



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 21 January 2022; 9:30am
Meeting Number: MOJDAP/149
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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Mr Ian Birch
Presiding Member, MOJDAP



Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Lindsay Baxter (A/Deputy Presiding Member)
Cr Chontelle Stone (Local Government Member, City of Cockburn)
Cr Phoebe Corke (Local Government Member, City of Cockburn)

Officers in attendance

Mr Lorenzo Santoriello (City of Cockburn)
Ms Chantala Hill (City of Cockburn)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Samantha Hansen (DAP Secretariat)

Applicants and Submitters

Ms Kate Bainbridge (element)
Dr Neale Fong (Bethesda Health Care)
Ms Vincci Chow (Silver Thomas Hanley)
Mr Pieter Van Rensburg (Deloitte PDS)

Members of the Public / Media

Ms Kristie Lim from PerthNow and Ms Claire Tyrell from Business News were in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 21 January 2022 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.

Mr Ian Birch
Presiding Member, MOJDAP



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

2. Apologies

Ms Sheryl Chaffer (Deputy Presiding Member)
Cr Chamonix Terblanche (Local Government Member, City of Cockburn)
Mr Jason Hick (Third Specialist Member)

3. Members on Leave of Absence

DAP Member, Ms Sheryl Chaffer has been granted leave of absence by the Director General for the period of 18 December 2021 to 2 February 2022 inclusive.

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 Kate Bainbridge (element) responded to questions from the panel.
- 7.2 Mr Neale Fong (Bethesda Health Care) responded to questions from the panel.
- 7.3 Ms Vincci Chow (Silver Thomas Hanley) responded to questions from the panel.
- 7.4 Mr Pieter Van Rensburg (Deloitte PDS) responded to questions from the panel.
- 7.4 The City of Cockburn Officers responded to questions from the panel.

Mr Ian Birch
Presiding Member, MOJDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 103 (11) Legacy Way, Cockburn Central

Development Description: Proposed Hospital (Private Mental Health Facility)
Stage 2
Applicant: Element
Owner: Bethesda Hospital Inc
Responsible Authority: City of Cockburn
DAP File No: DA[21/02114

REPORT RECOMMENDATION

Moved by: Cr Chontelle Stone

Seconded by: Cr Phoebe Corke

With the agreement of the mover and seconder the following amendments were made:

i) Amend the preamble to read as follows:

Approve DAP Application reference DAP/21/02114 and accompanying plans (Attachment 2 – Development Plans, Attachment 7 – Parking Management Plan, Attachment 8 – Waste Management Plan, Attachment 9 – Section J Report) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, **pursuant to Clause 26 (1) of the Metropolitan Region Scheme** and the provisions of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

REASON: By delegation, this is also an approval under the Metropolitan Region Scheme.

ii) Amend Condition 13 to read as follows:

All construction measures **for energy efficiency** contained within the NCC 2019, Vol. 1 Amd. 1 Section J Compliance Report – JV3 prepared by Living Building Solutions (dated 24 September 2021) shall be incorporated into the proposed development.

REASON: For clarity.

iii) Amend Condition 14 to read as follows:

A further Acoustic Report shall be submitted to and approved by the City, prior to the submission of a Building Permit application and implemented thereafter, to the satisfaction of the City. The acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design and location of plant and other sources of noise within the development will **not** exceed the assigned noise levels set out in the Environmental Protection (Noise) Regulations 1997 (as amended).

REASON: To correct typographical error.

Mr Ian Birch
Presiding Member, MOJDAP



That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02114 and accompanying plans (Attachment 2 – Development Plans, Attachment 7 – Parking Management Plan, Attachment 8 – Waste Management Plan, Attachment 9 – Section J Report) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, pursuant to Clause 26 (1) of the Metropolitan Region Scheme and the provisions of the City of Cockburn Town Planning Scheme No. 3, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval (this is exclusive of the additional two years available under 'Clause 78H Notice of Exemption from Planning Requirements during State of Emergency', issued by the Minister for Planning on 30 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development must be carried out in accordance with the details of this application herein, and any approved plans.
3. Prior to the issue of a building permit the applicant shall provide a cash-in-lieu contribution for provision of parking at an adjacent site in accordance with clause 4.9.6 of the City of Cockburn Town Planning Scheme No.3.
4. All stormwater being contained and disposed of on-site to the satisfaction of the City.
5. All services and service-related hardware, including clothes drying areas, antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
6. No building or construction activities shall be carried out before 7.00am or after 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays.
7. Crossovers are to be constructed to the City's specifications.
8. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of works.

Mr Ian Birch
Presiding Member, MOJDAP



9. Prior to the issue of a Building Permit, the owner/applicant shall:
- Submit to the City for approval a preliminary proposal for an art work designed by a professional artist at a cost of 1% of the total project cost (to a maximum of \$250,000), to be located within the subject site as an integral part of the development;
 - Submit to the City for approval an 'Application for Art Work Design';
 - Enter into a contract with a professional artist/s to design and install (if appropriate) the artwork approved by the City.

The artwork shall then be installed on the day of or within 12 months of the initial occupation of the building/development and maintained thereafter to the satisfaction of the City.

