



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 1 December 2022; 9:30am
Meeting Number: MOJDAP/214
Meeting Venue: Electronic Means

To connect to the meeting via your computer -
<https://us06web.zoom.us/j/89536684612>

To connect to the meeting via teleconference dial the following phone number -
+61 8 6119 3900
Insert Meeting ID followed by the hash (#) key when prompted - 895 3668 4612

This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

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Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Karen Hyde (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Lorna Buchan (Local Government Member, City of Rockingham)
Cr Mark Jones (Local Government Member, City of Rockingham)

Officers in attendance

Mr David Banovic (City of Rockingham)
Mr Chris Parlane (City of Rockingham)

Minute Secretary

Mr Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Mr Gorki Bogdanich (Archetype Design Studio)
Ms Clare McLean (Peter Webb & Associates)
Ms Belinda Moharich (Moharich & Moore)
Mr Bruce Davey
Ms Caroline Meeuse
Ms Cathy Paton
Ms Debbie Mackenzie
Mr Elvio Ruggiero
Ms Fiona Tassell
Mr Geoffrey Tomlinson
Mr Ian and Ms Deborah Mills
Ms Janice Raffaele
Ms Julie Davey
Ms Margaret Smith
Ms Michelle Harvey
Ms Peta Sims
Ms Rosemary Coppen

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

2. Apologies

Nil.



3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

5. Declarations of Due Consideration

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 10.1, received on 29 November 2022.

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

6. Disclosure of Interests

Member	Item	Nature of Interest
Cr Lorna Buchan	10.1	Impartiality Interest – Under clause 2.4.9 of the DAP Code of Conduct, Cr Buchan participated in the prior Council decision in accordance with her functions as a member of a local government. Cr Buchan undertakes to exercise judgment in relation to any DAP application before her, which she will consider on its planning merits.
Cr Mark Jones	10.1	Impartiality Interest – Under clause 2.4.9 of the DAP Code of Conduct, Cr Jones participated in the prior Council decision in accordance with his functions as a member of a local government. Cr Jones undertakes to exercise judgment in relation to any DAP application before him, which he will consider on its planning merits.

7. Deputations and Presentations

In accordance with DAP standing orders – clause 4.7.2 - all presentations are limited to five minutes. There have been no extensions of time granted to any presentations.

Panel Members have been provided copies of the written details of submissions to this meeting.

Accordingly, all presenters are encouraged to focus on the main aspects to verbally present within the designated 5-minute timeframe.



- 7.1** Mr Bruce Davey presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.2** Ms Caroline Meeusen presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.3** Ms Cathy Paton presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.4** Ms Debbie MacKenzie presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.5** Mr Elvio Ruggiero presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.6** Ms Fiona Tassell presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.7** Mr Geoffrey Tomlinson presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.8** Ian and Deborah Mills presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.9** Janice Raffaele presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.10** Julie Davey presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.11** Ms Margaret Smith presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.12** Ms Michelle Harvey presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.13** Ms Peta Sims presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.
- 7.14** Ms Rosemary Coppen presenting in support of the recommendation for the application at Item 10.1. The presentation will address support of the City recommendation and opposition to the development.



- 7.15** Ms Clare McLean (Peter Webb & Associates) presenting against the recommendation for the application at Item 10.1. The presentation will address a request for MOJDAP to approve the Application, with reasonable conditions attached
- 7.16** Mr Gorki Bogdanich(Archetype Design Studio) presenting against the recommendation for the application at Item 10.1. The presentation will address a request for MOJDAP to approve the Application, with reasonable conditions attached.
- 7.17** Ms Belinda Moharich (Moharich & More) presenting against the recommendation for the application at Item 10.1. The presentation will address how the revised application complies with the local and regional planning framework.
- 7.18** Ms Amanda Christensen provided a written submission to the panel in support of the recommendation for the application at Item 10.1.
- 7.19** Mr Darren Oatway provided a written submission to the panel in support of the recommendation for the application at Item 10.1.
- 7.20** Mr Ross McCamish provided a written submission to the panel in support of the recommendation for the application at Item 10.1.

The City of Rockingham may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

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 53 (No 67) Folly Road, Baldivis

Development Description:	Proposed place of worship (Hindu Temple)
Summary of Modifications:	Deletion of the Multi-Purpose Hall, revised plans and repositioning of car parking bays
Applicant:	Archetype Design Studio
Owner:	Jeeyars Acharya Peettam Australia Limited
Responsible Authority:	City of Rockingham
DAP File No:	DAP/21/02148



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02220 DR162/2022	City of Kwinana	Lot 9507 Berthold Street, Orelia	Proposed Child Care Centre	28/09/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022

11. General Business

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



Direction for Further Services from the Responsible Authority

Regulation 13(1) and DAP Standing Orders 2020 cl. 3.3

Guidelines

A DAP Member who wishes to request further services (e.g. technical information or alternate recommendations) from the Responsible Authority must complete this form and submit to daps@dplh.wa.gov.au.

The request will be considered by the Presiding Member and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query, response and any accompanying documentation will be published on the DAP website** as an addendum to the meeting agenda.

DAP Application Details

DAP Name	Metro Outer JDAP
DAP Application Number	DAP/21/02148
Responsible Authority	City of Rockingham
Property Location	Lot 53 (No 67) Folly Road, Baldivis

Presiding Member Authorisation

Presiding Member Name	Mr Eugene Koltasz
Signature	
Date	29 November 2022
Response Due	30 November 2022; 10:00am

Nature of technical advice or information required*

1	DAP query	Please an alternate recommendation for approval with conditions
	Response	

* Any alternate recommendation sought does not infer a pre-determined position of the panel.

Regulation 13 Request - Alternative Recommendation



City of Rockingham Response

On 29th November 2022, the Presiding Member of the Metro Outer Joint Development Assessment Panel (MOJDAP) directed the City of Rockingham to provide a response to the following:

“Please [provide] an alternate recommendation for approval with conditions.”

This alternate recommendation has only been provided in response to a request from the Presiding Member of the MOJDAP, in accordance with Regulation 13 of the *Planning and Development (Development Assessment Panels) Regulations 2011* and does not change this Refusal recommendation provided by the City of Rockingham.

The City’s response is also based on the submitted Development Application.

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02148 and the accompanying plans:

- Location Plan, Drawing No. 01, Revision 6, dated 19 October 2022;
- Site Plan: Total Lot, Drawing No. 02, Revision 6, dated 19 October 2022;
- Proposed Development East of Mid Tree Line, Drawing No.3, Revision 6, dated 19 October 2022;
- Temple Plan, Priests Quarters and Toilet Block, Drawing No.4, Revision 6, dated 19 October 2022;
- Elevations, Drawing No.5, Revision 6, dated 19 October 2022;
- Dining Hall and Library Plan, Drawing No.6, Revision 6, dated 19 October 2022;
- Dining Hall and Library Elevations, Drawing No.7, Revision 6, dated 19 October 2022;
- Guests Accommodation Plan and Elevations, Drawing No.8, Revision 6, dated 19 October 2022;
- Landscape Plan, Drawing No.9, Revision 6, dated 19 October 2022;
- Bushfire APZ Strategy, Drawing No. 10, Revision 6, dated 19 October 2022;

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions:-

Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans, save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirements of the conditions shall prevail.
3. (a) Prior to a dwelling being constructed on Lot 923 (No.547) Young Road, attendance and times of operation shall be limited to the following:

Daily Prayer Sessions		
Monday-Friday	25-50 people (morning session)	7am – 1pm
	25-50 people (evening session)	5pm – 9pm
Weekday Yoga classes (2 per week)	20 people (evening session)	6pm – 7pm
Saturday/ Sunday	100 - 150 people (morning session)	7am – 1pm
	100 - 150 people (evening session)	5pm – 9pm
Saturday/Sunday Scripture Classes	50 – 75 people	3pm – 6pm
Hindu Festival Days (Maximum 12 Times per year)		
Mondays – Fridays	50 - 75 people (morning sessions)	7am – 1pm
	200 - 250 (evening sessions)	5pm - 9pm
Saturday or Sundays	200 people (morning session)	7am – 1pm
	200 – 250 people (Evening sessions)	5pm – 9pm
Temple Consecration Day Anniversary		
<u>No information provided</u>	<u>No information provided</u>	<u>No information provided</u>

- (b) Upon the completion of a dwelling being constructed on Lot 923 (No.547) Young Road, attendance and times of operation related to the Hindu Festival Days shall be limited to the following:

Hindu Festival Days (Maximum 12 Times per year)		
Mondays – Fridays	50 - 75 people (morning sessions)	7am – 1pm
	200 - 250 (evening sessions)	5pm - 9pm
Saturdays	200 people (morning session)	7am – 1pm
	200 – 250 people (Evening sessions)	5pm – 9pm

Sundays/ Public holidays	200-250 people	9am-9pm
Temple Consecration Day Anniversary		
No information provided	No information provided	No information provided

4. Prior to commencement of development, a Construction Environmental Management Plan must be prepared and approved to the satisfaction of the City of Rockingham, to ensure appropriate management of construction related impacts including, but not limited to:
- Construction traffic management;
 - Construction noise management;
 - Dust management;
 - Fauna management, including fauna relocation strategies;
 - Compliance with AS4970-2009 relating to the protection of trees on the development; and
 - Construction drainage management.

The approved Construction Environmental Management Plan must be implemented for the duration of construction works, to the satisfaction of the City of Rockingham.

5. Prior to applying for a building permit a pre-works Geotechnical Report prepared by a suitably qualified person must be submitted to the City of Rockingham for approval and this report must address:
- (a) fill material composition and quality;
 - (b) on-site drainage, and
 - (c) establish the maximum groundwater levels beneath the site.
6. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
7. All vehicles are required to access/egress the site from Folly Road. No vehicles are permitted to access/egress the site from Young Road unless in an event of emergency.
8. Prior to the occupation of the development the existing crossover on Folly Road must be removed and the verge must be reinstated to the satisfaction of the City of Rockingham.
9. Prior to commencement of development, detailed civil engineering construction plans for the proposed left turn treatment (AUL(S)) within the Folly Road road reserve shall be submitted by a suitably qualified person to the City of Rockingham for approval, designed in accordance with Austroads' *Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)*.

These works must be constructed, in accordance with the approved plans, prior to the occupation of the development.

10. The carpark must:
- (i) provide a minimum of 92 car parking spaces;

- (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 2 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
- (iii) provide 2 car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (v) comply with the above requirements for the duration of the development.

11. Prior to applying for a Building Permit, Bushfire Management Plan prepared by Envision Bushfire Protection dated 11th June 2022 shall be updated to include the revised approved plans, including the Bushfire APZ Strategy, Drawing No. 10, Revision 6, dated 19 October 2022,

The Bushfire Management Plan shall be implemented thereafter for the duration of the development.

12. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
- (i) The location of bin storage areas and bin collection areas;
 - (ii) The number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) Management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) Frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

13. Prior to applying for a Building Permit, an Acoustic Report prepared by a suitably qualified acoustic consultant and demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, must be submitted to and approved by the City of Rockingham. The Acoustic report shall, at a minimum but not limited to, address the following:

- Clearly outline the final specification and construction methods, including any materials and treatments, for all building components of the development;
- Detail mechanical plant elements including any bore pumps and any attenuation measures required;
- Detail any mitigations or management controls for car parking areas;
- Detail the parameters used for the modelling which considers the adjoining future development to achieve compliance.

Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.

14. The Building Permit application must be accompanied by written confirmation from a suitably qualified Acoustic Consultant that the plans have been reviewed and confirmed they incorporate the requirements of the relevant acoustic report as required by condition 13.

15. Prior to occupation of the development, written confirmation from the builder to be provided that all requirements indicated in the relevant acoustic report have been incorporated into the development.
16. Prior to occupation of the development, an Operational Noise Management Plan (ONMP) shall be prepared in consultation with a suitably qualified consultant to the satisfaction of the City of Rockingham, demonstrating how noise will be managed to ensure the development complies with the Environmental Protection (Noise) Regulations 1997. The development must operate in accordance with the approved ONMP for the duration of the land use.
17. Prior to the occupation of the development, an illumination report must be prepared which demonstrates to the satisfaction of the City of Rockingham, that the completed development complies with the requirements of Australian Standard AS 4282—2019, Control of the obtrusive effects of outdoor lighting.
18. Prior to applying for a Building Permit, a schedule of the colours and textures of the building materials, must be provided to the satisfaction of the City of Rockingham. The development must be finished in accordance with the schedule provided and approved by the City of Rockingham, prior to occupation of the development and maintained for the duration of the use.
19. The applicant must implement a complaints resolution procedure, by:
 - (i) Maintaining a telephone number (or numbers) and an email address (or email addresses) through which a complaint concerning the development may be made at any time.
 - (ii) Advising the owners of Lot 923 (No.547) Young Road; Lot 33 (No.574) Young Road; Lot 52 Young Road; Lot 103 (No. 151) Folly Road; Lot 202 (No.154) Folly Road; Lot 55 (No.66) Folly Road in writing of the telephone number (or numbers) and the email address (or addresses) through which a complaint may be made, prior to the use commencing.
 - (iii) Maintaining a complaints log in which the following is to be recorded:
 - (a) the date and time of each complaint made and received;
 - (b) the means (telephone or email) by which the complaint was made;
 - (c) any personal details of the complainant that were provided or, if no details were provided a note to that effect;
 - (d) the nature of the complaint;
 - (e) the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant; and
 - (f) if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken.
 - (iv) Respond to every complaint received as soon as possible, but in any event, within three (3) working days after receipt of the complaint.
 - (v) Provide the complaints log to the City of Rockingham within one (1) working day after receipt of a request from the City that it be provided.
20. Prior to occupation of the development, the development must be supplied with a potable drinking water supply that meets the Australian Drinking Water Guidelines. Written confirmation of compliance with the Australian Drinking Water Guidelines is to be provided to the satisfaction of the City of Rockingham.

