



## **Metro East Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 15 April 2020; 9:00am  
**Meeting Number:** MEJDAP/238  
**Meeting Venue:** via electronic means

*This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person.*

### **Attendance**

#### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Kym Petani (Deputy Presiding Member)  
Mr Peter McNab (Specialist Member)  
Cr Jeff Munn (Local Government Member, City of Armadale)  
Cr Caroline Wielinga (Local Government Member, City of Armadale)

#### **Officers in attendance**

Mr Paul Rosser (City of Armadale)  
Mr Glen Windass (City of Armadale)  
Mr John Pride (Western Australian Planning Commission)  
Ian Thompson (Main Roads WA)

#### **Minute Secretary**

Ms Megan Ventriss (DAP Secretariat)  
Ms Ashlee Kelly (DAP Secretariat)

#### **Applicants and Submitters**

Mr Clayton Plug (Harley Dykstra)  
Mr Scott Lambie (Cardno)

#### **Members of the Public / Media**

There were 6 members of the public in attendance.

### **1. Declaration of Opening**

The Presiding Member declared the meeting open at 9:02am on 15 April 2020 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*.



In response to the COVID-19 situation, this meeting was convened via electronic means. 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, Ms Kym Petani, declared an Impartiality Interest in item No. 8.1. GHD has been engaged by the City of Armadale to undertake road safety audits and inspections. Ms Petani is an employee and shareholder in GHD.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.

**7. Deputations and Presentations**

- 7.1 Mr Clayton Plug (Harley Dykstra) addressed the DAP in support of the application at Item No. 8.1 and responded to questions from the panel.
- 7.2 Mr Scott Lambie (Cardno) addressed the DAP in support of the application at Item No 8.1 and responded to questions from the panel.
- 7.3 Mr Ian Thompson (Main Roads Western Australia) addressed the DAP at Item No. 8.1a and responded to questions from the panel.
- 7.4 Mr Glen Windass and Mr Paul Rosser (City of Armadale) addressed the DAP at Item No. 8.1a and responded to questions from the panel.
- 7.5 Mr John Pride (Western Australian Planning Commission) addressed the DAP at Item No. 8.1 and responded to questions from the panel.



## 8. Form 1 – Responsible Authority Reports – DAP Applications

<b>8.1a</b> Property Location:	Lot 11 (182) Brookton Highway, Kelmscott
Development Description:	Place of Worship and Associated Meeting Rooms
Applicant:	Harley Dykstra
Owner:	Karen Baptist Community Church Inc.
Responsible Authority:	City of Armadale
DAP File No:	DAP/18/01500

### REPORT RECOMMENDATION

**Moved by:** Ms Kym Petani

**Seconded by:** Mr Peter McNab

*With the Approval of the Mover and Seconder, the following Amendments were made:*

- i. *That the preamble be amended to read as follows:*

**Approve** DAP Application DAP/18/01500 and accompanying plans SK1 Aug 2018 Rev J, SK2 Aug 2018 Rev I, SK3 Aug 2018 Rev I, SK4 Aug 2018 Rev I, and SK5 Aug 2018 Rev I, **subject to a four (4) year approval**, in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Armadale Town Planning Scheme No.4, subject to the following conditions:

**REASON:** *Given the current uncertain environment and the unprecedented circumstances, a longer period for approval is necessary.*

- ii. *That condition no. 6 be amended to read as follows:*

*Attendance in the auditorium is limited to a maximum of 200 persons/seats.  
Attendance in the meeting room is limited to a maximum of ~~20~~ **40** persons/seats.  
The garden northwest of the auditorium must not be used as a gathering space.*

**REASON:** *To correct a typographical error.*

- iii. *That condition no. 14 be amended to read as follows:*

*Prior to the occupation of the building, the applicant is to submit a preliminary intersection design (15% concept) for **the upgrading of a BAR and AUL treatment at the Brookton Highway / Bernard Street intersection, in consultation with Main Roads WA** to the satisfaction of the **City of Armadale in liaison with Main Roads Western Australia.***

