

Our Ref: PR7523; 10.2014.426.1
Enquiries: J A Farmer

6 May 2015

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Dear Sir/Madam

***DEVELOPMENT APPLICATION – CHANGE OF USE - PLACE OF WORSHIP
LOT 347, NO. 6 COMMERCIAL ROAD, FORRESTDAL***

I am pleased to advise that Council considered your application at its meeting of 28/04/2015, and resolved to approve the application subject to the conditions as contained on the enclosed Notice of Determination.

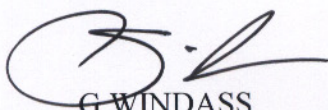
A copy of the Council Minutes is available on Council's website (www.armadale.wa.gov.au).

A Building Permit is required prior to the erection of any structures on the property. In this regard, you are invited to submit an application for a Building Licence to Council's Building Department to reflect the provisions of this Notice of Determination.

The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the Planning and Development Act 2005. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.


Any queries you may have should be directed to Jackie Farmer of Council's Planning Services Department on 9399 0453 or jfarmer@armadale.wa.gov.au. Please use the above reference and lot numbers when contacting Council regarding your application.

Yours sincerely



G WINDASS
A/EXECUTIVE MANAGER PLANNING SERVICES
D18/4/15

Enc: Notice of Determination



Serial No: 10.2014.426.1

**Schedule 9 – Notice of Determination on Application
for Planning Approval**

Planning and Development Act 2005

City of Armadale Town Planning Scheme No. 4

DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Location: 6 Commercial Road FORRESTDAL 6112

Lot:	347	Plan/Diagram:	222421
Vol No:	1091	Folio No:	571
Application Date:	06/04/2014	Received on:	24/09/2014

Description of proposed development: Change of Use - Place of Worship

The application for planning approval is **GRANTED** as per the attached plans and subject to the following conditions:

CONDITIONS:

1. Hours of operation shall be restricted to between 9.00am to 5.00pm (excludes arrival / departure times) to the satisfaction of the Executive Director Development Services.
2. The development shall be operated and implemented in accordance with the submitted Noise Assessment dated 16 July 2014.
3. The use of the subject site shall be restricted to a maximum of 120 attendees at any time to the satisfaction of the Executive Director Development Services.
4. The number of vehicles attending the site shall not exceed the number of parking bays available (maximum of 33) to the satisfaction of the Executive Director Development Services. A car parking strategy shall be prepared by the applicant/owner and approved by the City prior to commencement of the use.
5. 'End of trip bicycle facilities' in accordance with Clause 5.11.1 and Schedule 11.B of Town Planning Scheme No.4 shall be provided prior to occupation of the development in a location agreed to by the City and continuously maintained thereafter.
6. All vehicles attending the subject site shall be parked within the premises and shall not use the verge or on-street parking, to the satisfaction of the Executive Director Technical Services.
7. A schedule of external colours and materials shall be submitted to and approved by the Executive Director Development Services. The development shall be completed and

maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.

8. Permanent privacy screening shall be provided prior to the occupation of the Place of Worship in accordance with Clause 5.4.1(C1.1) of the *Residential Design Codes* in respect of the front balcony (eastern side) to the satisfaction of the Executive Director Development Services.
9. Air conditioning units, compressors and other equipment related to utilities shall be screened from public view and positioned so as to avoid any adverse effects, including noise, on the occupants of nearby residential properties to the satisfaction of the Executive Director Development Services.
10. A landscape plan shall be submitted to and approved by the Executive Director Development Services. The landscape plan shall include:
 - a) Plant species (predominantly West Australian natives);
 - b) Numbers, location, container size;
 - c) Method of irrigation of the landscaped areas;
 - d) Landscaping and treatment of adjoining verge areas;
 - e) Provision of landscaping within the adjoining Reserve 27131 and Robinson Street to screen the wall / fence and proposed buildings;
 - f) Lighting to pathways and car parking areas;
 - g) The provision of shade trees within the car park at the rates of at least 1 tree per 10 metre interval along any line of car parking;

All landscaping shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.