21. Tree planting is required within the car park areas at a rate of 1 shade tree per 3 car bays.

Advice Notes

1. The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.
2. The development must comply with the Health (Public Building) Regulations 1992; the applicant and owner should liaise with the City's Health Services in this regard.
3. The proposed development will require a Lodging House Registration; the applicant and owner should liaise with the City's Health Services in this regard.
4. The Stormwater Management Plan must detail the stormwater drainage design, including the location and sizing of all drainage infrastructure and required storage including finished floor level separation requirements for all events.
5. An application will need to be made to the City of Rockingham Health Services for installation of the secondary treatment system.
6. Regarding Condition No.16, it is recommended that the Operational Noise Management Plan is developed in consultation with a suitably qualified acoustic consultant.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dph.wa.gov.au

Presenter Details

Name	Bruce Davey
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> x If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel
Meeting Date	Thursday 4th August 2022
DAP Application Number	DAP/21/02148
Property Location	67 Folly Road Baldivis
Agenda Item Number	8.2

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/> X
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> X AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/> X
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, please attach



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> AGAINST the Hindu Temple development and SUPPORT the recommendation for the REFUSAL
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

I'd like to start with the fact we live directly opposite the proposed Temple site at [REDACTED] Baldivis and we've been here over 20 years.

Now I could talk forever about lifestyle choices and serenity and rural v's suburbia but you're all Planning people so look at the logistics side of things.

So how an earth has this development even got this far??

I implore you to physically come and see the site itself and tell us that it's a good fit to build such a complex there.

We don't have water or deep sewerage running past our properties and the electricity is subpar at best with frequent outages. Case in point ours, and many others in Rural Baldivis, were without power for 3 days Christmas Eve, Christmas day and Boxing Day. and if you recall those days reached 40 degrees. It wasn't pleasant. I have no idea how the proposed development, which will be drawing huge amounts of electricity, will not be a massive burden to our already fragile system!

Then look at our roads out rural way. As short as Folly Road is, there's already been a death at the bend at Young Road unfortunately. Wonder why that wasn't mentioned in their report?? There is one street light in the whole street, no verges only drains either side, very narrow with blind bends and expected to withstand the amount of traffic the Temple is going to bring in? I don't think so. According to Main Roads it's not earmarked for any upgrades until at least 2050 as well !

We have a very high water table and obviously leach drains are our only option but as we all rely on ground water for our main source of water, how is it not going to be contaminated through chucking fill on top of the soil to appease the powers that be??

Please think long and hard whether this is the right site for such a development. Our own City of Rockingham voted a unanimous NO and I'm backing them 100%.

*Thank you for your time,
Bruce and Julie Davey
[REDACTED] Baldivis 6171*



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dph.wa.gov.au

Presenter Details

Name	Caroline Meeusen
Company (if applicable)	
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements:

Meeting Details

DAP Name	Metro outer joint development assessment panel
Meeting Date	Thursday December 1st 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53 (No 67) Folly Road, Baldivis
Agenda Item Number	No. 8.2

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach

Presentation Content*



These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i>
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Temple on Folly Road in Baldivis and support the recommendation for refusal of set temple.

As a resident of the area since 2013 I am shocked this is even a suggestion. This is a quiet Rural area, the reason myself and my neighbours moved into this area was to get away from the hustle and bustle of the town and to live peacefully in nature. The proposed temple will certainly disrupt this quiet lifestyle. The “adjusted” proposal for the temple isn’t going to make much of a difference to the original, the same issues apply as to the amount of people they will attract. The Temple caters for more people and visitors than live in the immediate surrounding are. How does that not impact existing residents or wildlife for that matter. I’m also not convinced over this adjustment, once they have a start on the project they will want to keep expanding until they have their full vision. This does not suit our rural hub. The building does not suit the landscape, plus the whole project is enormous, too big to suit the area. The building process of this project alone is going to disrupt lives of residents and wildlife around. In addition to the normal temple hours, the festivals possibly being held at this location 19 times per year for a full weekend is going to wreak havoc to traffic in the area and will severely disrupt our peace and quiet since they will go all weekend from early in the morning till late at night.

The issue isn’t that I’m against the temple, it’s the location. There is another temple 15km from this one, why are they not looking to locate closer to Mandurah to reach a broader audience, why can’t the temple be placed where there is no surrounding housing yet. If people choose to build near the temple that’s their choice but we chose to live away from the busy-ness, now it’s being forced upon us.

The other problem with this location is the Wetlands that run right behind this block, with no town water or sewerage this is a disaster in the making for the environment and the local wildlife of which some is endangered.

And if it isn’t that, there’s the increase in traffic of a road that is already dangerous if you’re unfamiliar with it.

Other concerns I have with this development is the noise pollution, light pollution at night from flood lights in the carparks or around the temple area and buildings, excess cars parked on the side of the road when they have big celebrations which will not only impact the traffic safety issue but also bushfire safety.

Inconsistencies in their application, lack of communications with the local wildlife



preservation services.

The council has voted this development down multiple times now, your panel states that it “stands in the shoes” of the responsible authorities, how many times can we tell them NO before they will accept the decision of the council and the protest from the local residents?

I would like you to reconsider this Temple development, it does not suit this location at all, the impact it will have on the residents near the proposed structure, the impact on the carefully conserved wetlands and their wildlife, the rural lifestyle we all worked so hard for. I would like you all to vote against the Hindu Temple proposal as the Rockingham Council did unanimously. I am in favour of Refusing the Hindu Temple at this location.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Cathy Paton
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Lot 53 (67) Folly Road Baldivis Hindu Place Of Worship
Meeting Date	1/12/2022.....0930
DAP Application Number	DAP/21/02148
Property Location	Lot 53 (67) Folly Road Baldivis
Agenda Item Number	Click or tap here to enter text.

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



Presentation Content*

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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Click or tap here to enter text.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

I would like to start by saying that I embrace our country's multiculturalism and I wholeheartedly respect freedom of worship.

I admire the Hindu faith and its beliefs and spirituality.

Some other meanings for spirituality are passion and devotion.

I am passionate and devoted to my environment at rural Baldivis were I have lived for 26 years.

But it's not about that.

It's about the impact this development will have on this rural farming land. The development is at odds with the existing landscape and lifestyle.

The resulting noise and traffic congestion will impact adversely on the local community let alone the wide life and domestic animals, particularly horses.

There is a place of course for admirable Hindu Temples, but this development, in this area would be in stark contrast to the fragile environment at rural Baldivis.

The development is simply inappropriate for this quiet natural rural area.

I'm here to stand by the Rockingham Councillor's decision of refusal for the 3rd time. The Councillor's report is thorough and supports all the reasons for refusal. Their report identifies the reasons why this development does not fit with the TPS (2) and the intensity that this development will still generate.

By removal of the 6 weddings in the year and the multi-purpose hall is not changing the amount of people and traffic that will be visiting this area on a regular basis.

Operating hours have not changed they are still from 7am till 9pm every day and evening, 7 days a week, 365 days in the year.

The festivals are still 2 nearly every month with up to 250 people expected to attend. The twice-yearly Chariot circumnavigation around the Temple which also is expected to have over 400 people attending.



There has been no mention in the new submission about the third-party hall hire. Since the multi-purpose hall has been removed, are they now to be in the Dining Hall

which has been extended, if so what amount of people and traffic are these going to generate.?

There also has been no mention of the buildings time frame as it was stated to be 6-10 years.?

This is excessive and would be hard for any community to have to endure.

The intensity this development will create has not changed.

It had been mentioned by the applicant that this land is no use for anything but over the last 10 years there has been sheep grazing on it and previous to that the owner ran cattle.

This is a farming property ; this is a farming area.

I'm asking JDAP to please refuse this development as Rockingham Council has 3 times.

The applicant has not shown in their new submission that by removing the 6 Weddings and the multi-purpose hall that the intensity of the development will change.

If this gets approved, it will set a precedent for developers not only in the Rockingham shire but all shire to able build in rural areas that do not fit in with TP Schemes .

I fear for the peace and tranquillity of our landscape and the stress it will cause.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Presenter Details

Name	Debbie MacKenzie
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel - Hindu Temple
Meeting Date	Thursday 1 st December 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53 Folly Road Baldivis
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



Presentation Content*

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<p>Brief sentence summary for inclusion on the Agenda</p>	<p><i>The presentation will address:</i> Against the Hindu Temple Development on Folly Road Baldivis and support Rockingham City Council's recommendation for the refusal</p>
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

My name is Debbie MacKenzie. I, along with my family, have been a resident in Baldivis for 18 years and 9 of these years, within Baldivis East rural estates.

My submission is, once again, in support of the recommendations from Rockingham City Council to reaffirm its decision to **REFUSE** the application to the proposed Hindu Temple. **My opposition** is based on Town Planning Regulations which acknowledge the location, size of development, operating hours and the road / traffic logistics that do not comply, or enhance the amenity of our rural location.

As a person who works within a government system, who has to follow rules and regulations set out by a number of governing bodies, I am confounded that a group of people, who have been told a number of times by the Rockingham Town Planners, the City Councillors and the JDAP committees that this development does not fit in into the Baldivis East Rural Estate and continue to appeal this decision. The local rural community alongside the various governing bodies are all **against** this development based on the legal regulations and legislative polices that we, as a community, abide by.

Once again, we are here to show support and faith in the legal system that the Rockingham City Council and JDAP committee have followed. It has been clearly stated **THREE** times that any development has to fit the surrounding area and within the Town Planning Scheme. If one group can continually disagree with the local laws, surely that will set an impetus for any other person or developer to question any town planning laws and by-laws be it for a 'place of worship' a caravan park or brewery. It sets up an arena to continue to disregard the laws of the state.

Rockingham Town Planners have once again stated in their very detailed and explicit report why this development does not fit in with the Town Planning Scheme No. 2 Objective of the Rural Zone Clause.

As a local to this area the following are my reasonings as to how the Hindu Temple Complex is at odds with the amenity of this location:-

1. Traffic issues - Folly and St Albans Roads are narrow, have no shoulder, crumbling road edges, have no pedestrian or cycle paths, limited road lighting and most importantly have two extremely unsafe and dangerous turns in the road. The bend between Folly and St Albans has had numerous incidents with car accidents – latest one being a week ago. Main Roads have no plans for upgrade until 2050. As the report stated the increase in traffic “is significant and exceeds what could be reasonably expected”. These roads already cater to transportation of livestock, water trucks, school busses as well as local residents. All who travel daily on these roads are aware of the dangerous turns and limitations. With the development possibly bringing a further 1000 more vehicles on the road a week, with drivers who are unaware of the issues, travelling at various times of the day and night, I question how this meets Clause 4.11.1 to be “sympathetic with the rural character of the area”.



2. Car Parking / Traffic Noise – once again the developer has reduced the number of car parks – however this reduction does not equate to the number of people proposed to be attending. This is a cause for enquiry as to the number of people in a vehicle and where they will park if all bays are taken? This then leads to the question of the intensity of road traffic noise, general vehicle noise with doors opening / shutting, starting of engines let alone the general conversations as people walk to and from their cars. This associated traffic movement / noise is out of context and will have an adverse impact on the serene ambience of the immediate area.
3. Daily activities / festivals– the overall activities that the developer has supplied to the council for consideration is concerning. The intensity of the average use with twice daily prayers, scripture classes, yoga activities, as well as providing lunch and dinner meals from a commercial style kitchen (again more traffic with heavy duty food and service vehicles) is not in context with the surrounding businesses and rural homes. On top of the very unstructured daily use of the temple, the local residents will be impact by the 12 (acknowledged) festivals. The impact of this is not only in the extra number of people / cars attending but will also impact significantly of the ambience of the environment with the noise from the celebrations which include chanting, bell ringing and musical instruments. Once again this is against the local planning regulations and is not in keeping with the rural characteristic, it does not protect or enhance the rural amenity and will adversely affect the rural lifestyle of the community.

As a final point -the length of time to build this complex is definitely not within Clause 4.11.1 – to be *'preserved and protected for semi rural lifestyles'*. As the applicant has still not actually purchased the property and with the current building timelines and current issues with supplies, builders and equipment, I would expect the process will overrun the previously mentioned 10-year timeframe. This imposition to our quiet and peaceful lifestyles, the total disruption and added danger on the only road to our property for a number of years is not acceptable. Having both an increase in traffic and noise involving construction vehicles, trucks delivering required sand, earth moving equipment, diggers etc and then the actual physical people on site to construct and build such a large temple development will negatively impact all within the area – both human and animal.

Baldivis East is a quiet, serene and environmentally sensitive rural community. This is an area in which we coexist with nature to support the environment, caring for and protecting the flora and fauna. It supports families through hobby farming (sheep, cattle, horses, chickens and goats) , nurseries (fruit trees, vegetable gardens and flower farms) and aquaculture. I ask the members presiding today to once again consider this application based on planning merit and legislation, applying the relevant region and local planning scheme and policies into which this application clearly does not fit. The Council have been our voice and have stated **THREE** times that this is not within the rules and regulations. It is now up to the JDAP members to once again listen to Rockingham Council who are tasked with and have made decisions for the good of our community.

I, thank you for your time and patience in once again interrogating this proposal and urge you again **refuse** this application, considering how this development **does not** meet the requirements of the Town Planning Scheme and will detrimentally impact the lives of the residents of Baldivis East now and in the future.

Regards

Debbie MacKenzie



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Presenter Details

Name	Elvio Ruggiero
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Lot 5 (No67) Folly Road Baldivis Place of Worship
Meeting Date	1-12-2022 (0900)
DAP Application Number	DAP/21/02148
Property Location	Lot 5 (No67) Folly Road Baldivis
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



Presentation Content*

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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Concerns from the residents of Rural Baldivis
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation. *Please attach detailed content of presentation or provide below:*

Dear MOJDAP members

Preamble

A large, unsympathetic built form imposed on the existing quiet, rural zoned environment ***masquerading as a Place of Worship but really a Community Centre when the Land Use is assessed on a secular basis*** and whose functions the Hindu Community can access at existing nearby locations should be rejected.

As summary of my submission is below.

1. Community support for a land use that is not ordinarily allowed and requires discretion.

There is **no** community support within the City of Rockingham for this Temple and in determining if discretion is granted under the relevant Town Planning Scheme, decision makers must acknowledge this.

The religious requirements of the small Hindu community within the City and those proponents who live outside it are met by existing Hindu Temples within a 20 minute drive of the proposed location.

In the original Notification to residents by the City of Rockingham, only **38** Hindus within the City of Rockingham responded for the proposed Temple. All of these are located west of Kwinana Freeway. 145 submissions were from outside the City of Rockingham.

