



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday 16 August 2023; 9:30am
Meeting Number: MOJDAP/265
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

DAP Members

Gene Koltasz (Presiding Member)
Karen Hyde (Deputy Presiding Member)
Jason Hick (Third Specialist Member)
Cr Adrian Hill (Local Government Member, City of Joondalup)
Cr Nige Jones (Local Government Member, City of Joondalup)

Officers in attendance

Cathrine Temple (City of Joondalup)

Minute Secretary

Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Chris Harman (AGEM PG 33 Pty Ltd)
Reegan Cake (Dynamic Planning and Developments)
Julius Skinner (Thomson Geer)
Nanette Brammer
Shailee Desai

Members of the Public / Media

There was one member of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 16 August 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.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



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

2. Apologies

Cr Tom McLean (Local Government Member, City of Joondalup)

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

The Presiding Member noted an addendum to the agenda was published to include additional information from the responsible authority in relation to Item 10.1, received on 8 August 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Eugene Koltasz, declared that they had participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Mr Oltasz acknowledged that they are not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before them, which will be considered on its planning merits.

7. Deputations and Presentations

- 7.1** Nanette Brammer addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.2** Shailee Desai addressed the DAP against the recommendation for the application at Item 10.1.
- 7.3** Julius Skinner (Thomson Geer) addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.4** Reegan Cake (Dynamic Planning) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



7.5 The City of Joondalup addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 Lot 649 (98) O'Mara Boulevard, Iluka

Development Description: Commercial Development
Summary of Modifications: Amendment of development approval issued on 23 May 2023 as follows:
Modification to condition relating to hours of operation of the tavern use to allow extended hours to 12.00am on Friday and Saturday nights.
Applicant: Dynamic Planning and Developments
Owner: AGEM PG33 Pty Ltd
Responsible Authority: City of Joondalup
DAP File No: DAP/18/01543

REPORT RECOMMENDATION

Moved by: Cr Nige Jones

Seconded by: Cr Adrian Hill

That the Metro Outer Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR DR75 of 2022, resolves to:

Reconsider its decision dated 22 May 2023 and **APPROVE** DAP Application reference DAP/18/01543 and accompanying plans (Attachment 1) in accordance with the Metropolitan Region Scheme, Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup *Local Planning Scheme No. 3*, subject to the following conditions:

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Presiding Member, Metro Outer JDAP



Amended Conditions

Condition 22 shall read:

“The hours of operation shall be no more than:

- a) T9 (Child Care Centre) 6am to 6pm Monday to Friday and 8am to 1pm on Saturday.*
- b) T5 (IGA Supermarket and Liquor Store) 6am to 11pm Monday to Sunday.*
- c) T1/T2/T3 (Tavern) 6am to 11pm Sunday to Thursday, and 6am to 12am Friday and Saturday unless an extended trading permit is granted for special occasion under Liquor Control Act 1988.*

All other conditions and advice notes remain as per the previous decisions of JDAP issued 13 May 2019, 28 June 2019, 31 August 2020 and 22 May 2023.

Amended Advice notes

Advice note 13 shall read:

The Operational Management Plan and Noise Management Plan as submitted are considered acceptable subject to the following modifications:

- a) Operational Management Plan – Include appropriate noise mitigation measures related with the movement of kegs relating to the Tavern with specific attention to any movements required outside of 10.00am and 7.00pm.*
- b) Operational Management Plan – Update ‘Objectives of Management Plan’ section to reference operating hours to 12.00am on Fridays and Saturdays only.*
- c) Noise Management Plan - Section 6 shall include any speakers within the function room. Any speaker’s setting shall be required to be documented in the same manner as the main bar.*
- d) Noise Management Plan – Include commentary regarding the management of the collection of glasses, cans and bottles including times this will occur. The Noise Management Plan can replicate similar statements within the Operational Management Plan.*

The Report Recommendation was put and **CARRIED UNANIMOUSLY.**

REASON: Whilst carefully noting the concerns of objectors to the extension of trading hours of the tavern, on Friday and Saturday nights, the Panel was confident that given the requirements imposed on the tavern operators under the Operations and Management Plan and the Noise Management Plan any detrimental impacts can be managed with diligent compliance with those Plan provisions.

Appropriate conditions have been imposed on the approval to provide measurable and assessable controls for the premises that can be appropriately implemented by the operator and assessed for compliance by the City.

The approval also brings into conformity the opening hours under Planning approval with that of the Liquor License.

Eugene Koltasz
Presiding Member, Metro Outer JDAP



The Presiding Member noted the following SAT Applications -

File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02346 DR47/2023	City of Joondalup	8 Elcar Lane, Joondalup	Two Storey Mixed Used Development	17/03/2022
DAP/22/02394 DR69/2023	City of Mandurah	Lot 9124 Cobaki Brace, Lakelands	Proposed Bulky Goods Showroom	28/04/2023
DAP/22/02379 DR98/2023	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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:30am.

Eugene Koltasz
Presiding Member, Metro Outer JDAP