



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 8 September 2023; 9:30am
Meeting Number: MOJDAP/272
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person

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Eugene Koltasz
Presiding Member, Metro Outer JDAP



Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Karen Hyde (Deputy Presiding Member)
Jason Hick (Third Specialist Member) – *joined at 9.38am*

Item 8.1

Cr Lauren Strange (Local Government Member, Shire of Serpentine Jarrahdale)
Cr Michelle Rich (Local Government Member, Shire of Serpentine Jarrahdale)

Item 9.1

Cr Frank Cvitan (Local Government Member, City of Wanneroo)
Cr Vinh Nguyen (Local Government Member, City of Wanneroo)

Officers in attendance

Item 8.1

Andrew Trosic (Shire of Serpentine Jarrahdale)
Ms Helen O'Brien (Shire of Serpentine Jarrahdale)

Item 9.1

Greg Bowering (City of Wanneroo)
Daniel Sheahan (City of Wanneroo)

Minute Secretary

Adele McMahon (DAP Secretariat)
Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1

Henry Dykstra (Harley Dykstra)
Belinda Moharich (Moharich and More)
Karen McEwan
Mike Smowton

Item 9.1

Daniel Lees (element)
Admir Dulic (Edge Visionary Living)
Mike Harvey (Edge Visionary Living)
Robert Gugliotta (Edge Visionary Living)
Luis Schilling (Hillam Architects)
Joel Garic (Hillam Architects)
Samira Ghani (Hillam Architects)

Members of the Public / Media

There were 10 members of the public in attendance.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.34am on 8 September 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Jason Hick, declared an indirect pecuniary interest in item 8.1. Jason Hick is a Director and employee of Emerge Environmental Services Pty Ltd (trading as Emerge Associates). Gold Fusion Pty Ltd is an active client of Emerge and has raised an objection to this application. Emerge are involved with providing a range of professional services to support residential development to the south of the application that is being progressed by Gold Fusion and is the basis of their objection.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Michelle Rich and Cr Lauren Strange, declared that they had participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Rich and Cr Strange acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

PROCEDURAL MOTION 1

Moved by: Eugene Koltasz

Seconded by: Karen Hyde

That the application at Item 9.1 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED (4/1).

For: Eugene Koltasz
Karen Hyde
Jason Hick
Cr Michelle Rich

Against: Cr Lauren Strange

REASON: To allow the less complex Form 2 application from the City of Wanneroo to be heard before the Form 1 application from the Shire of Serpentine Jarrahdale.

Cr Lauren Strange and Cr Michelle Rich (Local Government Members, Shire of Serpentine Jarrahdale) left the panel at 9.38am.

Cr Frank Cvitan and Cr Vinh Nguyen (Local Government Members, City of Wanneroo) joined the panel at 9.38am.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



7. Deputations and Presentations

- 7.1 Karen McEwan addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mike Snowton addressed the DAP in support of recommendation for the application at Item 8.1.
- 7.3 Belinda Moharich (Moharich and More) addressed the DAP in support of recommendation for the application at Item 8.1.
- 7.4 Henry Dykstra (Harley Dykstra) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 The Shire of Serpentine Jarrahdale responded to questions from the DAP in relation to Item 8.1

The presentations at Items 7.1 - 7.5 were heard prior to the application at Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 60, 394 Robertson Road, Cardup

Development Description:	Proposed Retrospective and Prospective Concrete Product Manufacturing Facility- General Industry
Applicant:	Harley Dykstra
Owner:	Kandalee Pty Ltd/Mecca Holdings Pty Ltd
Responsible Authority:	Shire of Serpentine Jarrahdale
DAP File No:	DAP/23/02462

REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

That the Metro Outer Joint Development Assessment Panel

REFUSE DAP Application reference DAP/23/02462 and accompanying plans (attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for the following reasons:

- a. Insufficient information has been provided to demonstrate that development will not result in unacceptable and adverse amenity impacts on residences within the separation distance between industrial and sensitive land uses in terms of noise, vibration and dust.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



- b. Insufficient information has been provided to demonstrate that an adequate standard of bushfire protection for the development has been achieved to preserve life and reduce damage to property and infrastructure.
- c. Cardup Business Park Local Structure Plan states under Part 1 Table A row 2 that; Any impacts of development with respect to emissions (i.e. Dust, gas, odour, light, fumes and noise) shall be managed in accordance with the Environmental Protection Authority Guidance for the Assessment of Environmental Factors No. 3 Separation Distances between Industrial and Sensitive Land Uses (EPA 2005). The information submitted with the application demonstrates that emissions are unable to be managed in accordance with the guidance statement, specifically noise. Having due regard to the Structure Plan under Clause 27 of the deemed provisions, the application should be refused.
- d. Cardup Business Park Local Structure Plan states under Part 1 Table A row 9 that; Appropriate interfaces/treatment that protect and maintain environmental values shall be provided along the boundaries of any Bush Forever sites. Subdivision and development applications shall provide details and illustrations of these treatments. The information submitted with the application does not confirm that an appropriate interface / treatment has been provided to the adjoining Bush Forever site. Having regard to the structure plan under Clause 27 of the deemed provisions the application should be refused.
- e. The development is inconsistent with State Planning Policy 4.1 - Industrial Interface as follows:
 - i. Emissions and impacts from the development extends beyond the boundaries of the site.
 - ii. The impact area of the development is not considered as a compatible zone.
 - iii. The development does not properly mitigate or manage impacts on health and amenity of people within the locality as it exposes them to noise, dust and vibration emissions.