(Source: Council Minutes 28 April 2022, page 93)

Subsequent submissions by proponents were from diverse areas such as Byford, Wellard, Willetton (who all have access to existing Hindu Temples).

Of the "Schedule of Submissions' PD-027/22 - Attachment 6 **(Source: City of Rockingham Report Attachments July 2022 Ordinary Council)** it is clear that all the favourable responses are:

- (i) from outside of the City of Rockingham (e.g. from Wellard, Byford etc) and
- (ii) all of these are from areas **where these respondents can access EXISTING Hindu temples such as those in (i) Mandogalup, (ii) Canningvale and (iii) Bennett Springs where (i) and (ii) are a 20 minute drive away from the proposed location.**

All **72** respondents to the Notification to residents that are **against** this proposal are those East of the Kwinana Freeway and are in close proximity to the proposed Temple



It is clear that this Temple is intended to serve a large number of Hindu's from outside the City of Rockingham and be located within what is a sparsely populated, low density, low traffic, low noise, quiet rural setting.

It is vitally important that a decision maker take into account the community response when making a decision based on discretion.

2. Applicant's additional justification, see Moharich & More legal letter ('Moharich')

Freedom to exercise religious beliefs

In the *Haladhar* case quoted by Moharich, I note;

i) location of the proposed place of worship in the *Haladhar* case was **already zoned a place of worship** (On Canning Road Lesmurdie) and had an existing place of worship operating on it and

ii) was surrounded by residential development.

As a result of the above, it is obvious that;

1) the issue is not, as Moharich suggests, that there is any restriction on freedom to exercise religious beliefs but that the restriction relates to where places of worship are allowed to be built.

A distinguishing feature is that the land in the *Haldahar* case was zoned for religious beliefs, the Folly Road proposal is not.

Also, it is obvious that the Hindu Temple proposal on Folly Road is more intense development than that contemplated in the *Haladhar* case and that it (Folly Road) seeks a great degree of discretion of land use from its current rural zoning.

In addition:

Moharich seeks to assuage the SAT and JDAP that by removing the Multi Purpose Hall and Wedding Ceremonies from the revised application where wedding functions '*would be integral to most faiths*', the revised proposal is somehow less intense.

It is not.

Other faiths such as Christianity, Judaism and Islam do not have integrated;

- i) Kitchen
- ii) Dining and
- iii) Horse Chariot Stores (at least not since Julius Caesar occupied Judah for the Empire)

which are designed to accommodate **and feed 400 (plus) people (especially not in a quiet rural zone).**

It is obvious that the revised proposal can still accommodate the same number of people as in the original proposal and still conduct wedding ceremonies as the proposal still has a Temple building where marriage occurs and as such the *intensity* of land use in the revised proposal *has not been* reduced.



Operational Peeks

As quoted by Moharich, in *Hutchinson*, the operational peeks referred to were 5 'High Holy Days'.

In this Folly Road proposal, they are **monthly** and sometimes **bi-monthly** and extend past ordinary 'business hours' such as 5pm.

As such, the operational peeks of this Foley Road proposal are far in excess of that contemplated in *Hutchinson*.

Expectations of amenity in rural locations

Moharich notes a that expectations of amenity with in rural land use can include;

- i) animal husbandry
- ii) sawmill and
- iii) abattoir.

Each of these are an **obvious nexus with rural land use**. This is why they were approved notwithstanding the intensity of land use.

3. Peter Webb and Associates – a paid consultant of the applicant

I note his report does **not actually state** how the proposed Hindu Temple actually achieves the critical elements of the Town Planning Scheme 2 of the City of Rockingham and that is to;

A)

As per the City of Rockingham TownPlanning Scheme No.2 Objective of the Rural Zone (Clause 4.11.1), to;

preserve land for farming and foster semi-rural development which is sympathetic to the rural character of the area.

B)

To be consistent with the strategic intent for Planning Precinct 2A under the City of Rockingham Planning Policy 3.3.1 – Rural Land Strategy and demonstrate that;

the development will protect and enhance the visual character of the rural area.

To attempt to claim a development meets any discretion required under a Town Planning Scheme by it allegedly meeting 'technical requirements' such as water storage requirements, is anolgous to suggesting say a High Rise Residential building is allowed on this site as it may meet the 'technical requirements' of water storage etc rather than the strategic intent of rural zoned land.

As a result, I submit refusal is the only outcome.



Government of **Western Australia**
Development Assessment Panels



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Presenter Details

Name	Fiona Tassell
Company (if applicable)	
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements:

Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel – Hindu Temple
Meeting Date	Thursday 1 st December 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53 Folly Road Baldivis
Agenda Item Number	10

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Hindu Temple – Support of REFUSAL
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Hindu Temple on Folly Road Baldivis and support the recommendation of REFUSAL.

As residents of 8 years within this Baldivis east rural area, my husband and I would like to once again show our support for the Rockingham Council’s decision to AGAIN recommend refusal of this proposed Hindu temple complex development.

This new proposal has barely changed from the original which has been refused 3 times. The removal of 1 building, 12 car bays and 6 weddings per year will scarcely change the intensity of this development and the impacts it will have on the surrounding environment and greater rural community.

The visual impact of an ornate temple, multistorey accommodations, dining hall, library, carparks etc is still considerable, especially when compared to all of the surrounding properties and this is absolutely NOT “sympathetic to the RURAL character of the area”.

The number of attendees to prayer, meal, study and yoga times are unchanged as are the operating hours, which would still see approximately 1100 additional vehicle movements per week on a narrow rural road with no slip lanes and no future upgrade foreseen by the WA Main Roads Department. These 1100 additional vehicle movements per week also don’t take in to account the considerable increase in traffic generated by the festivals that will take place throughout the year. This development will only make this stretch of road extremely dangerous for the existing community to commute on.

Daily prayer sessions are proposed to operate until 9pm daily which will generate noise and traffic into evening hours, along with the multistorey dwellings onsite. The acoustic report submitted with this proposal made a lot of assumptions rather than solutions to managing the generated noise ie: windows to be closed in the temple, no classes or gatherings outside of buildings, no conversations in



carparks, visitors cannot loiter on the grounds they must leave straight after their business here.....how on earth are these assumptions to be policed?

Not to mention the noise, and environmental impacts the 10 year build timeframe will have on the surrounding waterways, fauna, roads and residents.

This is a semi-rural area and the intensity of this proposed development is absolutely not in keeping with the council's rural zone scheme to preserve land for farming and semi-rural development which is sympathetic to the rural character of the area.....**RURAL**, this is not a rural development.

We ask you, the panel, to please consider the intensity and size of this proposed development in a low intensity, semi-rural area. The removal of a building, 12 car bays and 6 weddings does not change the intensity and impacts this will have on surrounding properties and the Baldivis east rural community.

We once again firmly voice our support of the Rockingham Council's decision to AGAIN recommend refusal for this Hindu Temple development.



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Presenter Details

Name	Geoffrey Tomlinson
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	MOJDAP/214
Meeting Date	1 December 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53 (No 67) Folly Road, Baldivis
Agenda Item Number	Item 10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Against the Hindu Temple, Development and Support the recommendation for the REFUSAL
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Please attach detailed content of presentation or provide below:

Minister Saffioti

Hi , Having lived in and farmed the area surrounding the proposed development of the Hindu Temple development for 50 + years, Over the years I have witnessed what the Baldivis east Rural land is capable of dealing with. Let alone the yearly estimated additional 5.6 million litres of sewerage wastewater release in this Sewerage Sensitive wetland area. The leaching drains placements have now been relocated to the NW corner of the building envelope..It has been relocated here due to the fact it only requires 1metre of land fill in the area to obtain the necessary 1.5 metres of separation between the water table and the base of the leach drains .. It will still require the base of the leaching drains too be approximately on or near the natural ground level here as the leaching drains will require X amount of soil over the top , of which data on this is unavailable right now !! The leach drain placements are right on the NW envelopes boundary which is where the North South natural gum trees grow !! This area is where the ground slopes off down hill into The highly sensitive Folly Pool wetlands ecosystem study groups area of 40 plus years has been established !! This is where the proposed developments approximately 5.6 million litres of double chlorinated highly salty rich effluent deemed toxic is too released into for ever more !! Problem here is because of the high water table here and effluent produced is never to pool above the ground and as discribed the toxins (microorganisms pathogens) ☠️☠️ easiest ways exiting the soil are to follow any vegetations root systems to the surfaces!! ☠️☠️ This area is also just metres out of the area as mapped the 1/100 Flood plain zone also in an area mapped as a Sewage Sensitive wetland Rural block!! 😞☠️☠️ Also it's effluent produced will regardless of any guarantees given will eventually work it way into The highly sensitive Folly Pool ecosystem study area . Into the drains and along the line in Serpentine River Peel Harvey Collie catchment basins ?!! 😞☠️☠️

Site and Soil Investigation Report provided by the Developer by Water In Site consulting services stated that the sewerage treatment to provide services to this proposal was too Provide for a daily system too handle a figure of
Daily 425 + worshipsers !
Weekly 2,975 worshipsers!
Yearly. 154,700 worshipsers!!!!!! 😞

Effluent produced
Daily 15,300 litres
Weekly 107,100 litres
Yearly 5,569,200 million litres 😞 of double chlorinated nutrient rich salty effluent wastewater!!!! TOXIC ☠️☠️☠️



As in previous emails concerning the toxic contaminants As has happened at

Firstly we're a Rural lifestyle community orientated type of hard-working individuals trying to mind our own business and do little that upsets the others reasons for enjoying their personal space,.

The Developers attitude towards the Communities thoughts on this passing through to approval are the least of his worries as he changes his plans if knocked back like one changes their undies "daily"!!

Regards his hours of operation as acceptable in a RURAL Environment?? Joking insanity!! Even Baldivis Central shops shut at the latest 9pm

Won't put a required 89 metre acoustic barrier on the northern boundary till a house is built on that property !!

Moves the sewerage treatment system to the north western corner of the building envelope, as only requires 1metre of land fill to attain the required 1.5 metres from the base of the leach drains to the natural ground water table level in this area !!

Plus here it will be out of site if view from Folly Rd Baldivis !! 😞

He is dictating his terms not fitting in the slightest bit!! Arrogance!!

ALERT #####

The Waste water discharged from the Temple's sewerage system is as described "Toxic" unfriendly to all our valued groundwater resources/shallow bore water resources/ unusable for any domestic use/ must not pool above ground under any circumstances as full of toxins!! (Micro-organisms pathogens)

Even though it has been treated by a Double Chlorination method effluent treatment is regarded as double chlorinated nutrient rich salty effluent waste water!! Toxic toxic 😞

Environmentally unfriendly to the surrounding topsoil/water resources animals humans and Natural vegetation types!! Cannot even be used by locals to fight fires with useless!!

Being at the highest point of the western complex's envelope the waste water as described by the ..,

Government Water Department Sewerage 19 results ,

When a Sewerage system is placed on a area that has too have fill on it to attain the required 1.5 metre ground separation requirement it has resulted in the waste water seeping from the base of the leaching mound causing an Environmental and by personal health hazard to all in the area eventually will enter the ground water table and spread out over the surrounding topsoils . resulting in a foul smelling environmental responsibility caused by a Developer being allowed to swap and change his ways to suit the means to his Temple !! totally wrong ..

Is in a Sewerage Sensitive wetland area also But !!! 😞

Noise emitting!!

Well imagine living next door do this temples hours of operation from 7 a.m. to 11 pm. 7 days a week 52 weeks every year onlive with those neighbours city stickers or /we can amend these hours as see's fit 2 to please the the locals and panel members..as they have before to suit , agree don't make waves just get it passed people then we're 👍 !!

Nobody can live with this Temple's hours of operations and live a life as we do now , absolutely ridiculous placement of the Hindu Temple development in total disregard for any bodies lifestyle and sanity for this developments lifestyle!?? Total bullshit..

None of the worshipers live within eye sight of Temple and are able to drive home to their chosen lifestyles, deep sewerage scheme water and walking distance to the shops, peacefully happy in their chosen living lifestyles undisturbed by animal feeding lots being passed to be built next door , god forbid this on their lifestyle!! Oh no !! , 😞😞

Anyways Minister if this is passed and goes pear shaped I feel that I've gone through the



wringer to share my local knowledge regarding the total unsuitability of this Rural wet lands site in a Highwater table Sewerage Sensitive Mapped wetlands area, 😏

For the families living in the surrounding area of the proposed Hindu Temple development as of within eyesight and hearing distance they will be living a 24/7 continuous nightmare !! All thanks if passed to a non for profit Charitable Organisation contributing nil money wise to our communities rural infrastructure in the way of rates and will have a great time at our expense for the privilege too do so !! Don't deserve this in a Rural lifestyle!!

No worries locals the 154,700 yearly congregational worshipers thank you for having too accept us as a much needed but not wanted in any way diversification to your Rural Community !!

And the yearly 5.6 million litres of Double chlorinated nutrient rich salty effluent produced by us is as described in the developers Site and Soil Evaluation Report deemed toxic unfriendly Wastewater and will eventually due to it being deposited on your wetland Sewerage Sensitive area of a extremely high water table area will turn the area of your Hindu Temple development Complex firstly into smelly toxic effluent Wastewater cesspit for the you the daily 425 residents and worshipers to live in !!

All data I have found and emailed too all about this Waste water discharged into the surrounding areas topsoil will eventually leach into the surrounding areas water ways and , 😞 too late guy's !!

Have worked a Dairy farm here in the early 1960's and lived and enjoyed my 18 acres of land brought in 1996/7 and my local knowledge of the whole area's capabilities of handling the wet year's is second to none, especially in regards to your little home septic systems let alone a estimated yearly amount of 5.6 million litres of double chlorinated nutrient rich salty effluent produced yearly, every year for years to come , unbelievable arrogance with NO respect to our precious rural Wetlands!! FINI 👍🙄 and our precious groundwater resource which will be no more if. this allowed to happen !!