**REASON:** *To allow the applicant to resolve outstanding matters and detail in relation to the concept design.*

- iv. *That condition no. 22 be amended to read as follows:*

*Prior to submission of a Building Permit, a landscape plan shall be submitted to and approved by **the City of Armadale on the advice of** the Department of Biodiversity, Conservation and Attractions and the City (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) *Substantial screen planting between the parking area and the Brookton Highway boundary of the site, an additional line of screen planting between the meeting room and the car park and additional screen planting west of / along the drainage basin and related retaining walls;*
- f) *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; and*
- g) *Provision for replacement screening trees in the event the trees within the Brookton Highway primary regional road reservation are removed.*

*All landscaping works with the exception of 22g) shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.*

**REASON:** *Better reflects the intent of the condition and removes the requirement for approval from a third party.*

- v. *That condition no. 25 and condition no. 26 be moved to advice notes (now advice note no. 15 and advice note no. 16) and the remaining conditions be renumbered accordingly.*

**REASON:** *Covered by separate, existing legal obligations.*

That the Metro east JDAP resolves to:

- 1. **Approve** DAP Application DAP/18/01500 and accompanying plans SK1 Aug 2018 Rev J, SK2 Aug 2018 Rev I, SK3 Aug 2018 Rev I, SK4 Aug 2018 Rev I, and SK5 Aug 2018 Rev I, subject to a four (4) year approval, in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Armadale Town Planning Scheme No.4, subject to the following conditions:

### **Conditions**

- 1. Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City, in accordance with Schedule 2, Part 9, Clause 74(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that modify the proposal by:
  - a) *Altering the eastern (front) car park to one traffic lane with bays either side (keeping in mind the area that will be non-compliant with the Environmental protection (Noise) Regulations after 7pm) in order to reduce the total extent of pavement surface;*
  - b) *Moving the meeting room 2m north in order to increase the size of the garden bed immediately to the south so as to incorporate suitably sized screening trees between the meeting room and the car park, and;*
  - c) *Softening the geometry of the drainage basin and associated retaining walls in line with the requirements of the Department of Biodiversity, Conservation and Attractions.*
- 2. Prior to occupation of the development, 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 City (Executive Director Development Services).



3. Prior to submission of a Building Permit, the Environmental Noise Assessment / Acoustic Management Plan (Lloyd George Acoustics, Revision C, 14 August 2019), shall be updated to reflect the approved plans, show compliant air conditioning plant and locations, achieve acceptable indoor noise levels as per the SPP 5.4 (2019) noise targets and if any outdoor area is to be utilised as a place of worship, ceremonies or meditation, then they are to be orientated away from traffic noise and to comply with the SPP 5.4 (2019) noise targets. The revised Environmental Noise Assessment / Acoustic Management Plan shall be submitted to the City, and implemented upon approval to the satisfaction of the City (Executive Director Technical Services).
4. Prior to the occupation of the building, certification from a qualified acoustic consultant is to be submitted confirming condition 3 has been achieved. This certification must be provided to the City of Armadale.
5. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the subject site. The notification is to state as follows:  
  
*"The land is located in the vicinity of a transport corridor and is affected, and may be further affected by transport noise in the future".*
6. Attendance in the auditorium is limited to a maximum of 200 persons/seats. Attendance in the meeting room is limited to a maximum of 40 persons/seats. The garden northwest of the auditorium must not be used as a gathering space.
7. Approved hours of operation for services; weekly on Sunday:
  - 10-11am, morning worship service, 50 patrons;
  - 11.30am-1.30pm, main worship service, 200 patrons;
  - 3.30-5pm, youth service, 75 patrons.Additional services are permitted for Easter and Christmas Day.  
  