11. If new fencing is proposed, or where fencing exists does not meet these standards, fencing shall be installed prior to occupation or the creation of multiple lots from the development (whichever is the earlier) in accordance with the following and maintained thereafter:
 - a) Internal fencing and other property boundary fencing shall be at least 1.8m high measured from the new ground level / top of retaining walls in accordance with *Part 2* of the City's *Fencing Local Law 2011* (or superseding standard); and,
 - b) Fencing within the front street setback area or abutting the public realm (i.e. Commercial Road and Robinson Street) shall be visually permeable above 1.2m and truncated adjacent to driveways in accordance with *Part 3* of the City's *Fencing Local Law 2011* (or superseding standard);
 - c) Northern and eastern boundary fences shall be in accordance with recommendations of the Noise Assessment dated 16 July 2014.

12. To meet vehicle manoeuvring space requirements the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services:
 - a) Construct/seal all such areas, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;
 - b) Relocate/remove any services/infrastructure as necessary;
 - c) Remove any existing crossover(s) and reinstate all kerbing/footpaths/verge areas;
 - d) Utilise brick paving or other high quality finish.
 - e) Untreated concrete and black asphalt finishes are not permitted; and,
 - f) Continuously maintain all such areas thereafter.
13. To meet drainage requirements the developer/owner shall, to the specifications and satisfaction of the Executive Director Technical Services:
 - a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan thereafter;
 - b) Show any drainage easements as may be required on the Certificate of Title in favour of the City; and,
 - c) Relocate, remove or upgrade any drainage infrastructure on the lot or within the adjoining road reserve that is impacted by the proposed development.
14. Installation of an appropriate effluent disposal system, including undertaking a geotechnical investigation of the site to confirm that the onsite wastewater system is adequately sized and can be accommodated on the lot based on a loading rate of 10 litres of waste water per person in consultation with the Department of Health and to the satisfaction of the Executive Director Development Services.
15. All conditions are to be complied with prior to exercising the right of this approval, to the satisfaction of the Executive Director Development Services.

ADVICE TO APPLICANTS:

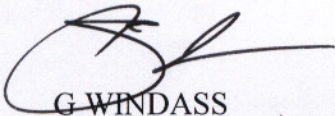
- A. Any signage associated with the proposal is subject to submission and approval of a separate application.
- B. Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws.
- C. With regard to Condition 4 requiring a car parking strategy, the strategy should outline appropriate management practices including (but not limited to): scheduling/timing of classes, hours of operation and encouraging alternative forms of transport/car-pooling to ensure parking does not cause any significant adverse impacts on the amenity of the area.

- D. With regard to Condition 10 requiring a Landscape Plan, please refer to the City's *Landscaping Guidelines – (Industrial and Commercial)*, *Landscaping Guidelines – Plants to Avoid*, the City's *Urban Forestry Strategy* and *Landscape Factsheet - Trees for Confined Spaces* to assist you to formulate a satisfactory landscaping proposal. Copies of these documents are available on the City's website.
- E. With regard to Condition 12 regarding vehicle manoeuvring spaces, the City's Technical Services Directorate should be contacted in order that the appropriate crossover application may be made.
- F. Use of the premises is to comply with the Environmental Protection (Noise) Regulations 1997.
- G. Building to comply with the Health (Public Building) Regulations 1992.
- H. Application to install the onsite wastewater system must be satisfactory to the Department of Health and the City of Armadale.
- I. The applicant and landowner are advised that it is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the Planning and Development Act 2005. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.
- J. A Building Permit application is required prior to the erection of any structures on the property.
- K. The developer is reminded of the requirement under the provisions of the Environmental Protection Act that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise, and rock breaking in particular, are not permitted:-
- Outside the hours of 7:00am to 7:00pm; or
 - On a Sunday or Public Holiday.

- L. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the Planning and Development Act 2005 against such refusal or imposition of such aggrieved Condition.

Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, at Level 4, 12 St Georges Terrace, Perth, or GPO Box U1991, Perth, WA, 6845, or www.sat.justice.wa.gov.au or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the State Administrative Tribunal Regulations 2004.

- M. If the development the subject of this approval is not substantially commenced within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.
- N. Where the approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained.



G WINDASS

A/EXECUTIVE MANAGER PLANNING SERVICES

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