Hopefully you can understand my Concerns Minister Saffioti

Yours sincerely Geoffrey Tomlinson resident 👍 full time of 25 years ...
Many thanks 👍🙄

Minister Saffioti ,

Well I hope our. Local Community Government Departments and our City Council's taken note as reported on 7 News tonight of the locals in the surrounding area of the Jandakot air field of the toxic contaminants in and around the Jandakot airports groundwater source, caused by their firefighting chemicals as was used at the RAAF AIR BASE AT BULLSBROOK WEST .., All their local groundwater used by all around the Jandakot airport has tested as TOXIC UNUSABLE .!! Exactly as happened up at the RAAF AIR BASE !!!

It has happened where ever this fire retardant has ever been used Worldwide!! and these people are devastated as in the Grandmother's case on the News tonight it effects 3 generations of her family's health and a pregnant family member,!! which she feels she is responsible for !! ...

And the Government Departments overseeing our Temples Sewerage predicament has allowed our Community to put up with this Developers wants at the cost to our own ground water resources being deemed as stated Toxic , unusable in to the future years!! Unstoppable

Total Government denial of well documented proven evidence stating what will be the end result too our environment!!

Try sweeping this one under the rug and pass this nightmare Development now !! As written in the Developers Site and Soil Investigation Reporting Waterinsite Consultants!! The effluent produced by the Hindu Temple development is highly TOXIC WASTEWATER!! DOUBLE CHLORINATED NUTRIENT RICH SALTY EFFLUENT!!

Don't need as documented 5.6 million litres of double chlorinated nutrient rich salty effluent Wastewater produced by the Temple's residents and visitors YEARLY at 154,100 people discharged into our invaluable bore water resources Yearly too eventually render it useless once up and going !!

But does it really matter ?? Seems only those that will be forced to swim breathe and Walk in this Sewerage allotment, forget your bore water use Gone !!

Passed History on our Government's handling of our groundwater resources value to them at the expense of the area's residents needs proves this !!

Oh pass it and we'll see what happens when it hits the fan , locals can live and deal with it !! ...

Oh and forget the Local environment residence we have voted against this development at least 6 times and it seems what ever our community thoughts on this misplaced development really doesn't matter because we're going to used as a RURAL effluent disposal site regardless..

No we don't want this built on a Sewerage Sensitive 1/100 year wetlands ecosystem study groups area to the Western end !!

Effluent contamination runs down hill eventually into Folly drain into the Serpentine River Peel Harvey Collie coastal catchments basin , resulting in algae bloom in the future ring a bell ?

Environmental terrorist, who looking after our Waterways Heritage Groundwater!!

Refuse refuse

Put this Communities nightmares to bed once and for all !! No more back and resubmitted

changes , we all know regardless the number of people's attending will be 154,00 yearly
Sewerage litres will be 5.6 million litres of double chlorinated nutrient rich salty effluent
produced by the Temple yearly every year !!

Death to our groundwater resources and environment!! Feels like a lost cause because it a
Simply misplaced development being even considered in a Rural lifestyle Wetlands
location in a Sewerage Sensitive Mapped wetlands Rural Communities lifestyle!!

Thanking you!!

Yours sincerely Geoffrey Tomlinson resident

Agenda.... .> > Against the Hindu Temple

Development and Support
the Recommendation for

the REFUSAL...

Minister Saffioti

Have been told by Lawyers to keep this view of my reasons of refusal on the Hindu Temple development short and too the point as people reading it will look lose interest in reading it !!

But the Heritage of our Rural Communities lifestyles and families love of their chosen lifestyles here deserves all the relevant information on why this Hindu complex should never be allowed to be built here..

The leaching drains placements have now been relocated to the NW corner of the building envelope..It has been relocated here due to the fact it only requires 1metre of land

fill in the area to obtain the necessary 1.5 metres of separation between the water table and the base of the leach drains ..

It will still require the base of the leaching drains too be approximately on or near the natural ground level here as the leaching drains will require X amount of soil over the top , of which data on this is unavailable right now !!

The leach drain placements are right on the NW envelopes boundary which is where the North South natural gum trees grow !! This area is where the ground slopes off down hill into The highly sensitive Folly Pool wetlands ecosystem study groups area of 40 plus years has been established !! This is where the proposed developments approximately 5.6 million litres of double chlorinated highly salty rich effluent deemed toxic is too released into for ever more !!

Problem here is because of the high water table here and effluent produced is never to pool above the ground and as described the toxins (microorganisms pathogens) easiest ways exiting the soil are to follow any vegetations root systems to the surfaces!!

This area is also just metres out of the area as mapped the 1/100 Flood plain zone also in an area mapped as a Sewage Sensitive wetland Rural block!! Also it's effluent produced will regardless of any guarantees given will eventually work it way into The highly sensitive Folly Pool ecosystem study area , exits the drains and along the drains which feed into Serpentine River Peel Harvey Collie catchment basins ?!! Causing algae bloom as in the Swan River !!

Site and Soil Investigation Report provided by the Developer by Waterinsite consulting services stated that the sewerage treatment to provide services to this proposal was too Provide for a daily system too handle a figure into the future of ...

Daily 425 + worshipsers !

Weekly 2,975 worshipsers!

Yearly. 154,700 worshipsers!!!!!!

Effluent produced

Daily 15,300 litres

Weekly 107,100 litres

Yearly 5,569,200 million litres of double chlorinated nutrient rich salty effluent wastewater!!!! TOXIC

ALERT ##### as in Bullsbrook west and latest Toxic groundwater resources found at Jandakot airport outer residential areas !!

Wastewater produced is useless for any human consumption or resources once the toxins infiltrate the groundwater resources !!

The Waste water discharged from the Temple's sewerage system is as described as "Toxic" unfriendly to all our valued groundwater resources/shallow bore water resources/ unusable for any domestic use/ must not pool above ground under any circumstances as full of toxins!! (Micro-organisms pathogens)

Government Water Department Sewerage 19 results , #####

When a Sewerage system is placed on a area that has too have fill on it to attain the required 1.5 metre ground separation requirement it has resulted in the waste water seeping from the base of the leaching mound causing an Environmental and personal health hazard to all in the area eventually will enter the ground water table and spread out over the surrounding topsoils.. resulting in a foul smelling environmental disaster ! Still Toxic also !!

Caused by a Developer being allowed to swap and change his ways to suit the means to have his Temple build passed !! totally wrong ..

This in a Sewerage Sensitive wetland area ??

On A1/100 floodplain mapped zone!!

Noise emitting!!

Well imagine living next door do this temples hours of operation from 7 a.m. to 11 pm. 7 days a week 52 weeks every year onlive with those neighbours city stickers or /we can amend these hours as see's fit 2 to please the the locals and panel members..as they have before to suit , agree don't make waves just get it passed people then we're !!

Nobody can live with this Temple's hours of operations and live a life as we do now , absolutely ridiculous placement of the Hindu Temple development in total disregard for any bodies lifestyle and sanity for this developments lifestyle!!?? Total bullshit..

None of the worshipers live within eye sight of Temple and are able to drive home to their chosen lifestyles, deep sewerage scheme water and walking distance to the shops, peacefully happy in their chosen living lifestyles undisturbed by animal feeding lots being passed to be built next door , god forbid this on their lifestyle!! Oh no !! ,

No worries locals the 154,700 yearly congregational worshipers thank you for having too accept us as a much needed but not wanted in any way diversification to your Rural Community !!

All data I have found and emailed too all about this Waste water discharged into the surrounding areas topsoil will eventually leach into the surrounding areas water ways and , too late guy's !!

It's a RURAL block in a Sewerage Sensitive wetland area with a high water table and the Wastewater is released on to a landfill area to obtain the necessary groundwater separation requirement of 1.5 metres !! Won't work never has !!

Government records proved this in their Studies!!

Hopefully you can understand my Concerns Minister Saffioti

Yours sincerely Geoffrey Tomlinson
resident full time of 25 years ...
Many thanks !

Against the Hindu Temple

Development and Support
the Recommendation for

the REFUSAL...

Minister Saffioti

Why this Hindu Temple Development should be once and for all be
Refused a permit to be built on 53 Folly Rd Baldivis ...

The leaching drains placements have now been relocated to the NW corner of
the building envelope..It has been relocated here due to the fact it only requires 1metre of
land fill in the area to obtain the necessary 1.5 metres of separation between the water table
and the base of the leach drains ..

The leach drain placements are right on the NW envelopes boundary which is where the

North South natural gum trees grow !!

Problem here is because of the high water table here and effluent produced is never to pool above the ground and as described the toxins (microorganisms pathogens) easiest ways exiting the soil are to follow any vegetations root systems to the surfaces!!

Also it's effluent produced (Yearly 5.6 million litres of double chlorinated nutrient rich salty effluent produced)will regardless of any guarantees given will eventually work it way into The highly sensitive Folly Pool ecosystem study area , exits the drains and along the drains which feed into Serpentine River Peel Harvey Collie catchment basins ?!!

Causing algae bloom as in the Swan River !!

Site and Soil Investigation Report provided by the Developer stated that the sewerage treatment to provide services to this proposal was too Provide for a daily system too handle a figure into the future of ...

Daily 425 + worshipers !

Weekly 2,975 worshipers!

Yearly. 154,700 worshipers!!!!!!

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Yearly 5,569,200 million litres of double chlorinated nutrient rich salty effluent wastewater!!!! TOXIC

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When a Sewerage system is placed on a area that has too have fill on it to attain the required 1.5 metre ground separation requirement it has resulted in the waste water seeping from the base of the leaching mound causing an Environmental and personal health hazard to all in the area eventually will enter the ground water table and spread out over the surrounding topsoils.. resulting in a foul smelling Environmental disaster!!

This in a Sewerage Sensitive wetland area on a 1/100 floodplain mapped zone!!

Noise emitting!!

Well imagine living next door do this temples hours of operation from 7 a.m. to 11 pm. 7 days a week 52 weeks every year on

Nobody can live with this Temple's hours of operations and live a life as we do now , absolutely ridiculous placement of the Hindu Temple development in total disregard for any bodies lifestyle and sanity for this developments lifestyle!??

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Government records proved this in their Studies!!

Hopefully you can understand my Concerns Minister Saffioti

Yours sincerely Geoffrey Tomlinson

resident full time of 25 years ...

Many thanks !



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

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Please complete a separate form for each presenter and submit to daps@dph.wa.gov.au

Presenter Details

Name	Ian and Deborah Mills
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	NO If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	LOT 53 (67) FOLLY ROAD BALDIVIS PLACE OF WORSHIP
Meeting Date	1.12.2022 @ 9.30AM
DAP Application Number	DAP/21/2148
Property Location	LOT 53 (67) FOLLY ROAD BALDIVIS
Agenda Item Number	Click or tap here to enter text.

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	Yes
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT
Is the presentation in support of or against the <u>proposed development</u> ?	AGAINST
Will the presentation require power-point facilities?	N/A



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> HINDU TEMPLE - SUBMISSION
--	--

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

We have been residents of rural Baldivis since 1989. Our property is located on the eastern side of Doghill (366 Wilkinson Road Baldivis) so we are not in the direct vicinity of the proposed development.

However, we do use St Albans Rd and Folly Rd on a daily basis to commute to either access the Kwinana Freeway via the Safety Bay Road access or the local shopping centre.

We have submitted our rejection to the proposal before and our views on this matter have not changed. Reasons are as follows:

Increased traffic in the area – as stated previously the location of the Temple would exasperate an increasing amount of traffic in the area. This has increased noticeably since the urbanisation of Baldivis on the western side of Kwinana Freeway. Commuters use it as a quick access or / alternative access route to the Kwinana Freeway or Mundijong Road.

Street lighting in the area is poor and there is already an existing problem where St Albans Road merges into Folly Road (sharp bend in the road) and numerous traffic incidents causing property damage have occurred at this corner.

The Temple would encourage visitors to the area and the infrastructure is not in place.

We have huge concerns for the lack of water availability for bushfire mitigation, sewage treatment and water consumption.

We still have reservations that the Temple and supporting buildings are still comparable to a small residential development.

The proposed development does not comply with the City of Rockingham’s Rural Strategy plan for the area.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Presenter Details

Name	Janice Raffaele
Company (if applicable)	
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements:

Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel
Meeting Date	Thursday, 1 st December
DAP Application Number	DAP/21/02148
Property Location	67 Folly Road
Agenda Item Number	

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Against the Hindu Temple Development and Support the recommendation for the refusal.
--	--

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

My husband and I have lived in Rural Baldivis for over 32 years.

We support the City of Rockingham Councils decision on refusal again for the 3rd time.

This has always been about the TPS(2) which is to foster farming, semi rural in this rural area.

The councils report has demonstrated that this development does not fit in with the requirements and the intensity has not changed by removal of the 6 wedding and the multi-purpose hall.

The day to day operation from 7am to 9pm, 7 days a week and the monthly festival and the twice chariot circumnavigation around the temple which there is, will be over 400 attending is still too great for this location.

We are asking JDAP, to support the City of Rockingham's decision of refusal.

Janice and Garry Raffaele

284 Young Road Baldivis



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Presenter Details

Name	Julie Davey
Company (if applicable)	
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> x If yes, please state any accessibility or special requirements:

Meeting Details

DAP Name	Metro Outer Joint Development
Meeting Date	1st December 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53 (no. 67) Folly Rd Baldivis
Agenda Item Number	

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/> x
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> x AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/> x
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> x If yes, please attach

Presentation Content*



These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i>
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

My family and myself live at 66 Folly Rd Baldivis - directly opposite the proposed temple.

We purchased our dream property over 20 years ago. We deliberately chose rural for a reason - lifestyle, serenity, no neighbours close by, quietness, out of suburbia, just to name a few.

All that will be taken away from us should this complex be allowed to go ahead in the proposed location. There will be no escaping it!! 24/7 365 days of the year SOMETHING will be happening next door that's not consistent with a rural lifestyle. Definitely **NOT** what we signed up for when considering buying rural.

It will not enhance nor protect the visual character that is **RURAL LIFE!!** Even the Town Planning Scheme says to "preserve the land for farming and foster semi rural development" - none of which applies here.

What the applicant proposes to build is in direct contradiction with this and gone is our hopes of maintaining and of our original aspirations as to why we scrimped and saved to purchase our rural properties.

With the amended proposal it states the carpark is to be reduced in size but no mention of reducing the volume of people allowed through the gates. So I ask you, where are they going to park if the car park is full? Folly Road is no way able to cater to the influx of traffic that the Temple will bring. Its very poorly lit - with only one street light, no verges or shoulders, a couple of blind bends and no upgrades until at least 2050 according to the Main Roads report !