Approved hours of operation for meetings; maximum of one per day, Monday to Saturday:
  - 8am to 9.30pm.
8. The Bushfire Management Plan submitted by Envision Bushfire Protection (7 September 2018, attached), shall be updated to reflect the approved plans, submitted to the City, and implemented including site preparation and establishment of the Asset Protection Zone once approved and prior to commencement of the use on site. Information including a completed 'Certification by Bushfire Consultant', is to be provided to the City to demonstrate that the measures contained within the Bushfire Management Plan have been implemented during construction.
9. The Emergency Evacuation Plan submitted by Envision Bushfire Protection (7 September 2018, attached), shall be updated to reflect the approved plans, submitted to the City, and must be available to all persons on site upon commencement of the use.
10. The Environmental Assessment submitted by Bayley Environmental Services (16 November 2018, attached), shall be updated to reflect the approved plans,



- submitted to the City, and implemented once approved and prior to commencement of the use on site to the satisfaction of the City (Executive Director Technical Services).
11. 'End of trip bicycle facilities' in accordance with Clause 4.11.1 and Schedule 7B 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.
  12. A schedule of external colours and materials shall be submitted to the City's Planning Services 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 City (Executive Director Development Services).
  13. No direct vehicle access/egress is permitted to or from Brookton Highway. All access/egress shall be via Bernard Street.
  14. Prior to the occupation of the building, the applicant is to submit a preliminary intersection design (15% concept) for the upgrading of the Brookton Highway / Bernard Street intersection, to the satisfaction of the City of Armadale in liaison with Main Roads Western Australia.
  15. Prior to the occupation of the building, the applicant shall design and construct the approved intersection design as detailed in condition 14. The cost of the design and construction of this intersection upgrade shall be borne by the applicant.
  16. Engineering drawings and specifications must be submitted and approved prior to commencement of site works, and works must be undertaken in accordance with the approved plan, engineering drawings and specifications prior to occupation of the development, to the satisfaction of the City (Executive Director Technical Services) for the proposed works in the Bernard Street road reserve. The drawings / specifications / works shall include:
    - a) The proposed driveway and crossovers (red/ochre coloured asphalt);
    - b) The relocation and construction of the existing open drain;
    - c) The relocation and construction of the existing dual use path;
    - d) The relocation / removal of any other services as necessary; and
    - e) The replacement of any street trees removed as a result of works.
  17. Prior to occupation, to meet vehicle manoeuvring space requirements on site the developer/owner shall, to the specifications and satisfaction of the City (Executive Director Technical Services):
    - a) Construct/seal all such areas with red/ochre coloured asphalt, including drainage and kerbing/markings where necessary, in accordance with the approved site plan;
    - b) Relocate/remove any services/infrastructure as necessary; and
    - c) Arrange for continuous maintenance of all such areas thereafter.
  18. The redundant vehicle crossovers on Brookton Highway shall be removed and kerbing, verge and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Armadale and to the specifications of the local government.



19. To ensure parking does not exceed the total number of parking bays available onsite at any one time and cause adverse impacts on the amenity of the area, a car parking strategy shall be prepared by the applicant/owner and approved by the City (Executive Director Development Services) to manage the demand for parking upon commencement of operations, via appropriate management practises.
20. To meet drainage requirements, prior to occupation of the development the applicant/owner shall, to the specifications and satisfaction of the City (Executive Director Technical Services) on the advice of the Department of Biodiversity, Conservation and Attractions:
  - a) Submit a stormwater management plan incorporating water sensitive design principles for approval and implement the approved plan;
  - 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.
21. The applicant/owner shall take appropriate preventative measures during the works to ensure that no construction material, top soil, runoff or deleterious matter is allowed to enter the river or foreshore.
22. Prior to submission of a Building Permit, a landscape plan shall be submitted to and approved by the City of Armadale on the advice of the Department of Biodiversity, Conservation and Attractions and the City (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) Substantial screen planting between the parking area and the Brookton Highway boundary of the site, an additional line of screen planting between the meeting room and the car park and additional screen planting west of / along the drainage basin and related retaining walls;
  - f) 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; and
  - g) Provision for replacement screening trees in the event the trees within the Brookton Highway primary regional road reservation are removed.

All landscaping works with the exception of 22g) shall be installed prior to occupancy of the development and maintained as per the approved plan thereafter.