The Report Recommendation LAPSED for want of a mover and a seconder.

PROCEDURAL MOTION 2

Moved by: Cr Michelle Rich

Seconded by: Karen Hyde

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2020 to allow members to speak more than once on the same item and continue further debate on Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To enable the panel to discuss reasons to defer the application.

The Standing Orders were suspended at 10.25am.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



PROCEDURAL MOTION 3

Moved by: Karen Hyde

Seconded by: Cr Lauren Strange

That the Standing Orders be reinstated in accordance with section 5.10.2h of the DAP Standing Orders 2020 to allow members to speak more than once on the same item and continue further debate on Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to reinstate standing orders.

The Standing Orders were reinstated at 10.46am.

PROCEDURAL MOTION 4

That the meeting be adjourned for a period of 30 minutes to allow members to allow drafting on an alternate motion.

The Procedural Motion was put and LOST WITH THE CASTING VOTE (2/2).

For: Cr Michelle Rich
Cr Lauren Strange

Against: Gene Koltasz
Karen Hyde

Due to the equality of votes, the Presiding Member exercised a casting vote in accordance with Section 5.13.1 of the Standing Orders 2020.

PROCEDURAL MOTION 5

Moved by: Karen Hyde

Seconded by: Gene Koltasz

That the consideration of DAP Application DAP/23/02462 be deferred for a period of up to 180 days being on or before the 6 March 2024, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- To allow the applicant to provide, within a period of 30 days, sufficient information on dust, bushfire management, water and drainage management, noise, vibration, odour, light, fumes, and any associated revised plans, for assessment by the Shire of Serpentine and Jarrahdale and advice from relevant referral authorities.

The Procedural Motion was put and CARRIED WITH THE CASTING VOTE (2/2).

For: Gene Koltasz
Karen Hyde

Against: Cr Michelle Rich
Cr Lauren Strange

Eugene Koltasz
Presiding Member, Metro Outer JDAP



Due to the equality of votes, the Presiding Member exercised a casting vote in accordance with Section 5.13.1 of the Standing Orders 2020.

REASON: In considering the application at its current stage, the Panel with a majority by casting vote was of the opinion that it warranted deferral in order to provide the applicant the opportunity to provide further information to enable a more comprehensive assessment of the proposal to be considered.

In particular the Panel considered the applicants need to provide more detailed information on dust management, bushfire management and water and drainage management. As well as more information on noise, vibration, odour, light and fumes emanating from the site.

In providing the additional information the applicants will be required to submit any revised plans for assessment by the Shire of Serpentine Jarrahdale and relevant referral authorities.

The deferral of the application by the Panel in no way indicates support for the proposal.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

9.1 50 (Lot 418) Alexandria View, Mindarie

Development Description:	Multiple Dwellings (88 Units)
Proposed Amendments:	Amendments to Multiple Dwellings
Applicant:	element
Owner:	Edge Holdings No.18 Pty Ltd
Responsible Authority:	City of Wanneroo
DAP File No:	DAP/22/02296

REPORT RECOMMENDATION

Moved by: Cr Frank Cvitan

Seconded by: Karen Hyde

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02296 as detailed on the DAP Form 2 dated 23 May 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/22/02296 and accompanying plans (**Attachment 1**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Wanneroo District Planning Scheme No. 2, for the proposed amendment to the approved Multiple Dwellings (87 Units) at Lot 418 (50) Alexandria View, Mindarie subject to the original conditions of approval as contained within the JDAP's previous determination dated 15 November 2022.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



REASON: The Panel supported the proposed amendments to the approved plans and in doing so considered that the amendments were relatively minor.

The overall scale of the development remains consistent with the current approval as does the built form appearance and function of the development.

Many of the amendments to the building are internal and will not be noticeable from external views.

Jason Hick (Third Specialist Member) left the panel at 9.45am.

Cr Frank Cvitan and Cr Vinh Nguyen (Local Government Members, City of Wanneroo) left the panel at 9.45am.

Cr Lauren Strange and Cr Michelle Rich (Local Government Members, Shire of Serpentine Jarrahdale) joined the panel at 9.45am.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR69/2023 DAP/22/02394	City of Mandurah	Lot 9124 Cobaki Brace, Lakelands	Proposed Bulky Goods Showroom	28/04/2023
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR47/2023 DAP/22/02346	City of Joondalup	8 Elcar Lane, Joondalup	Two Storey Mixed Used Development (15 dwellings - 2 storey)	17/03/2023
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023
DR98/2023 DAP/22/02379	City of Swan	Lot 31 (No.1487) Neaves Road, Bullsbrook	Proposed roadhouse	16/06/2023

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10.53am.

A handwritten signature in cursive script, reading "Eugene Koltasz".

Eugene Koltasz
Presiding Member, Metro Outer JDAP