There has already been a death on Folly Road unfortunately, which surprisingly didn't make it onto their report?? It happened on my side of Folly Road and directly opposite where their proposed main driveway is planned for.

I'm not sure if the applicant is aware of our fluctuating power source East of the freeway - but we have frequent power outages as the system is antiquated and struggles to keep up with demand with what is built out our way, let alone a commune such as this size!

Last Christmas we were all without power from Christmas Eve, Christmas Day and



Boxing Day and if you recall the temperatures soared passed 40 degrees for all those days. So our power source definitely will not cope with the obvious power drawage from all those buildings.

Another concerning factor and one of the more important ones, is the sewerage.

As you would be aware we don't have scheme water or deep sewer East of the freeway to our properties in rural Baldivis. So as a direct neighbour, we know the land intimately and the amount of effluent caused from the volume of people attending throughout the year and with our high water table, will just be disastrous!

We worry about our main water source and the pollution that will 100% happen if this goes ahead!!

One question I would like to ask all of you who have a say in this development, is whether you would agree or even like to live opposite such an intensive complex as the one being proposed today??

Just to reiterate I am not against any religious group having a place to congregate or worship, just the area in which they are wanting to build it.

So we fully support City of Rockingham's decision for **REFUSAL** of this Temple.

Bruce and Julie Davey

██████████ Baldivis

My family and myself live at 66 Folly Rd Baldivis-directly opposite the proposed temple.
we purchased our property over 20 years ago.



These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> We support the refusal of the proposed Temple
--	--

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

As a resident and rate payer in the Rockingham City Council for over 20 years we believe a complex such as the proposed Hindu temple will visually impact the rural amenity.

It's not consistent with the City's Town Planning Scheme (clause 4.11.1) which is to preserve the land for farming and foster semi-rural development.

Nor will it enhance or protect the visual character that is RURAL life!

We have been wondering how the application has got as far as it has, given the City's Town Planning Scheme prohibits "grouped dwellings". It definitely has grouped dwellings as well as a massive 110 space carpark, commercial buildings and a residence building to name a few.

There are way too many buildings over the scope that makes up rural life out in East Baldivis. The visual impact it would make would be detrimental for our area. We all chose rural living for a reason, one being to get away from the noise and close proximity of neighbours, yet here is a proposed development encroaching on those very values we hold dear.

Then there's the devastating effect it would have on our waterways. As a direct neighbour (66 Folly Rd Baldivis) we know the land intimately and the amount of effluent caused from the volume of people attending throughout the year with our high water table would be tremendous! We worry about our only water source (from the ground as there's no scheme water out in rural Baldivis) and the impact of the contaminates for us, our animals and the native flora and fauna.

*There are so many reasons why this development should **NOT** be approved and I implore you to read every one of the residents statements who would be impacted by a complex such as this.*

There is a reason why the Rockingham Council vote was a unanimous vote of 12-0 objecting to the development and we hope you vote against it too.

Let's keep the rural amenity of our area in East Baldivis.

*Thank you for your time,
Julie Davey
66 Folly Rd Baldivis*



Presentation Request Form

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Presenter Details

Name	Margaret Smith
Company (if applicable)	
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements:

Meeting Details

DAP Name	Lot 53 (67) Folly Road Baldivis Hindu place of Worship
Meeting Date	1 st December 2022 9:30am
DAP Application Number	DAP/21/02148
Property Location	Lot 53 (no 67) Folly Road Baldivis
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach

Presentation Content*



These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> AGAINST THE HINDU TEMPLE DEVELOPMENT AND SUPPORT THE RECOMMENDATION FOR THE REFUSAL
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

My Name is Margaret Smith, our property is [REDACTED], Baldivis.

My husband and I purchased our land 35 years ago to enjoy a Rural lifestyle and to set the property up for our retirement.

This property is to be kept in our family for generations.

The proposed Hindu Temple is right next to us. We share the same fence line. We are the closest neighbours.

Due to the State Planning Policy 3.7 – Planning Bushfire Areas. No trees can be planted on the developers North Boundary. This is the shared fence line.

None of this large development can be hidden from our view. It will be visible from any position on our property.

Our proposed dwelling location will be severely impacted. Our home will be 10metres from the fence line, due to the building envelope.

Our Rural view will be multiple buildings, a large carpark, a service road and over 2000 people a month, approximately 24,000 yearly, visiting day and night, all 365 days of the year.

If this goes ahead our 35 years of our dream retirement will be gone.

How does this development fit in with the existing City of Rockingham Town Planning Scheme, Clause 4.11.1 – to preserve land for Farming and foster semi Rural development, sympathetic to Rural Character and the City of Rockingham Planning Policy – to protect and enhance the visual character and amenity of the area.

I am greatly concerned for the noise levels.

In the proposed Hindu Temples first proposal there was no noise level given for



our property.

There was for other properties around me who have a dwelling on them.

In the report from Marshall Day Acoustics it stated windows and doors would be closed to prevent noise travel.

That is not a practical solution to noise control.

It also does not account for all the outside activity- noise from cars coming and going, hundreds of people coming and going for prayers, yoga, festivals and weddings.

This was not acceptable to the City Council.

The second proposal was to erect an 89 metre long noise barrier between the car park and our fence line, the north boundary. Again, no trees can be planted due to bushfire regulations. Our view would be a compound, a carpark, a service road and an 89metre long barrier.

This was not acceptable to the City Council.

The third proposal by the developers was to do away with the 89 metre long noise barrier and to just modify the proposed Hindu Temples operating times for Weddings and Festivals, no modification to the day to day activities.

Modifying times does not stop noise, it is still there, less a few hours a day. This is NOT noise control.

The developers of the Hindu Temple say they will modify operating times ONLY when we build a dwelling on the property.

I do not accept or understand this, does the noise just disappear until we build our retirement home?

We use and enjoy our property. We all spend days during the week out there, our sons use the shed, we spend family weekends we take the caravan for the grandchildren to have sleepovers. We use our property. The property is 20 minutes from our home in Rockingham, it is a large part of our life.

The noise level will affect us NOW.

So now we come to the Fourth Proposal

A) Remove the Multi Purpose Hall – have no weddings.

There was to be 6 weddings a year.

10 hours per wedding equals 60 hours or 2.5 days out of 365 days per year.



But at the same time increasing the size of the Dining Hall and Library. The Dining Hall will now be used for all the non wedding activities.

We will still have continued noise.

Where is our right to enjoy the peaceful amenity of our property?

B) Car Bays

From the plans, the main car park looks to still be in the same position, still in full view of my property and nothing to contain noise.

The only difference I can see is 10 car bays beside the Dining Hall and 12 bays being removed.

The residents of Baldivis have always been concerned re: parking. Just the festivals alone with 400 people, 200 cars, where do they park? Especially now with 98 bays. 102 cars on the verge or blocking our 1 lane dead end street.

The developer has now tried 4 times to address the noise from cars, people etc.

Again, where is there any proven noise control for our property?

I do not believe the proposed Hindu Temple has a sound, proven solution to noise control especially for our property.

My question is

Can anyone tell us how anyone can enjoy the quiet Rural Amenity of our property.

When the first proposal for noise control, was to close windows and doors. The second proposal was to build an 89 metre long noise barrier, the third was to scrap that and NOT build the 89 metre barrier. Then to modify hours whilst they have increased hours and that noise just disappears and only occurs if I have a dwelling on the property. All whilst 2000 plus people a month, plus thousands and thousands of people a year, day and night 365 days of the year coming and going.

All of this occurring metres from my fence line.

Again, what is or where is there any proven noise control for our property?

What happened to the truthful implementation of the Environmental Protection Noise Regulation 1997.



How does this proposal meet with the City of Rockingham Town Planning Scheme Clause 4.11.1 or the City of Rockingham Planning Policy.

If this goes ahead our 35 years of planning our retirement will be shattered. Any enjoyment of our property is gone.

I hope you vote against this development and allow Rural Baldivis to remain the tranquil Community that it is.

Regards

Margaret Smith



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

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Please complete a separate form for each presenter and submit to daps@dph.wa.gov.au

Presenter Details

Name	Michelle Harvey
Company (if applicable)	
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements:

Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel
Meeting Date	Thursday 1 st December 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53 Folly Road Baldivis
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach

Presentation Content*



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Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i>
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

I am RElodging my opposition to the proposed Hindu Temple being situated in Baldivis East.

I cannot believe that we are here AGAIN! Going through this same stress and anguish about a situation that has be REFUSED numerous times! I plead with the JDAP members to hold strong like the council and not be pushed around. The NEW proposal does NOT fit in with the RURAL title. No matter how much you pretty it up and tweak it.

The money that these people must have is unbelievable. They are like petulant children who will not stop until they get THEIR way. You have already said NO!?

Please finalise this as a solid NO!!!!

My family and I recently moved to rural Baldivis over 1 year ago after 18 years in residential Baldivis. We absolutely love the peace and quiet that we have achieved.

We have worked so hard to achieve our "happy place". My job is quite stressful at times, working in the community but my mental health sighs in relief when I come HOME to my own peaceful retreat. My children have embraced everything RURAL and are loving our little spot too.

We have sheep, goats, chickens, all grazing free range on our land. The thought of our land eventually becoming poisoned and spoiled, our bore being ruined for our children's future is shockingly possible.

The facts speak for themselves no matter how much they 'glitter' them up. Do not let money be the influential part of approving this multi dwelling NON RURAL project.

I am so shocked and saddened that the Hindu temple is even being proposed to be built there! This is a RURAL area with many RURAL rules that we as a family have had to adhere to when moving here.



Why are the rules so very different for other people? Unless there is obviously major financial gain to be made by someone??! My parents are in the process of building a granny flat, they are looking forward to embracing the peace and quiet in the retirement. There have been so many RURAL rules and regulations that we have had to follow to please council and we have done that, enthusiastically to have them here with us.

If this venture goes ahead, the council will be inundated with requests to have the local residents RURAL rules reviewed and changed too, for example, applications to have multiple dwellings on their property? If the Hindu temple can have such numbers of dwellings approved on RURAL land then surely WE as residents can also have them on our RURAL land?

The fact that there will be such a dramatic environmental impact is horrendous in itself! The nearest temple is literally just minutes away? In a much more well suited spot.

It makes NO sense at all.

As a registered nurse, working providing Covid vaccinations to our community and state, I beg you to reconsider this proposal.

As a nurse working in a diverse multicultural society for the last 31 years, I have no problem at all with the Hindu religion or any religion or belief but please don't build it there! It makes no sense whatsoever. We are FULLY SUPPORTING THE REFUSAL OF THIS HINDU TEMPLE.

Kindest Regards

Michelle Harvey and family

[REDACTED]

[REDACTED]

[REDACTED]



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Presenter Details

Name	Peta Sims
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel – Hindu Temple
Meeting Date	Thursday 1 st December 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53, Folly Road, Baldivis
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



Presentation Content*

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<p>Brief sentence summary for inclusion on the Agenda</p>	<p><i>The presentation will address:</i> Against the Proposed Hindu Temple on Folly Road Baldivis. Supporting Rockingham Council's Recommendation for the refusal.</p>
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

I am writing to again support the Rockingham Councils decision to **REFUSE** the application for the Hindu Temple on Folly Road in Baldivis. This application has been **REFUSED** 3 times by the Rockingham Council, deferred once and voted down once unanimously by JDAP. My submission is based on this large-scale development not fitting in with the council Town Planning Scheme 2 as stated and detailed in many past submissions and the Rockingham Council. To cram such a development of this magnitude and intensity on such a small narrow block of only which half of the block is useable is beyond the imagination.

1. The new proposal by the applicant states that the weddings have been removed. This does not take away the 12 festivals (with dates unknown), daily prayer, chariot circumnavigation (which has not been addressed in any of their proposals), scripture or yoga classes and short stay accommodation. All of this still generation a staggering 1100 cars per week. This is not including festival weeks, you can add on an extra 450 cars for those weeks. All of these cars entering and exiting through one entry/exit point onto a narrow rural road, on a tight bend, with no road shoulders and no street lighting. The average property in this area would be lucky if it had 10 cars in a week coming and going.
2. Also noting that the multi-purpose hall been removed – are these festivals meant to be held outside now or in the dining hall that seats 108 people? Where is the acoustic report for this amendment? Now with the Multi-purpose hall being removed, is the dining hall now going to be the building for the 3rd party hire for anniversaries etc.?
3. The applicant has also reduced the amount of car bays by 12 to now 92 bays, yet the number of cars have not decreased.... all that has happened in this application is 6 weddings have been



removed, it has not removed the masses of people or cars! 92 car bays to service 1100+ cars leads me to ask where the overflow parking is going to be located on the block? Concerns from many past submissions still remain unanswered.

4. The 10-year build time does not fit in with Clause 4.11.1 – “to preserve and protect semi-rural lifestyle”. This development is so extreme in comparison to the current low intensity in the area. To destroy our amenity by having this development in this position is tragic enough without having to also endure 10 years of building it too.
5. The 2 priest dwellings have been amalgamated to one, but still being able to house 2 families. The 4 short term accommodations still remain which have the potential to be occupied 365 days a year. Just these 5 accommodations alone on this small block have the potential to generate more than the average noise outside of operating hours of the temple than a regular rural property in the area.
6. In a news article on Channel 9 at 5pm, Thursday the 24th of November, Jandakot area is now suffering the consequences of Pfas poison (which is also found in septic tanks) seeping into their waterways and it is now deemed contaminated – all is written in a detailed report dating back 10 years of how this would not happen.....I feel this will be us in 10 years.....the impact of this development, on such a small block, as many of us have stated our concerns in the past, has the serious potential to be devastating on our natural water way that shares the same block of land. With the sheer size, intensity and magnitude of this development and the thousands of people it has to accommodate, surely you can see that such an intense development is not sustainable in this location.

In closing, I ask again that you as the panel members put yourselves in our shoes. The intensity of this development has not changed by removing 6 weddings and a multi-purpose hall and shifting things around the block. We have all worked extremely hard to live and afford the rural lifestyle that has been promised to us under the Town Planning Scheme 2.