23. A Construction Management Plan shall be prepared and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall be implemented to the satisfaction of the City (Executive Director Development Services) and detail how the construction of the development will be managed, including the following:
  - a) Public safety and site security;
  - b) Hours of operation;
  - c) Dust management;
  - d) Waste and material disposal;
  - e) Traffic management plans for the various phases of the construction;
  - f) Parking arrangements for contractors and sub-contractors;
  - g) Delivery and access arrangements;



- h) The storage of materials and equipment on site (no storage of materials within the public realm will be permitted);
  - i) Bonding and remediation arrangements; and
  - j) Any other matters likely to impact upon the surrounding properties or public realm.
24. A Waste Management Plan for on site waste collection shall be submitted to and approved by the City (Executive Director Technical Services) prior to commencement of site works. The plan shall detail bin storage and collection areas, turning circles, surface thickness and gradient suitable to a 25 tonne dual axle vehicle as well as entry and exit to/from the site in forward gear. Waste collection shall be carried out in accordance with the approved plan thereafter.
25. Prior to any fill and/or top soil being brought onto the site, it must be demonstrated that all material is certified clean, uncontaminated, and free from rubble, weeds and disease and is geotechnically suitable for the proposed works.
26. In accordance with the requirements of Local Planning Policy PLN 3.12 - Percent for Public Art, prior to the occupancy of the development, the applicant or landowner is to either:
- a) make a monetary contribution to the City of Armadale Public Art Reserve Account equal to one per cent (1%) of the estimated total development cost; or,
  - b) install public art work on site to the value of one per cent (1%) of the total development cost and continuously maintain the public art work thereafter.

### **Advice Notes**

1. With regard to the Condition requiring submission of a colour and material schedule, please be advised that the colour and material schedule submitted is acceptable (copy attached). Any amendments to the attached schedule should be resubmitted to Planning Services for consideration.
2. With regard to Condition requiring a car parking strategy, the strategy should outline appropriate management practises including (but not limited to): scheduling/timing of services and meetings, advice to patrons on specifics such as peak periods and events, and encouragement of car-pooling and alternative forms of transport.
3. With regard to the stormwater management plan Condition, the Department of Biodiversity, Conservation and Attractions advises that the system shall be designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater from the proposed development should be managed in accordance with Department of Biodiversity, Conservation and Attractions Policy No. 49 - Planning for Stormwater Management Affecting the Swan Canning Development Control Area, the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia and Decision Process for Stormwater Management in WA, and water sensitive urban design principles with reference to Monash University (2014) Vegetation Guidelines for stormwater biofilters in the south-west of Western Australia, November 2014, and FAWB (2009) Adoption Guidelines for Stormwater Biofiltration Systems, June 2009. The stormwater management system shall adhere to the following criteria;
  - a) Stormwater runoff from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or





- detained at-source as much as practical and will not be permitted to enter the river untreated.
- b) Pre-development hydrology (including peak flow rates, runoff volumes, floodplain storage volumes and flood levels) is to be maintained, unless alterations have either been published in an approved catchment plan or are to the satisfaction of the Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation and the Water Corporation (where applicable).
  - c) Existing tributaries and surface water flow paths are to be retained, unless it can be demonstrated that replacement with piped systems will maintain or improve the habitat values and water quality of receiving waterways.
  - d) Drainage infrastructure is not to be constructed within the Swan Canning Development Control Area.
  - e) Include opportunities where possible for infiltration within the carpark using biofilters vegetated with local native plant species.
  - f) Section 7, Page 13 of Appendix A, Environmental Assessment Report prepared by Bayley Environmental Services states that the bioretention basins constructed as part of the long-term stormwater management system will be used as sedimentation basins during the construction phase of the development. The Applicant shall remove any sediment or material that accumulates in the basin and reinstate the approved structural and landscaping design of the bioretention basin post construction of the buildings, carpark and associated infrastructure.
  - g) Provide the final detailed design of the bioretention basin including the distance from the Swan Canning Development Control Area.
4. With regard to the Condition requiring a Landscape Plan, please refer to the City's Landscaping Guidelines – (Screening, Industrial and Commercial, and 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 at: <https://www.armadale.wa.gov.au/planning-information-sheets>

