale in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, subject to the following conditions which will replace all conditions of previous approvals:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four (4) 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.

2. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.

3. This approval is for the following land uses as defined in the City of Swan Local Planning Scheme No.17:
   - Restaurant;
   - Veterinary Centre;
   - Fast Food Outlet; and
   - Motor Vehicle Repair.

4. Lot 100 (No.83) Farrall Road and Lot 2 (No.231) Morrison Road, Midvale shall be amalgamated into a single lot on a certificate of title or subdivided in accordance with Western Australian Planning Commission conditional approval 157995. Amalgamation must occur prior to practical completion of the development.

Clayton Higham
Presiding Member, Metro Outer DAP

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5. Prior to occupation of the development, a satisfactory arrangement is to be made with the City of Swan for the provision of a median treatment within the Farrall Road road reservation at the east crossover of the development site, for the purpose of providing a functional and safe right turn vehicle movement out of the development site onto Farrall Road. The arrangement shall be based on the following principles:
   i. The proponent is to prepare and submit the detailed design of the proposed median treatment to the City of Swan for approval.
   ii. The proponent will provide a contribution to the City of Swan to fund a portion of the cost of the median treatment.
   iii. The cost apportionment is to be based on the pro-rata proportion of traffic using the Farrall Road crossover, with the City of Swan being responsible for funding the portion of the works that is not attributed to the development hereby permitted.

6. Prior to occupation or use of the development, 60 car parking bays and 11 drive through bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).

7. A minimum of 12 bicycle parking bays shall be provided on site prior to occupation of the development. The design and construction of the bike bays shall be in accordance with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking.

8. Prior to occupation or use of the development, a detailed parking management plan must be prepared, implemented, constructed and thereafter maintained to the satisfaction of the City of Swan, for the life of the development.

9. Vehicle parking, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.

10. The Applicant is to arrange to the satisfaction of the City, the provision of access across the subject lots to the benefit of Lot 357 (No.227) Morrison Road, Midvale.

11. Prior to occupation or use of the development a footpath is to be constructed adjoining the subject lot, at the Applicants cost, along Morrison Road, to the satisfaction of the City of Swan and to the specifications of the local government.

12. Waste collection is to be limited to between 7.00am and 7.00pm - Monday to Saturday and between 9.00am and 7.00pm on Sundays and Public Holidays unless further evidence, to the satisfaction of the City of Swan is provided that compliance can be achieved with *Environmental Protection (Noise) Regulations 1997* outside of those times.

Clayton Higham
Presiding Member, Metro Outer DAP

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13. Prior to submission of an application for a building permit for the Motor Vehicle Repair building, an acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the City of Swan. The report shall demonstrate how the use will comply with the Environmental Protection (Noise) Regulations 1997. It shall identify the construction and operational measures needed to achieve compliance. The Motor Vehicle Repair building shall be constructed and operated in accordance with the approved report, to the satisfaction of the City of Swan. The Motor Vehicle Repair may operate between 7.00am and 5.00pm Monday to Friday and 8.00am and 12.00pm on Saturday.

14. Prior to the lodgement of a building permit, a Waste Management Plan must be submitted to and approved by the City of Swan. The plan must include the following details to the satisfaction and specification of the City of Swan:
    a) The location of bin storage areas and bin collection areas;
    b) The number, volume and type of bins, and the type of waste to be placed in the bins;
    c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
    d) Frequency of bin collections.

    The Waste Management Plan must be implemented at all times to the satisfaction of the City of Swan.

15. Prior to the submission of a Building Permit, a detailed landscaping plan shall be submitted, and approved by the City of Swan, and is to include additional tree plantings within the car park.

16. All landscaping must be completed in accordance with the approved detailed landscaping plan, prior to the occupation of any building. All landscaping is to be maintained onsite to the satisfaction of the City of Swan.

17. The signage shall comprise no internal illumination and shall only relate to the operation within the premises.

18. External illumination shall not flash or pulsate to the satisfaction of the City of Swan.

19. No bunting is to be erected on the site (including streamers, streamer strips, banner strips or decorations of similar kind).

Clayton Higham
Presiding Member, Metro Outer DAP

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20. Prior to the lodgement of an occupancy permit, the landowner must contribute a sum of 1% of the total development construction value toward Public Art in accordance with the City of Swan Local Planning Policy for the Provision of Public Art (POL-LP-1.10), by either:

    a. Payment to the City of Swan a cash-in-lieu amount equal to the sum of the 1% contribution amount ($34,000 with the applicable 15% discount). This must be paid to the City of Swan prior to the date specified in an invoice issued by the City of Swan, or prior to the issuance of an occupancy permit for the approved development, whichever occurs first; or

    b. Provision of Public Art on-site to a minimum value of the 1% contribution amount ($40,000). The following is required for the provision of Public Art on-site:

        i. the landowner or applicant on behalf of the landowner must seek approval from the City for a specific Public Art work including the artist proposed to undertake the work to the satisfaction of the City in accordance with POL-LP-1.10 and the *Developers' Handbook for Public Art* (as amended). The City of Swan may apply further conditions in regard to the proposed Public Art;

        ii. no part of the approved development may be occupied or used until the Public Art has been installed in accordance with the approval granted by the City of Swan; and,

        iii. the approved Public Art must be maintained in compliance with the approval granted by the City of Swan and any conditions thereof, to the satisfaction of the City of Swan.