10. The bicycle stands/racks shall conform to Australian Standard 2890.3 and shall be provided prior to occupation of the building.
11. Prior to the occupation of the building all end of trip facilities shall be installed and thereafter maintained.
12. Prior to the occupation of the building landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the City.
13. All construction measures for energy efficiency contained within the NCC 2019, Vol. 1 Amd. 1 Section J Compliance Report – JV3 prepared by Living Building Solutions (dated 24 September 2021) shall be incorporated into the proposed development.
14. A further Acoustic Report shall be submitted to and approved by the City, prior to the submission of a Building Permit application and implemented thereafter, to the satisfaction of the City. The acoustic report shall be prepared by a suitably qualified and recognised acoustic consultant and demonstrate that the design and location of plant and other sources of noise within the development will not exceed the assigned noise levels set out in the *Environmental Protection (Noise) Regulations 1997* (as amended).
15. All noise attenuation measures, identified by the Hewshott Acoustics Acoustic Report "*Silver Thomas Hanley – Cockburn Mental Health Services 3210 – Stage 1 & 2 – Acoustic Report*" (dated 21 September 2021) and the further acoustic report required under the previous condition, are to be implemented prior to occupancy of the development, and the requirements of the Acoustic Report are to be adhered to at all times
16. Written confirmation from the builder that all recommendations made in the Acoustic Reports required under the previous conditions have been incorporated into the proposed development, shall be submitted to the City with the Building Permit Application.

Mr Ian Birch
Presiding Member, MOJDAP



17. The builder shall provide written confirmation that the requirements of the Acoustic Reports referred to in the previous conditions have been incorporated into the completed development with the Form BA7 Completion Form, prior to occupation of the development.
18. All measures identified within the approved Parking Management Plan prepared by Cardno (dated 08 October 2021) shall be implemented to the satisfaction of the City.
19. All measures identified within the approved Waste Management Plan prepared by Suez (dated 18 October 2021) shall be implemented to the satisfaction of the City.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3 or with the requirements of any external agency.
2. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*. The installation of equipment within the development including air-conditioners, and similar equipment shall not result in noise emissions to neighbouring properties exceeding those imposed by the *Environmental Protection (Noise) Regulations 1997* (as amended).
3. All food businesses shall comply with the *Food Act 2008* and Chapter 3 of the *Australia New Zealand Food Standard Code (Australia Only)*.
4. An "Application to Construct or Alter a Food Premises" is required to be submitted to Health Services prior to construction. This is to be accompanied by detailed plans and specifications of the food preparation and storage area (including mechanical ventilation and hydraulics), sanitary conveniences and garbage room, demonstrating compliance with the mentioned legislation.
5. A plan and description of any signage and advertising not exempt under Town Planning Scheme No. 3 shall be submitted to and approved by the City prior to the erection of any signage on the site/building. It is strongly advised to liaise with the City's Planning Services prior to any installation of signage to confirm what approvals, if any, are required.
6. With regard to the provision of end of trip facilities and bicycle parking, the City notes that the applicant has provided confirmation that these will be provided within the Stage 1 building.

Mr Ian Birch
Presiding Member, MOJDAP



7. With regard to the requirement to comply with the Section J report the applicant is advised that the development must be constructed in accordance with the following provisions of the National Construction Code 2019:
 - a) R.20 bulk installation to all external walls
 - b) R4.0 bulk installation to all roofs
 - c) All external glazing must meet or exceed the following performance: $U \leq 7.0$, $SHGC \leq 0.7$
 - d) Part J1 Building Fabric
 - e) Part J3 Building Sealing
 - f) Part J5 Air Conditioning and Ventilation Systems
 - g) Part J6 Artificial Lighting and Power
 - h) Part J7 Heated Water Supply and Swimming Pool and Spa Pool Plant
 - i) Part J8 Facilities for Energy Monitoring
8. The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 - 2019 "Control of the Obtrusive Effects of Outdoor Lighting".
9. The applicant is advised that a separate approval is required to be obtained from the City's Development Engineering department for all works to be undertaken external to the property boundary. The applicant is requested to contact the City of Cockburn Engineering Department on 9411 3444.
10. With regard to the Construction Management Plan, the CMP shall be in accordance with the City's CMP guidelines accessed on the City's Website and shall address the following items:
 - a) Dewatering of site
 - b) Access to and from the site;
 - c) Delivery of materials and equipment to the site;
 - d) Storage of materials and equipment on the site;
 - e) Parking arrangements for contractors and subcontractors;
 - f) Street tree retention and protection;
 - g) Management of construction waste; and
 - h) Other matters likely to impact on the surrounding properties.

Your attention is drawn to the City's Engineering Services for further information on formal road closures (if required) for the parking arrangements approved within the CMP.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

Mr Ian Birch
Presiding Member, MOJDAP



REASON: As outlined in the Responsible Authority Report, this application to complete the development of a mental health facility is complementary to the previously approved stage 1 component and overall is considered to satisfy planning objectives and requirements set out for the strategic Cockburn Central Activity Centre as well as state and local policy. While short of Scheme requirements, parking and access provision has been assessed as meeting the specific needs of the facility, justifying a variation to these requirements. The plans have been subjected to review and endorsed by Development WA Design Review Panel. In summary, the application complies with the strategic and statutory planning for the site, relevant structure plan and is an extension to an existing approved use and development. The RAR recommendation to approve the application, with related conditions, is supported.

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

Nil

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
DAP/21/02000 DR203/2021	City of Joondalup	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo	Proposed Child Care Centre	28/09/2021
DAP/21/02016 DR207/2021	City of Joondalup	centre Lot 667 (73) Kingsley Drive & Lot 666 (22) Woodford Wells Way, Kingsley	Child Care Centre	28/09/2021
DAP/21/02047 DR	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

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.

Mr Ian Birch
Presiding Member, MOJDAP



12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:00am.

A handwritten signature in black ink, appearing to read 'Ian Birch'.

Mr Ian Birch
Presiding Member, MOJDAP