The Department of Biodiversity, Conservation and Attractions also advise that the Landscape Plan shall include, unless otherwise agreed in writing:

- a) demonstrate the softening of the visual impact of the auditorium, maintenance area, carpark and any other structures when being viewed from the public access areas and river foreshore;
- b) all features in the proposed landscaping surrounding the new facility;
- c) details of the replacement trees;
- d) details of any retaining walls, demonstrating how the walls will be terraced and/or screened with appropriate native plants to visually soften the structures when viewed from the public areas and river foreshore;
- e) the location, number and type of proposed trees and shrubs including size and planting density;
- f) any existing vegetation and/or landscaped areas to be retained/reinstated;
- g) intended maintenance regime, including whether bore or scheme water will be utilised.
- h) The Department of Biodiversity, Conservation and Attractions recommends landscape planting, particularly on the riverside of the development, with locally native species suited to the soil type of the area to sustain local biodiversity and due to their low fertiliser and water requirements. The following species should therefore be removed from Landscape Plan



B1002/KPOW/L 101: Melaleuca quinquenervia, Olea Europaea, Westringia fruticosa, Banksia ashbyi, Guichenotia macrantha, and Lomandra filiformis.

5. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the approval of the Department of Biodiversity, Conservation and Attractions or unless otherwise exempt by the Regulations.
6. The Applicant is advised that if clearing of native vegetation is proposed then a clearing permit is required in accordance with the Environmental Protection Act 1986. An application must be submitted to and approved by the Department of Water and Environmental Regulation.
7. The upgrading/widening of Brookton Highway is not in Main Roads current 4-year forward estimate construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.
8. The applicant must obtain approval from Main Roads before all works are undertaken within the Brookton Highway road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads.

Application Kits can be found on the Main Roads website > Our Roads > Conducting Works on Roads > Applications to undertake Works on State Roads > Application Kit and Guidelines for Complex Works OR Application Form for Low Complexity Works.

9. 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.
10. 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.
11. With regard to part b) of the condition relating to the City's PLN 3.12 – Percent for Public Art, the arts approval process is outlined under section 5 of the policy and the proponent will be required to lodge a Public Art Submission Form to the City's Community Services, which is available on the City's website:  
[https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning\\_and\\_Land\\_Use/Percent\\_for\\_Public\\_Art\\_Submission\\_Form.pdf](https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning_and_Land_Use/Percent_for_Public_Art_Submission_Form.pdf)
12. Please note, Clause 4B.3 (Building Coverage) of Town Planning Scheme No.4 (TPS No.4) specifies that in the Rural Living Zone building coverage is not to exceed 500 square metres (including outbuildings), unless otherwise approved by the City in accordance with the provisions of Clause 4.5 of TPS No.4. Given site coverage on the lot is beyond the limit specified in TPS No.4, you are advised that any proposed future increases to the site coverage on the lot will be considered



with caution and in detail by the City and will unlikely be approved without being justified to the City's satisfaction and with consideration to TPS No.4 provisions.

13. The owner and/or applicant is encouraged to provide written evidence to the City to demonstrate compliance of the conditions noted above. For further information please refer to Planning Information Sheet "Development Application Condition Clearance" available at <https://www.armadale.wa.gov.au/planning-information-sheets>

Conditions 20, 21, 22, 25, 26 and 27 have been formulated considering advice from the Department of Biodiversity, Conservation and Attractions and require their clearance as well as the City of Armadale. The required plans and specifications can be emailed to [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au).