21. Prior to the lodgement of a building permit, further details of the external colours, finishes and materials of the Motor Vehicle Repair tenancy, including improved articulation of the rear boundary wall, shall be submitted and approved to the satisfaction of the City of Swan.

22. Prior to the lodgement of a building permit, amended plans to the rear façade of the motor vehicle repair workshop shall be submitted showing highlight windows from the Motor Vehicle Repair office and staffroom to the adjoining reserve, to the satisfaction of the City of Swan.

23. Prior to commencement of works, a Statement of Sustainability measures shall be submitted to the satisfaction of the City of Swan. The Statement of Sustainability shall address, but is not limited to, sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures (where applicable), harnessing of renewable energy sources, and total water cycle management. The Statement of Sustainability is to be complied with for the duration of the construction of the development.

Clayton Higham
Presiding Member, Metro Outer DAP

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24. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

25. All stormwater produced from this property, including subsoil drainage, is to be collected and disposed into the City of Swan's drainage system in accordance with the City of Swan's requirements and to the satisfaction of the City of Swan.

26. No goods or materials being stored, either temporarily or permanently, in the parking or landscaping areas or within access driveways.

27. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: Upon its initial review of the Responsible Authority Report and the application documentation, the Panel considered that the proposed amendments to the approved development were at the limits of what could appropriately be considered through a Form 2 application. However, the City of Swan's response to the regulation 13 request for further information, together with the applicant's deputation submission, addressed some of the Panel's initial concerns.

A review of the side-by-side site plans provided by the applicant highlighted that the new Motor Vehicle Repair use at the rear of the site is the primary difference between the proposals. As the permissibility of this land use was unclear, the Panel noted that it was necessary to determine the proposal on the merits of the proposed use. In doing so, the key issue was the likely impact of the new use on the functionality and amenity of the centre and surrounding area.

The Panel agreed that the key issues generally associated with this type of use are its external appearance and noise emissions. Although the Motor Vehicle Repair tenancy reduces the amount of landscaping across the site, it also reduces parking demand and the volume of traffic generated during peak periods. The main landscaped area being removed is the approved childcare play area. However, this area is located in the rear corner of the site and would be barely visible from the street or the development's internal circulation areas.

The Panel supported the condition requiring a Landscaping Plan to ensure that the proposed landscaping, including trees within the car parking areas, is of a high standard. The Panel also supported the condition requiring an acoustic assessment for the new use before an application for a building permit is submitted. This will ensure that the design, construction methodology and ongoing operation of the facility achieve the assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.



5. Section 31 SAT Reconsiderations

Nil

Cr Mel Congerton and Cr Rod Henderson (Local Government DAP Members, City of Swan) left the panel at 1:53pm.

Clayton Higham
Presiding Member, Metro Outer DAP

PART C – SHIRE OF SERPENTINE-JARRAHDALE

Cr Nathan Bishop (Local Government DAP Member, Shire of Serpentine-Jarrahdale) joined the panel at 2:02pm.

President Rob Coales (Local Government DAP Member, Shire of Serpentine-Jarrahdale) joined the panel at 2:04pm.

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 4.1, received on 9 October 2026 was published in Part C of the Related Information.

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

Nil

4. Form 2 DAP Applications

4.1 Lot No.603 and No.605 (No.1537) Thomas Road, Oakford - Service Station - Proposed Extension of Commencement Timeframe for Approved Service Station – DAP/18/01394

Deputations

Daniel Lewis (SLR Consulting) addressed the DAP in support of the application at Item 4.1 and responded to questions from the panel.

The Shire of Serpentine-Jarrahdale addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.

SUBSTANTIVE MOTION 1

Moved by: Dale Page **Seconded by:** John Syme

That the Metro Outer Development Assessment Panel resolves to:

A. **Approve** to amend DAP Application reference DAP/18/01394 for a Service Station at Lots 603 and 605 (No.1537) Thomas Road, Oakford in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, by way of extending the required substantial commencement timeframe until 31 October 2027.

New Advice Notes

1. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: https://www.der.wa.gov.au/your-environment/acid-sulfatesoils/69-acidsulfatesoils-guidelines.

All other conditions and requirements detailed on the approval dated 9 June 2022 shall remain unless altered by this application.

AMENDING MOTION 1

Moved by: Dale Page **Seconded by:** John Syme

That the preamble be amended to read as follows:

That the Metro Outer Development Assessment Panel resolves to:

A. ***Accept that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2 dated 28 May 2026 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011; and***

B. *Approve to amend DAP Application reference DAP/18/01394 for a Service Station at Lots 603 and 605 (No.1537) Thomas Road, Oakford in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011, by way of:* ~~*extending the required substantial commencement timeframe until 31 October 2027.*~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amended wording is consistent with the standard wording used by the DAP.