We as a community are not against the applicant building their admirable temple and believe in the “freedom to practice their religion” just not in the location chosen and not at the expense of the Baldivis Rural



Community, and our amenity.

I again reiterate I am supporting the Rockingham Council to **REFUSE** the development on Folly Road for the third time and I hope you can to see that this intense development is not suited to this location.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Presenter Details

Name	Rosemary Coppen
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Lot53 (67) Folly Rd Baldivis Place of Worship
Meeting Date	1.12.22 9.30am
DAP Application Number	DAP/21/02148
Property Location	Lot 53 (67) Folly Rd Baldivis
Agenda Item Number	Click or tap here to enter text.

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



Presentation Content*

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Brief sentence summary for inclusion on the Agenda	<p><i>The presentation will address:</i> That the proposed place of worship (Hindu Temple) is not sympathetic to Rural Baldivis .This is a rural community and it does not comply with the City of Rockingham Town planning scheme for this area .</p>
--	--

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

My name is Rosemary Coppen myself and my partner David Smith have lived in rural Baldivis for 25 years and live just around the corner from the proposed development. We feel frustrated that the application has been voted on 3 times and subsequently denied but the applicant continues to persist in obtaining approval. This has gone on long enough; it has caused nothing but stress to the people living directly north of the proposed development. The residents will be subjected to seeing the complex and hearing everything that goes on. Rockingham Council and the JDAP has already advocated the development does not fit in with the rural strategy. Rural means rural, untouched natural beauty at its best. The traffic noise, septic tank system pollution into the environment, noise pollution from the festivals and cars arriving and leaving at all times will have an adverse effect on the residents located within the immediate area of the temple. How does this fit in with our rural lifestyle?

Removal of the proposed weddings and multi-purpose hall will not change the intensity this development will generate. It will continue to operate during the hours of 7am to 9pm, 7 days a week (365 days per year). The festivals will continue to generate 250 visitors, possibly twice a month, and the bi-annual chariot celebrations could attract up to 400 attendees.



By allowing this application to proceed it would set a precedent for rural Baldvis for other unsympathetic activities or pursuits to proceed.

We request that the JDAP refuse the application once again and support the system and consider the ratepayers of rural Baldvis.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Clare McLean
Company (if applicable)	Peter Webb & Associates
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	MOJDAP
Meeting Date	01 DECEMBER 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53 (No. 67) Folly Road, Baldivis
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach

As the MOJDAP is to be held via electronic means, the presenter will share images on the screen.



Presentation Content*

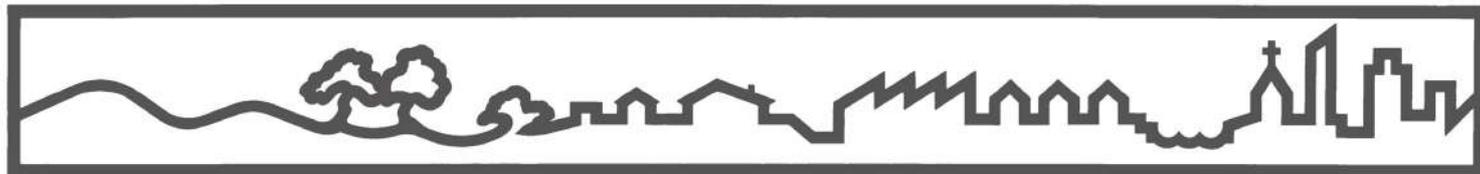
These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> A request for MOJDAP to approve the Application, with reasonable conditions attached.
--	--

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Please refer to the attached submission which details the expanded content of the presentation.



28 November 2022

Our Ref: C2457-05

Mr E Koltasz
Presiding Member
Metro Outer Joint Development Assessment Panel
email: daps@dplh.wa.gov.au

Attention: DAP Secretariat

Dear Sir

**Re: Presentation to Metro Outer JDAP (Meeting No: MOJDAP/214)
Lot 53 (No. 67) Folly Road, Baldivis**

I continue to act on behalf of JAPA in my capacity as a Planning Consultant, in relation to the proposed Place of Worship development at Lot 53 (No. 67) Folly Road, Baldivis (**Item 10.1**).

I submit this written submission with a request to the Presiding Member to present verbally to the MOJDAP meeting scheduled to be held on 1 December 2022 in support of the revised Application, the subject of **SAT Matter DR 146 of 2022**.

The revised development plans presented to MOJDAP for reconsideration incorporate a range of amendments which specifically address the concern of the City on the intensity of the activities of the Place of Worship, when compared to the existing activities occurring on the surrounding lots in this rural location.

I advise that the additional information presented to MOJDAP contains all of the documentation required, as agreed at the mediation conference held on 14 October 2022.

I refer to the commentary in the RAR that there is a 'material gap' in the additional information submitted for reconsideration due to an updated acoustic report not being provided. This statement is incorrect.

The agreement reached between the two parties at mediation as to the additional information required for MOJDAP to reconsider the Application followed a discussion whereby it was understood that the sources and activities of the City's perceived noise concern were removed in the revised proposal.

It was agreed that there was no need for an updated acoustic report as all it would confirm was that the source of the perceived noise impact was removed and that the development continued to remain compliant with the Noise Regulations.

Notwithstanding this, we advise MOJDAP that JAPA (for its own peace of mind) did seek technical advice from its appointed acoustic consultant (Marshall Day) to review the revised plans prior to submitting the agreed documentation to the City. As had been anticipated, Marshall Day confirmed that the predicted noise levels associated with the reduced proposal complied with the Noise Regulations.

Given the City seems to have now decided that it considers this information to be critical to its position, we attach a copy of the Marshall Day advice at **Annexure 1**, for consideration by MOJDAP.

We are disappointed the City is recommending that the revised proposal not be approved.

The Application remains overwhelmingly compliant with the Planning Framework.

It continues to be supported by the full suite of technical investigations. Noting that, the conclusions of the technical investigations alone should provide the City with the necessary level of assurance that this particular landholding is capable of supporting the proposed development and use, without causing any adverse impact on the surrounding rural area.

The City continues to base its recommendation on a perception that the activities associated with this particular Place of Worship will in some way have a negative impact on the existing rural amenity of the surrounding landholdings.

This is disappointing given the revised plans presented to MOJDAP propose a considerably reduced intensity of activity on the land, in order to remove this concern of the City and achieve a mediated outcome.

The following part of my submission responds to the reasons for refusal in the RAR.

There is only a single reason behind the City's recommendation.

The reason is that the City considers the activities of the Place of Worship to be in some way disruptive to the existing activities occurring on the surrounding landholdings in this rural location.

The proposed activities of the Place of Worship involve people visiting the land for daily prayers; and those same people visiting on the formal days of prayer. The arrival and departure times for both activities are staggered.

It is understood that the City views these activities to be 'likely' to negatively impact on the existing rural amenity of this location because of:

1. the people being physically present and visible on the land;
2. the noise of the people when present on the land; and
3. the noise of people driving their cars to and from the land.

It is important to recognise that all of these activities occurring on the land are to be undertaken by people engaging in peaceful religious practices.

The City states that it is these activities of religious worship which it believes to be inconsistent with the existing rural amenity, when it compares these activities to those which currently occur on the surrounding landholdings.

This suggests that the City is justifying its reasons for refusal on grounds that the proposed religious activities are too different, and not as low in intensity to the existing activities occurring on the surrounding landholdings.

I highlight to the Members that there is no planning requirement which states that a discretionary land use on a rural lot can only be approved if it is a similar type of rural land use and no greater in intensity in terms of its activities than that which occurs on the landholdings surrounding the site.

This is proven by the City's approval of a Samoan Place of Worship at Lot 588 (No. 162) Haines Road, Baldivis in 2014, which development is built to accommodate a similar maximum capacity of people and to provide a similar range of activities. This Place of Worship sits on land which is located in the heart of the rural area of East Baldivis. It is accessed by a single rural standard road and surrounded by land used for a range of different, low intensity rural activities. This Place of Worship was approved by the Council of the City, as it was correctly assessed as compliant with the objective of the Rural zone in *Town Planning Scheme No. 2* and compliant with the requirements of Precinct 2A of the *Rural Lands Strategy*. (Please refer to **Annexure 2**: Location Plan, comparison of location of the subject site and that of the Samoan Place of Worship at 162 Haines Road, Baldivis.)

It is the technical documentation accompanying an application which informs a decision maker as to whether a development and use is capable of supporting the proposed development and its activities, without causing an adverse impact on the surrounding area.

The technical documentation supporting this Application (similar, albeit more, than that which supported the Samoan Church proposal) confirms that the subject property is able to cater for this development and use without negatively impacting the rural location.

It is difficult therefore to comprehend the planning grounds behind the City's opinion that the revised proposal should not be approved.

In lodging this written submission, I respectfully request that the Members contemplate the following questions when considering the planning merits of this revised proposal, as to date, I have not been able to offer any reasonable answers to JAPA to explain the City's position.

1. Why is it that the City considers the use of this land for religious practices to be likely to create an adverse impact on this area?

The community it is designed to accommodate is peaceful and will visit the land for the sole purpose of engaging in activities of quiet prayer and reflection.

2. What is it about the noise of the people visiting the Temple for religious reasons that is considered to be a 'nuisance' in this rural area?

Rural areas produce an extensive range of significant noise contributing factors, including (but not limited to) farming machinery and large trucks travelling regularly to and from rural properties. This use will produce no 'nuisance' noise, and never any of the familiar 'nuisance' noises which are typically associated with more traditional rural land uses.

The predicted level of noise emitted from the land by the proposed use is compliant with the Noise Regulations.

3. Why is it that the traffic generated by this community is considered to cause such a negative impact on the amenity of this location, when compared by the City to the surrounding existing land uses in this location (which are all accessed via Young Road)?

The cars visiting the Temple are contained to Folly Road, which is classified as an 'Other Regional Road' in the *Metropolitan Region Scheme (MRS)*.

The land is immediately adjacent to the Safety Bay Road Freeway exit.

Folly Road caters for rural traffic, with heavy load vehicles and standard sized vehicles already utilising this road network to access the wider rural area.

The Place of Worship traffic (comprising of standard sized vehicles) using only Folly Road to access the site will have no impact on the surrounding landholdings used by the City as a comparison to justify its position.

The City continues to disregard our repeated advice that the stated numbers attending the site for daily prayers and those same people attending the Temple on the formal days of prayer will most likely never reach these maximum numbers, at any one time. These figures provided to the City represent possible **peak operational** numbers and demonstrate that even at those peak numbers, the site is capable of supporting the proposed use without causing an adverse impact to the surrounding rural location.

The references in the RAR to total weekly traffic volumes is irrelevant to the City's argument that the use is too intensive. These calculations are referenced by the City to exaggerate the level of intensity to support its unfounded position.

To summarise, the numbers of people and the noise of their vehicles driving to and from the land (on Folly Road only) at different times of the day to visit the Place of Worship for daily prayers and on special formal days of prayer is compliant. There will be no wedding events on the land as part of this revised proposal, which is a significant compromise of JAPA given it is an integral component of the religious practices of this faith. The removal of weddings means that there will be no situation whereby a larger number of people and their vehicles arrive at the site at one time, nor will they depart the land during the sensitive night time hours of the day. We offer this particular amendment as part the revised proposal to the City in order to achieve a mediated outcome.

JAPA wishes to convey to the City through all of the revisions put forward in this proposal that it is listening to the concerns of the local community and intends to develop and use the land in a

peaceful way, as equal, valued and respectful members of the Baldivis and City of Rockingham communities.

It is on the basis of the overwhelming, continued compliance of the revised proposal with the Planning Framework and the additional modifications proposed which reduce the development footprint and the activities on the land to effectively remove the concern of the intensity of the use raised by the City, which we now respectfully seek the support of MOJDAP in approving this Application, with reasonable conditions attached.

Yours faithfully



CLARE McLEAN

Senior Planning Consultant

cc: *Jeeyars Acharya Peettam Australia Limited (JAPA)
G Bogdanich & L Chew-Bogdanich, Archetype Design Studio
B Moharich, Moharich & More*

ANNEXURE 1

*Marshall Day
assessment: revised proposal*

19 October 2022

Jeeyars Acharya Peettam Australia Pty Ltd (JAPA Pty Ltd)
C/o Archetype Design Studio
27 Watkins Road
Dalkeith WA 6009

Attention: Gorki Bogdanich

Dear Gorki,

ALTERNATIVE SITE LAYOUT – ACOUSTIC REVIEW

Marshall Day Acoustics (MDA) has been engaged to provide acoustic design input for the proposed Sri Balaji Temple development to be located at Lot 53 (67) Folly Road, Baldivis.

MDA prepared an Acoustic Planning Report in November 2021, which was subsequently revised to include additional information and reflect site plan revisions (latest version ref. Rp 001 r05 20210485, dated 28 June 2022).

Noise modelling of the proposed development demonstrated that the development could comply with the *Environmental Protection (Noise) Regulations 1997*; however, careful management would be required to manage noise risks, particularly around high occupancy site uses (e.g. weddings) during sensitive time periods.

We understand that the project has undergone a mediation process with key stakeholders as part of an appeal to the State Administrative Tribunal (SAT), and an alternative site layout with revised site uses is now proposed.

MDA has been requested to review and comment on the alternative site layout, which is shown in Figure 1 below.

Figure 1: Proposed alternative site layout



The revised development proposal includes several changes that will help reduce potential noise emissions compared to the previous schemes.

The following changes are noted that are relevant to noise emissions:

- The Multipurpose Hall has been removed.
- Weddings are no longer proposed to be held on site.
- The car park size has been reduced from 104 to 90 bays, and reconfigured so that parking bays are no longer proposed along the northern boundary.
- Locations for the Dining Hall and Library have been swapped so that the Dining Hall, which will typically have higher patronage, is more central on site. The revised location is further from and more shielded at neighbouring premises including the potential future residential premises at 547 Young Road.
- The bin enclosure and water tanks have been located to maximise visual and noise screening between the carpark and the potential future residential premises at 547 Young Road.

The changes have removed significant noise sources and activities, and the site layout has improved in terms of limiting noise propagation, particularly toward the northern boundary (547 Young Road), where a residential premises may be developed in the future.

Based on our review, the proposed development including alternative site layout and operations can comply with the Noise Regulations.