14. 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 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.
15. The development shall be connected to the reticulated sewerage system prior to first use.
16. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

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

**REASON:** In accordance with details contained in the Responsible Authority Report.

<b>8.1b</b> Property Location:	Lot 11 (182) Brookton Highway, Kelmscott
Development Description:	Second amended design – Proposed place of worship, incidental facilities, meeting rooms and 61 bay car park.
Applicant:	Harley Dykstra
Owner:	Karen Baptist Community Church Inc.
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/18/01500

**REPORT RECOMMENDATION**

**Moved by:** Ms Kym Petani

**Seconded by:** Cr Jeff Munn



*With the Approval of the Mover and Seconder, the following Amendments were made:*

i. *That the preamble be amended to read as follows:*

**Approve** DAP Application reference DAP/18/01500 and accompanying (amended) plans:

- SK1 August 2018 rev I;
- SK2 August 2018 rev I;
- SK3 August 2018 rev I;
- SK4 August 2018 rev I; and
- SK5 August 2018 rev I,

*received by the Department of Planning, Lands and Heritage on 19 February 2020, **subject to a four (4) year approval**, in accordance with the provisions of Clause 29 of the Metropolitan Region Scheme, subject to the following conditions:*

**REASON:** *Given the current uncertain environment and the unprecedented circumstances, a longer period for approval is necessary.*

ii. *That condition no. 12 (now condition no. 10) be amended to read as follows:*

*Prior to the occupation of the building, the applicant is to submit a preliminary intersection design (15% concept) for **the upgrading of a BAR and AUL treatment at the Brookton Highway / Bernard Street intersection, in consultation with Main Roads WA to the satisfaction of the City of Armadale in liaison with Main Roads Western Australia.***

**REASON:** *To allow the applicant to resolve outstanding matters and detail in relation to the concept design.*

iii. *That condition no. 8 and condition no. 9 be moved to advice notes (now advice note no. 3 and advice note no. 4) and the remaining conditions be renumbered accordingly.*

**REASON:** *Covered by separate, existing legal obligations.*

That the Metro East JDAP resolves to:

**Approve** DAP Application reference DAP/18/01500 and accompanying (amended) plans:

- SK1 August 2018 rev I;
- SK2 August 2018 rev I;
- SK3 August 2018 rev I;
- SK4 August 2018 rev I; and
- SK5 August 2018 rev I,

received by the Department of Planning, Lands and Heritage on 19 February 2020, subject to a four (4) year approval, in accordance with the provisions of Clause 29 of the Metropolitan Region Scheme, subject to the following conditions:

1. Prior to commencement of works, the proposed car park between the auditorium and Brookton Highway shall be redesigned to comprise a single lane with parking



- spaces on either side, to reduce its size, to the specifications of the Local Government and to the satisfaction of the Western Australian Planning Commission.
2. Prior to commencement of works, the design shall be amended to increase the setback of the meeting facilities building from the southern car park by not less than 2 metres, with the additional space being used to increase the landscape buffer separating the building from the southern car park.
  3. Prior to commencement of works, the design shall be amended to reconfigure the geometric shape of the proposed stormwater drainage basin to make it compatible with a rural residential setting to the specifications of the Local Government and to the satisfaction of the Western Australian Planning Commission.
  4. Prior to commencement of works, a schedule of external colours and materials for the proposed buildings shall be submitted to the Local Government following which the development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Western Australian Planning Commission.
  5. All paved surfaces for parking and vehicular access within the development and the driveway to be constructed within Bernard Street shall be a shade of red/ocre-coloured asphalt to the specifications of the Local Government and to the satisfaction of the Western Australian Planning Commission.
  6. Prior to submission of a building permit, a landscape management plan for the whole of Lot 11 shall be prepared in consultation with the Department of Biodiversity Conservation and Attractions and submitted for approval by the Local Government. Prior to occupation of the development, all landscaping works set out in the approved landscape management plan shall be installed and all ongoing maintenance provisions shall be implemented thereafter to the specifications of the Western Australian Planning Commission.
  7. The owner shall take preventative measures to the specifications of the Department of Biodiversity Conservation and Attractions and satisfaction of the Western Australian Planning Commission to ensure no construction material or other deleterious matter will enter the river or foreshore.
  8. Prior to commencement of works, a stormwater management plan is to be prepared and approved in consultation with the Department Biodiversity Conservation and Attractions to the specifications of the Local Government and subsequently implemented to the satisfaction of the Western Australian Planning Commission.
  9. Prior to any fill and/or top soil being brought onto the site, the applicant shall demonstrate to the specifications of the Department of Biodiversity Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission that all material is clean, uncontaminated, and free from rubble, weeds and disease and is geotechnically suitable for the proposed works.
  10. Prior to the occupation of the building, the applicant is to submit a preliminary intersection design (15% concept) for the upgrading of the Brookton Highway / Bernard Street intersection, to the satisfaction of the City of Armadale in liaison with Main Roads Western Australia.



