



## Kimberley/Pilbara/Gascoyne Development Assessment Panel Minutes

**Meeting Date and Time:** 16 October 2019; 11:30AM  
**Meeting Number:** KPGJDAP/25  
**Meeting Venue:** Department of Planning, Lands and Heritage  
140 William Street  
Perth

### Attendance

#### DAP Members

Mr Eugene Koltasz (Presiding Member)  
Ms Samantha Thompson (Deputy Presiding Member)  
Mr Patrick Dick (Specialist Member)  
Cr Peter Long (Local Government Member, City of Karratha) – *via teleconference*  
Cr Grant Cucel (Local Government Member, City of Karratha) – *via teleconference*

#### Officers in attendance

Mr Arqum Hayat (City of Karratha) – *via teleconference*  
Mr Ryan Hall (City of Karratha) – *via teleconference*

#### Minute Secretary

Mr Phil Goodwin (DAP Secretariat)  
Ms Zoe Hendry (DAP Secretariat)

#### Applicants and Submitters

Ms Madeleine Ryan (Moharich & More)

#### Members of the Public / Media

Nil

### 1. Declaration of Opening

The Presiding Member declared the meeting open at 11:31am on 16 October 2019 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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.

**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**

Nil

**7. Deputations and Presentations**

7.1 Ms Belinda Moharich (Moharich & More) provided a written deputation to the DAP against the recommendation at Item 10.1.

**8. Form 1 – Responsible Authority Reports – DAP Application**

Nil

**9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval**

Nil

**10. Appeals to the State Administrative Tribunal**

10.1 Property Location:	Lot 500 Madigan Road, Stove Hill
Development Description:	Workforce Accommodation
Applicant:	Mr Owen Hightower, RFF Pty Ltd
Owner:	Eradu Pty Ltd
Responsible Authority:	City of Karratha
DAP File No:	DP/13/00062



## REPORT RECOMMENDATION

**Moved by:** Cr Grant Cucel

**Seconded by:** Cr Peter Long

That the Kimberley/Pilbara/Gascoyne Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 149 of 2019, resolves to:

**Reconsider** its decision dated 20 August 2019 and **advise** the State Administrative Tribunal that DAP Application reference DP/13/00062 and accompanying attachments in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* **is not supported** for the following reasons:

### Reasons

1. The proponent has not specified a construction project associated with the proposed development, as required by Council's Workforce Accommodation Policy DP10;
2. The proponent has not made substantial progress towards implementing the development, as specified by the Kimberley/Pilbara/Gascoyne Joint Development Assessment Panel as one of the criteria for determining whether extensions to the substantially commenced period should be approved; and
3. The planning framework has changed through the Minister approving Amendment No.39 to the City of Karratha Local Planning Scheme No.8 which makes Workforce Accommodation a use not permitted in the Rural Residential zone that applies to the portion of Lot 500 subject of the proposed expansion.

### The Report Recommendation was put and LOST (2/3).

For: Cr Grant Cucel  
Cr Peter Long

Against: Mr Eugene Koltasz  
Ms Samantha Thompson  
Mr Patrick Dick

## ALTERNATE MOTION

**Moved by:** Mr Eugene Koltasz

**Seconded by:** Ms Samantha Thompson

That DAP Application reference DP/13/00062, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, be approved subject to the following conditions:

1. The extension period of substantial commencement from six (6) to eight (8) years from the date approval was originally granted is supported, by modifying Condition 22 of the original determination on Development Application P3165; and
2. The proponents request to modify Condition 3 of the original determination on Development Application P3165 shall read as follows: *This approval to the*



*development and use of the site for a Transient Workforce Accommodation Facility is limited to a period of five years from the date of occupation.*

**The Alternate Motion was put and CARRIED (3/2).**

For: Mr Eugene Koltasz  
Ms Samantha Thompson  
Mr Patrick Dick  
Against: Cr Grant Cucel  
Cr Peter Long

**REASON:** Former Lot 211 (the subject land) that is zoned Rural Residential has been amalgamated with former Lot 326 to create a single land parcel (Lot 500 Madigan Road), on which an existing approved Workers Accommodation is on site. The development subject of this request to modify Conditions 3 and 22 of Development Application P3165 still has an approval for the expansion of the existing workforce accommodation facility. Not developing the land for the expansion of the workforce accommodation will render the rear of Lot 500 Madigan Road land-locked and based on sound town planning principles, it will render the land incapable of any other use.

Current SAT Applications		
LG Name	Property Location	Application Description
City of Karratha	Lot 211 & 326 Madigan Road, Gap Ridge	Short stay accommodation

**11. General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 12:02pm.