The implementation of noise management procedures would be appropriate to align with best-practice measures for a development of this nature. The procedures should include means of notifying neighbours of upcoming festival days where site usage may be higher than average. The management plan should be reviewed periodically, including after the development of any residential premises at 547 Young Road.

We trust this helps inform the project team and approval authorities on these matters.

Please let us know if any further specifics or clarifications are required to assist with the planning process.

Yours sincerely,

MARSHALL DAY ACOUSTICS PTY LTD



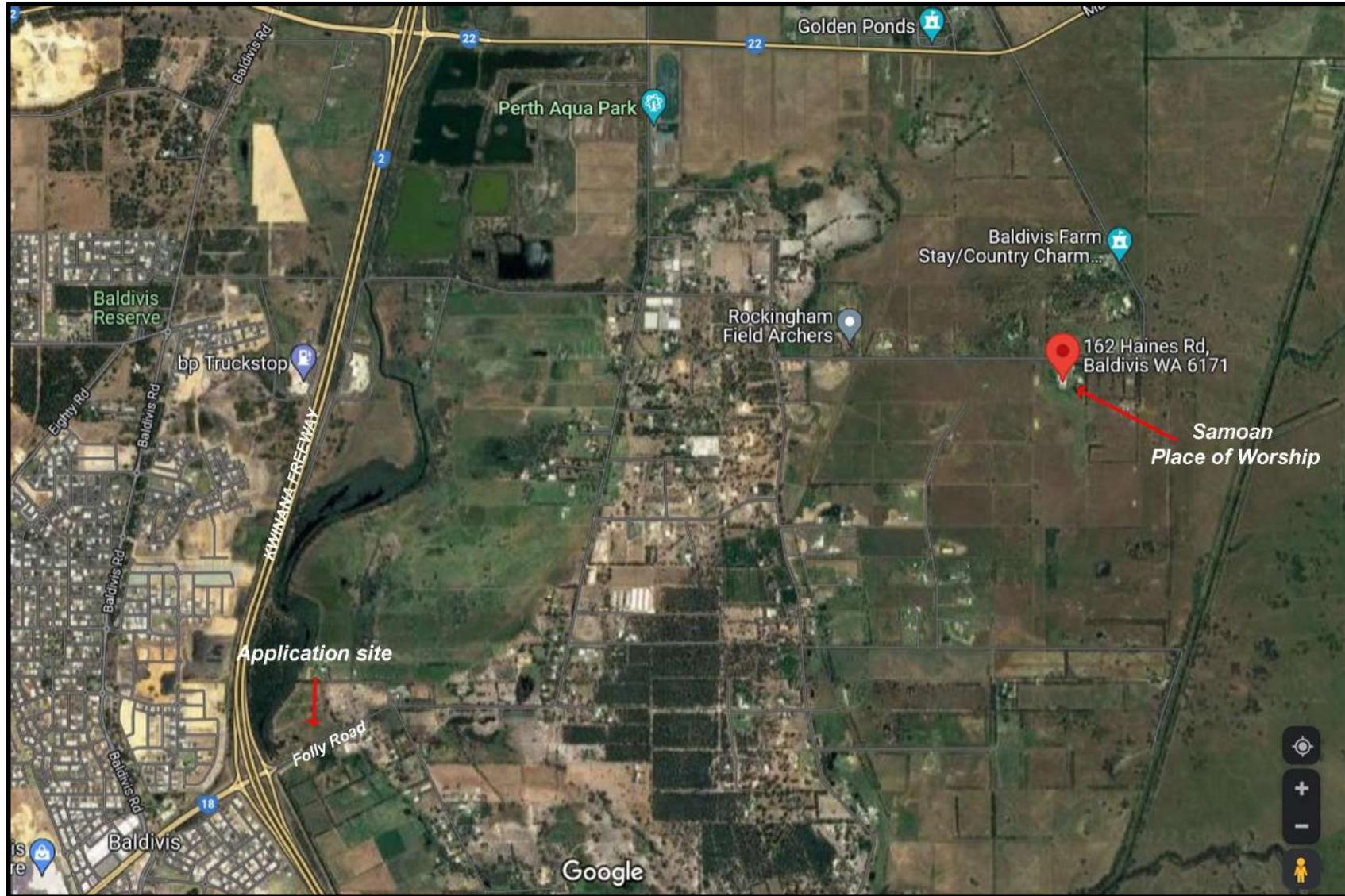
Ben Beverley

Associate

Annexure 2

Location Plan

*Locational Comparison – Application review
site and other Place of Worship approved by
City in Rural Baldivis*



LOCATIONAL COMPARISON: APPLICATION SITE AND THE CITY OF ROCKINGHAM APPROVED SAMOAN PLACE OF WORSHIP, BOTH LOCATED WITHIN THE BALDIVIS EAST RURAL AREA, RURAL LANDS STRATEGY.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Gorki Bogdanich
Company (if applicable)	Archetype Design Studio
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	MOJDAP
Meeting Date	01 DECEMBER 2022
DAP Application Number	DAP/21/02148
Property Location	Lot 53 (No. 67) Folly Road, Baldivis
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach

As the MOJDAP is to be held via electronic means, the presenter will share images on the screen.



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> A request for MOJDAP to approve the Application, with reasonable conditions attached.
--	--

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Please refer to the attached submission which details the expanded content of the presentation.

archetype

| design studio |

Mr Gene Koltasz
Presiding Member
Metro Outer Joint Development Assessment Panel
email: daps@dplh.wa.gov.au

Attention: DAP Secretariat

Regarding: **SAT Matter DR 146 of 2022**

Dear Sir

Re: Presentation to Metro Outer JDAP (Meeting No: MOJDAP/214) Lot 53 (No. 67) Folly Road, Baldivis

1. I refer to the Metro Outer Joint Development Assessment Panel (JDAP) Meeting scheduled to be held on Thursday, 01 December 2022.
2. Archetype Design Studio continue to act for Jeeyars Achayra Peettam Australia Limited (JAPA) in relation to the proposed Place of Worship development on Lot 53 (No. 67) Folly Road, Baldivis.
3. This written submission and my deputation to JDAP relates to Item 10.1 of the Meeting Agenda (No. MOJDAP/214).
4. The purpose of this submission is to respond to the main design issues contained in the City of Rockingham's Responsible Authority Report (RAR) for recommending refusal of this Application.
5. This submission is to be considered in association with the written submissions and deputations by our consultant Town Planner, Ms Clare McLean of Peter Webb and Associates, and Solicitor Ms Belinda Moharich of Moharich & More.
6. The submission below provides the detail of my presentation.

1. Architectural Design Amendments

1. Removal of Multi Purpose Hall and Wedding function on site

Removal of the Multi Purpose Hall has reduced the overall project built up floor area from 2,976 sqm to 2,067 sqm, being an actual **33% reduction in overall floor area**. The reduced scale also means the construction timeframe can be shortened.

The removal of the Wedding function removes anticipated six weddings per year, being a maximum anticipated 400 people on site for that function. It is now anticipated that the maximum possible operational peak number of people on site at any point in time will be reduced from 400 to 250 (being a Hindu Festival evening session).

2. Reducing car bays in car park to 90. The removal of the wedding function also reduces the requirement for the number of car parking bays, as there will not be more than 250 people on site at any point in time. Despite this, the proposal provides adequate car parking for a maximum of 350 people on site to comply with the City's parking ratio requirement for a Place of Worship land use. The proposal in effect provides for 33% car parking bays in excess of the Temple's current requirements.

The reduced attendance figures also represent reduced traffic noise generation, and the continued compliance of the proposed design with relevant Noise Regulations, as confirmed by the Acoustic Consultant's updated statement, attached to the written submission of the Planning Consultant.

3. Switching location of Library and Dining area.

This re-arrangement is made in order to place the quieter function, being the library, closer to the north boundary and shield the north site from any noise generated by the Dining area.

4. Re-locating North Boundary car parking to southern side

This re-arrangement effectively takes 37 car parking bays which were previously located in close proximity to the northern boundary away from that location, and positions them on the south side of the buildings, where noise will be screened to the north site.

5. Lining up water tanks The re-arrangement of the water tanks will result in an effective barrier to car headlights and noise generated by vehicles parking.

6. Incorporating bin enclosure wall Which is an effective barrier to car headlights and noise generated by vehicles parking.

1. City's amended Responsible Authority Report (RAR)

The City issued an updated Responsible Authority Report on 14th November 2022.

With respect to the issues raised by MOJDAP, Council's revised RAR states the following, to which we respond:

1. Council Comment at RAR Page 48

The Applicant has stated that the maximum number of people the development has been designed to accommodate has been reduced from 400 to 350 people, to reflect the existing size of the temple community. It is unclear, however, how this figure relates to the maximum attendance figures provided by the Applicant, which are outlined below.

Applicant Response:

The Multi Purpose Hall and with it the wedding function, which was anticipated to accommodate a maximum 400 people on site at any one point in time, have been removed from the application. The table provided by the applicant shows that Hindu Festival evening sessions were the next highest attractor of people to site at the possible operational peak number of 250 people for that session. The Application states a figure of 350 in order to allow for possible fluctuation and long term growth.

2. Council Comment at RAR Page 49

Potentially up to 100 people may visit the site per weekday for prayers, which (assuming an average of two people per vehicle as outlined in the Applicant's Traffic and Acoustic Reports) translates to potentially 100 vehicle movements to and from the site per day (50 cars);

Applicant Response:

The Traffic Impact Statement prepared by Shawmac, states that current daily count of all traffic on weekdays on Folly Road is 2,592 vehicles. An additional 100 vehicle movements per day (50 cars) will increase this by **3.8 %**.

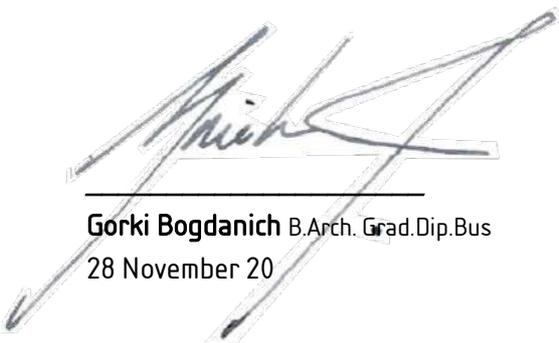
It is inconceivable that this minor increase, being overwhelmingly limited to a short 300m stretch of road between the Freeway and Temple entry /exit points will even be noticeable let alone cause an adverse impact on the amenity of the neighbours.

Similarly, Special Hindu Festival Days held on a **weekday** will generate a daily increase of **6% (over fewer than 12 days of the year)**, and

Special Hindu Festival Days held on a **weekend** will generate a daily increase of **24%** (over not more than 2 days of the year). (Refer RAR page 50 anticipated numbers of attendees at Hindu festival days)

3. Concluding Comments:

- Updated **Specialist Consultants Statements** have been submitted confirming that all relevant technical issues have been resolved and all relevant standards have been met, including BAL issues and , Acoustic regulations.
- All prior **Specialist Consultants Reports** including Environmental and Traffic remain current and valid.
- The proposed design has been reviewed by other Government Agencies including **MRWA, DFES, DPLH, DWER, DoH, and Water Corporation**, and no agency has any issues or objections to the proposal.
- The proposed Temple design has been reviewed by the **City's appointed Design Review Panel**, comprised of expert independent professionals, and the Panel has supported the design *without changes*, with respect Context and Character, Landscape Quality, Built Form and Scale, Amenity and Aesthetics. All suggestions by the Panel have been taken on board by the Developer and design amended.
- the site's location immediately adjacent the freeway will ensure that the intensity of use has negligible impact on the semi-rural area as a whole.
- The additional traffic generated is comparatively minor to existing traffic movements along Folly Road , and will have negligible impact on the amenity of the surrounding properties.
- We conclude that the proposed development and use are compliant with the Planning Framework and respectfully seek the support of MOJDAP in approving this Application, with reasonable conditions attached, if required.



Gorki Bogdanich B.Arch. Grad.Dip.Bus
28 November 20

gorki bogdanich
principal

archetype

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gorki@archetypedesign.com.au

原型
设计
室



Member Level 1
Australian Institute of Architects
2016



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Belinda Moharich
Company (if applicable)	Moharich and More
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	1 December 2022
DAP Application Number	DAP/21/02148
Property Location	No.67 (Lot 53) Folly Road, Baldivis
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT <input type="checkbox"/> AGAINST <input checked="" type="checkbox"/>
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT <input checked="" type="checkbox"/> AGAINST <input type="checkbox"/>
Will the presentation require power-point facilities?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please attach



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> How the revised application complies with the local and regional planning framework.
--	---

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Please see attached.

Our ref: 23-006
Your ref: -

28 November 2022

Mr Eugene Koltasz
Presiding Member
Metro Outer Joint Development Assessment Panel
c/ Development Assessment Panel Secretariat
140 William Street
PERTH WA 6000

By email:

daps@dplh.wa.gov.au

Dear Presiding Member

**DR 146 of 2022 - Jeeyars Acharya Peettam Australia Limited v Presiding
Member of the Metro Outer Joint Development Assessment Panel**

- 1 The purpose of this letter is to respond to the Responsible Authority Report (**RAR**), prepared by the City of Rockingham, and attached as part of the agenda for your meeting on Thursday.
- 2 As you would be aware, the matter returns to the JDAP for reconsideration by order made by the Tribunal pursuant to section 31 of the *State Administrative Tribunal Act 2015*.
- 3 The Applicant is concerned to see, notwithstanding the significant changes to the original application made as a result of discussions at mediation, that the recommendation from the City remains a refusal of the application.
- 4 For the reasons that are outlined in this letter, it is my submission that this recommendation should not be supported by the JDAP.

Changes made to the application

- 5 As a result of the discussions at mediation, **substantial** compromises to the design and function of the proposed facility have been made.
- 6 These include –

-
- 6.1 The removal of the multi-purpose hall;
 - 6.2 The consequent repositioning of other buildings onsite to reduce the capacity for noise transfer;
 - 6.3 The reduction of, and repositioning of car parking bays to the middle of the site;
 - 6.4 The repositioning of bin stores and water tanks to reduce the capacity for noise transfer and light spill.
- 7 The effect of these amendments cannot be overstated – essentially, in removing the multi-purpose hall, the Applicant will no longer be able to hold weddings at the facility, which I am sure you would acknowledge, is traditionally an integral component of a Place of Worship land use.
 - 8 The removal of weddings as an activity, has the effect of significantly reducing the maximum number of guests, and also reducing the time during which the facility will be in operation.
 - 9 Advice received from the Applicant's acoustic scientist confirms that noise emissions from all activities onsite will comply with the standards set out in the *Environmental Protection (Noise) Regulations 1997*.