11. Prior to occupation of the buildings, the applicant is to design and construct the approved intersection design referred to in Condition 12, such design and construction being at the cost of the applicant, to the specifications of Main Roads Western Australia and the Local Government and to the satisfaction of the Western Australian Planning Commission
12. Prior to occupation of the buildings, the proposed driveway within Bernard Street is to be constructed and sealed in accordance with the approved plan and Transport Impact Assessment Revision I, prepared by Cardno and dated 18 February 2020, to the specifications of the Local Government and to the satisfaction of the Western Australian Planning Commission
13. The development is to be occupied to a maximum capacity of 200 people on weekends and 40 people on week days.
14. Prior to application for a building permit, the applicant shall submit an updated version of the Environmental Noise Assessment Karen Baptist Church, Revision C, dated 14 August 2019, prepared by Lloyd George Acoustics, containing the following amendments:
  - The community church should be designed to achieve acceptable indoor noise levels in accordance with the noise targets set out in *State Planning Policy 5.4 – Road and Rail Noise*.
  - If any outdoor area(s) are to be used as a place of worship, ceremonies or meditation, then these are to be orientated away from traffic noise and comply with the noise targets set out in *State Planning Policy 5.4 – Road and Rail Noise*.

and the updated version of the environmental noise assessment/acoustic management plan shall thenceforth be implemented to the specifications of the Local Government and satisfaction of the Western Australian Planning Commission.

15. Prior to occupation of the development, notification shall be placed on the certificate of title pursuant to Section 70A of the Transfer of Land Act 1893, stating as follows:

*The land is located in the vicinity of a transport corridor and is affected, and may be further affected by transport noise in the future.*
16. Prior to occupation of the development, the superseded vehicle crossover on the Brookton Highway frontage shall be removed and the kerbing, verge and pavement shall be integrated, and the verge landscaped to the specifications of the Local Government and satisfaction of the Western Australian Planning Commission.

### **Advice Notes**

1. Further to Condition 14, the applicant is to submit to the local government, prior to occupation of the buildings, certification from a qualified acoustic consultant confirming that the requirements of this condition have been achieved.
2. Main Roads Western Australia advises that:



- 1) the upgrading/widening of Brookton Highway is not in the Main Roads 4-year forward estimated construction program and all projects listed are considered long term. It further advises that timing information is subject to change and Main Roads WA assumes no liability for the Information provided.
- 2) approval is required from Main Roads before any works are undertaken within the Brookton Highway reserve. This will require the applicant to submit an application as outlined in the 'Application Kit and Guidelines' for State Roads.
3. Prior to occupation, the development shall be connected to the sewerage system to the specifications of the Water Corporation and satisfaction of the Western Australian Planning Commission.
4. Prior to occupation, all septic systems including tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater systems are to be decommissioned in accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*, removed, filled with clean sand and compacted to the specifications of the Department of Biodiversity Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.

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

**REASON:** In accordance with details contained in the Responsible Authority Report.

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

Nil

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

The Presiding Member noted the following State Administrative Tribunal Applications -

Current SAT Applications		
LG Name	Property Location	Application Description
City of Gosnells	Lot 11 Southern River Road, Southern River	Development of Shopping Centre
City of Armadale	Lot 9007 (76) Southampton Drive, Piara Waters	Lifestyle Village (Piara Waters Lifestyle Village)
City of Swan	Lot 357 (227) Morrison Road, Midvale	Neighbourhood Centre (Shop, Consulting Rooms, Recreation – Private, Fast Food Outlet, Convenience Store)

**11. General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of DAP Standing Order 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 9:52am.