Clayton Higham
Presiding Member, Metro Outer DAP

AMENDING MOTION 2

Moved by: Dale Page **Seconded by:** John Syme

That Condition No. 1 be amended to read as follows:

> *The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent* ***and all other relevant conditions of previous approvals.***

Plans and Specifications	~~*P1 – P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018*~~ ***Amended Development Plans (P1 – P15) dated 31 Aug 2026, 7 Feb 2018, 15 Feb 2018 and 16 Mar 2018; and*** ***Bushfire Management Plan and Risk Management Plans dated 19 March 2018.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amended condition is consistent with the standard wording used by the DAP and clearly identifies the documents being approved by the DAP.

AMENDING MOTION 3

Moved by: Dale Page **Seconded by:** John Syme

That a new Condition No. 2 be added to read as follows and remaining conditions be renumbered accordingly:

> ***This decision constitutes planning approval only and extends the substantial commencement timeframe until 13 October 2028. If the subject development is not substantially commenced within this specified period, the approval shall lapse and be of no further effect.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The circumstances relating to the site and development are more unusual than most, and a 12-month period may pass quickly. There may also be more work required during the coming 12 months than anticipated by the Shire of Serpentine Jarrahdale, and a 12-month extension may not provide sufficient time to address any unforeseen issues.

Clayton Higham
Presiding Member, Metro Outer DAP

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The extended validity period will allow the applicant to finalise the matters necessary to implement the approval without having to return to the Panel after a further 12 months, particularly given that the planning framework is unlikely to change again during that period.

Most Panel members indicated that they would support a further four-year extension to align with the DAP regulations and standard practice. However, they acknowledged that the proposed two-year extension reflected the applicant's request.

SUBSTANTIVE MOTION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

A. **Accept** that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2 dated 28 May 2026 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011; and

B. **Approve** to amend DAP Application reference DAP/18/01394 for a Service Station at Lots 603 and 605 (No.1537) Thomas Road, Oakford in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011, by way of:

The following condition being amended

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent and all other relevant conditions of previous approvals.

Plans and Specifications	Amended Development Plans (P1 – P15) dated 31 Aug 2026, 7 Feb 2018, 15 Feb 2018 and 16 Mar 2018; and Bushfire Management Plan and Risk Management Plans dated 19 March 2018.

New Condition

2. This decision constitutes planning approval only and extends the substantial commencement timeframe until 13 October 2028. If the subject development is not substantially commenced within this specified period, the approval shall lapse and be of no further effect.

Clayton Higham
Presiding Member, Metro Outer DAP

This document was produced on Whadjuk Noongar Boodjar

New Advice Notes

1. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: https://www.der.wa.gov.au/your-environment/acid-sulfatesoils/69-acidsulfatesoils-guidelines.

All other conditions and requirements detailed on the approval dated 9 June 2022 shall remain unless altered by this application.

The SUBSTANTIVE Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel supported an extension of time on the basis that the usual planning considerations relevant to such requests appeared to have been satisfied. Although the planning framework has been amended since the previous approval, the updated planning scheme specifically permits a service station on the site. The Shire of Serpentine Jarrahdale confirmed that the development would be capable of receiving approval if a new application were submitted and assessed under the current planning framework. The Shire also confirmed that the planning framework is unlikely to change within the next few years.

The applicant has taken some steps towards implementing the approval. However, formal commencement has largely been delayed by the timing of the Thomas Road and Nicholson Road intersection works, which constitute an external constraint over which the landowner had limited control. The Shire was therefore satisfied that there was a reasonable planning basis for allowing additional time, having regard to both the external infrastructure delays and the work undertaken by the landowner.

The Shire considered that a further four-year extension would be excessive because it would extend the approval's overall validity period to approximately 12 years. The Shire considered that an additional 12 months would provide sufficient time to secure an operator, finalise servicing arrangements and substantially commence the development.

Although the Panel acknowledged the Shire's concerns regarding a prolonged validity period, it agreed that the circumstances relating to the site and development were more unusual than most and that a 12-month period could pass quickly. There may also be more work required during the coming 12 months than anticipated by the Shire, and a 12-month extension may not allow sufficient time to address any unforeseen issues.

The Panel therefore agreed to extend the validity period to allow the applicant to finalise the matters necessary to implement the approval without having to return to the Panel after a further 12 months, particularly given that the planning framework is unlikely to change again during that period.

Clayton Higham
Presiding Member, Metro Outer DAP

5. Section 31 SAT Reconsiderations

Nil

Clayton Higham
Presiding Member, Metro Outer DAP

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	**LG Name**	**Property Location**	**Application Description**	**Date Lodged**
DR 79/2026	City of Cockburn	Lot 168 (81) Quill Way, Henderson	Mixed Commercial Development (Henderson Business Hub)	28/05/2026

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 1:53pm.

Clayton Higham
Presiding Member, Metro Outer DAP

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