Concerns raised in the Responsible Authority Report

- 10 Essentially, the City's reasons for maintaining its recommendation relate to matters of reasonable expectations of amenity. It is my submission that these reasons are unsustainable.

Expectations of amenity

- 11 The land is zoned Rural under the *City of Rockingham Local Planning Scheme No.2 (LPS2)*.
- 12 In the decision of *Self and Shire of Serpentine Jarrahdale [2005] WASAT 140*, the Tribunal made comments regarding the expectation of amenity on rural zoned land -

62 Whilst such uses listed above will mostly require consent (as here), the following observation from the Environment Resources and Development Court of South Australia is nevertheless a useful reminder and a reference point for general discussion about rural amenity:

"The list of developments [the relevant planning instrument] has designated as complying confirms, in my mind, that the amenity to be expected in the zone might not be free of nuisance of one form or another. Rural areas generate a variety of 'externalities' – mainly noise and dust emissions. One cannot expect to reside in such a zone and necessarily expect a quiet and serene rural environment. However, [counsel] quite rightly said that the circumstances of the zone should be

taken into account when considering the amenity that might be reasonably expected." See *Marley-Duncan v Corporation of the Town of Gawler* [2003] SAERDC 28 at [21].

- 13 In this case, a number of land uses are capable of approval which would have a much more significant built form impact, and a much greater intensity of land use. Such uses include Brewery, Tourist Development, Sawmill, Abattoir, and Animal Husbandry – intensive.
- 14 That said, for the reasons that follow, it is the Applicant's submission that the amenity impact on surrounding landowners of this proposal will be negligible.

Built Form

- 15 The built form of the proposed development has been carefully considered to ensure a cluster of buildings, which is a form of development synonymous with rural areas.
- 16 The bulk and scale of the buildings is consistent with those found on surrounding properties.

Reliance on Rural zone objectives and *Rural Land Strategy*

- 17 The objective of the Rural zone is set out in clause 4.11.1 of LPS2 is in the following terms –

The objective of the Rural Zone is to preserve land for farming and foster semi-rural development which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in **the Rural Land Strategy** and supported by any other Plan or Policy that the local government may adopt from time to time as a guide to future development within the Zone.

- 18 The first thing to note is that the *Rural Land Strategy* referred to in this objective identifies the Baldivis East Precinct 2A (including this property) as having significant environmental characteristics, including Conservation Category Wetlands. Indeed, that document expressly notes in the Strategic Intent section –
- To avoid potential adverse impacts upon CCWs, REWs, PECs, associated vegetation and buffers.
 - To avoid potential adverse impacts upon the Bush Forever sites, the Peel Main Drain and Serpentine River.
- 19 Therefore it is disingenuous for the RAR to suggest in recommended reason for refusal (1)¹ that the proposal is not consistent with the Objective of the Rural zone. The reference to only part of the objective is selective at best.
- 20 Further, the RAR doubles down on this deception by suggesting that the only Strategic Intent against which this application is to be assessed is 'To protect and enhance

¹ RAR page 3.

visual character and amenity' (see recommended reason for refusal (2)²). This is only one of the five dot points listed in the Strategic Intent for this Precinct 2A, which also includes those dot points I have set out above at paragraph 18 above.³

- 21 Given the land cannot be used for priority agricultural land use, one must turn to other permissible land uses within the Rural Zone.

Precedent

- 22 It should also not be lost on the JDAP that this same local government approved a Christian church in the Rural zone, and in that case, was of the view that the land use did meet the objective of the Rural zone.

- 23 An excerpt from that decision is **enclosed**, along with some recent photographs. For ease of reference, the following commentary is relevant –

The objective of the Rural Zone under TPS2 is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

The City considers that the proposed church complies with the objectives of the Rural Zone and will be compatible to its rural setting subject to screen planting being provided within the street setback area to Haines Road and side setback area to the neighbouring property to the west.

- 24 This church, now constructed is a very large, bulky structure, without landscaping, and with a form of worship which concentrates usage in a very different, very intense profile compared to what is proposed in this case.

Locational characteristics

- 25 The land in question is accessible immediately from the Kwinana Freeway, and the frontage of the property is reserved under the *Metropolitan Region Scheme* as Primary Regional Road, and then Other Regional Road.

- 26 Given –

26.1 the proximity and access to the Freeway;

26.2 the status of the roads within the regional planning framework;

26.3 the absence of any close neighbours;

26.4 the incapacity to use the land for a priority agricultural land use because of the proximity to a Conservation Category Wetland; and

26.5 the other land uses capable of approval within the Rural zone,

² RAR page 3.

³ An excerpt from the *Local Rural Strategy* is **enclosed**.

it is our submission that the land is ideal for the proposed use.

- 27 To the extent that cars will be accessing the site, they will be predominantly from the Freeway, and along a road designated for regional traffic – it is not the case that traffic will impact surrounding residents, as the traffic will hardly touch the rural road network.
- 28 Further, we submit that what is proposed is a modest form of a Place of Worship, which is ideally situated to reduce impact on surrounding roads and land further away from the Freeway which might have a higher expectation of rural amenity.

Consideration of the nature of the Place of Worship

- 29 The definition of 'Place of Worship' in LPS2 is in the following terms –
- means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
- 30 A defining aspect of a Hindu temple is that unlike a Christian church or an Islamic mosque, there are no set worship events, to which all congregants are required to attend. There are no sermons or collective worship – worshipping in the temple is a solitary activity that can be performed at any time that the temple is open. No ceremonies are performed in the temple.
- 31 After attending the temple, the worshipper attends the dining hall for food, which has been blessed by the priest.
- 32 Therefore, the concept of peak usage even on Festival Days, is quite unlike an equivalent in either a Christian church (for example Good Friday or Christmas mass) or an Islamic mosque (for example Ramadan or Eid).
- 33 This point alone reduces the impact of an influx of cars, traffic and activity on the site at any one time.

Noise

- 34 The RAR suggests that notwithstanding the removal of the multi-purpose hall, and weddings from the proposal, that the proposal remains an unacceptable impact on amenity.
- 35 This assessment is not born out in the Noise Assessment, nor in a practical sense, when one looks at the proximity of existing residences. Further, given the existing volume of traffic on Folly Road, the increase generated by the proposal will be negligible, and imperceptible in an amenity sense.
- 36 There is no evidentiary basis upon which this reason could be sustained.

Number of guests

- 37 Finally I note that there appears to be some confusion in the calculations provided within the RAR regarding the number of people likely to attend for daily worship, and for Festival Days.
- 38 To be clear, 350 people represents the *whole* of the current congregation of the Applicant (including the children of). Therefore, the numbers set out in the Table on page 8 of the RAR show the maximum number of worshippers over the course of the day. To this end it should be noted that there are only two days in the year where more than 300 worshippers are expected, with the next closest Festival Day being half that number.
- 39 Further the worshippers attending the temple on Festival Days include the same people who already worship at the temple on a non-Festival Day. Therefore it is incorrect to add these two numbers together to determine a peak.
- 40 As per the deputation by Mr Bogdanovich, the maximum peak number expected on the busiest of the Festival Days is 250 worshippers.

Conclusion

- 41 We are concerned that the RAR is not an even handed assessment of the Applicant's revised application against the whole of the planning framework which applies. We trust that the JDAP will take the time to consider not only what has been included in the RAR, but what is missing, in considering whether to approve the application.
- 42 It is our submission that if this exercise is undertaken, the application should be supported, and we respectfully request that the JDAP approve the application.

Yours faithfully



Belinda Moharich

Director

Attachments –

- Excerpt from Local Rural Strategy
- Approval documents for Samoan Adventist Church

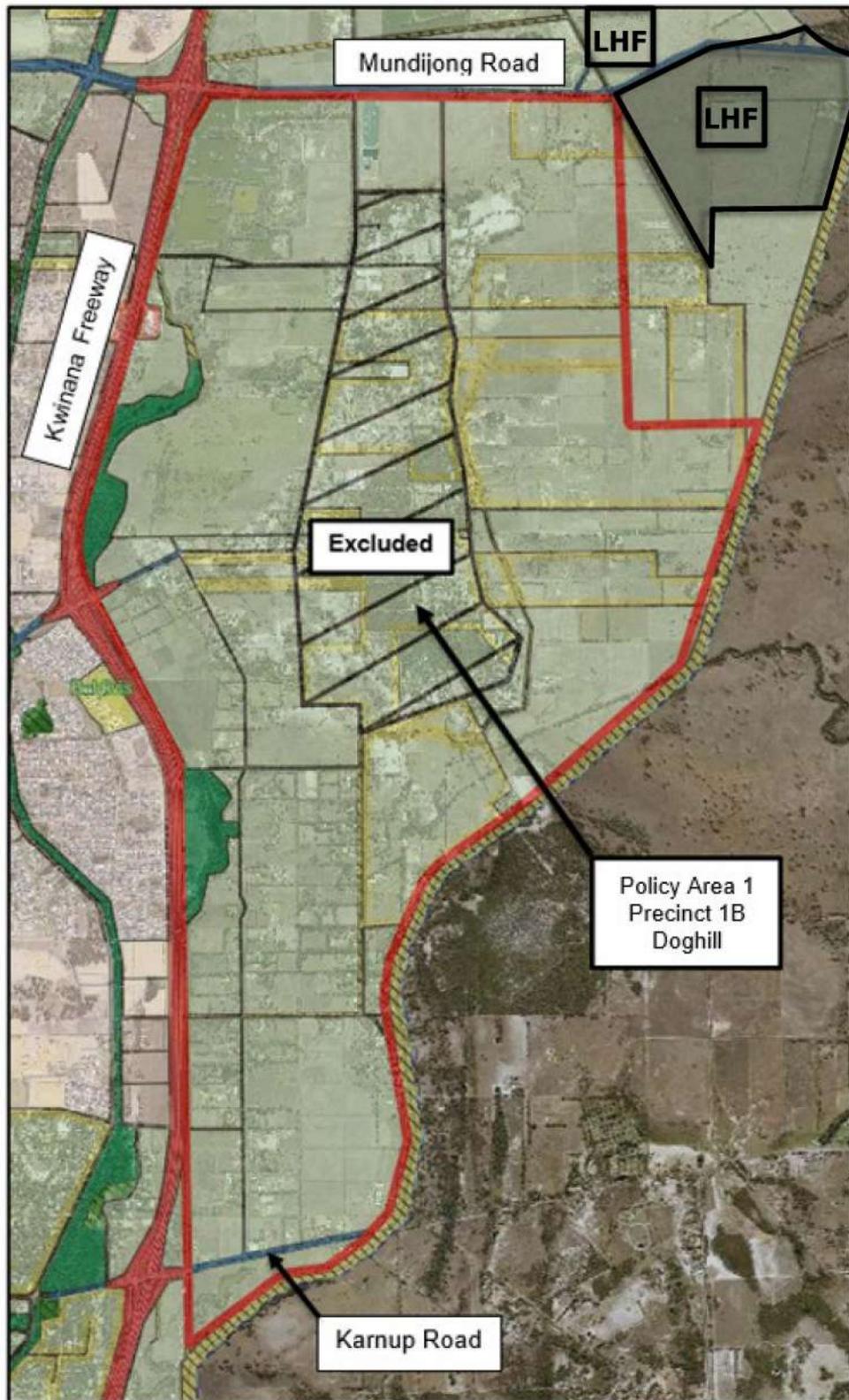
7.2.1 Precinct 2A – Baldivis (East)	
Location	
<p>The Baldivis (East) precinct is located on the eastern side of the Kwinana Freeway, generally between Mundijong Road to the north and Karnup Road to the south, extending eastward to the municipal boundary. The precinct is predominantly zoned Rural, with some Special Rural zoned land in the vicinity of Doghill Road. See Figure 13.</p>	
Key Elements	
Land Use Characteristics	<ul style="list-style-type: none"> • Rural and Special Rural zoned land. • Intensive Agriculture. • Rabbit Farm and Abattoir. • Cattery/Dog Kennels. • Grazing. • Equestrian Facilities. • Private Recreation (Cable Ski Park). • Dampier to Bunbury Natural Gas Pipeline.
Environmental Characteristics	<ul style="list-style-type: none"> • Serpentine River, Dardanup, Guildford and Bassendean Soil Complexes. • Areas of remnant vegetation (patches >4ha). • Banksia Woodland Threatened Ecological Community (TEC). • Carnaby’s Cockatoo Habitat. • Priority Ecological Communities: Priority 3 (PECs). • Bush Forever sites (Maramanup Pool and Folly Pool). • Conservation Category Wetlands (CCWs). • Resource Enhancement Wetlands (REWs). • Priority Local Natural Areas (LNAs) – High and Medium. • Located within the Peel-Harvey Coastal Plain Catchment.
Landform	<ul style="list-style-type: none"> • Flat floodplain, the majority of which is either floodway or flood fringe for the Peel Main Drain, Birrega Main Drain and Serpentine River/Drain.
Visual Character	<ul style="list-style-type: none"> • Significant remnant vegetation visible around the Bush Forever sites and other wetlands. • Significant remnant vegetation visible along the Peel Main Drain and Serpentine River.



	<ul style="list-style-type: none"> • Visual character from the Kwinana Freeway benefits from the view eastward to Maramanup Pool and Folly Pool and the Peel Main Drain. • Visual character from Mundijong Road (west) benefits from the view southward to the Alcoa clay extraction wetlands. • Visual character along Serpentine and Wilkinson Roads benefits from remnant vegetation visible long the Serpentine River. • Visual character along Powell Road benefits from remnant vegetation visible long the eastern side of the road reserve (in particular). • Visual character along Doghill Road (eastward) and St Albans Road (westward) compromised due to flat and predominantly cleared landscape.
<p>Key Landscape and Visual Elements</p>	<ul style="list-style-type: none"> • Concentration of remnant vegetation (patches >4ha). • Wetlands and associated remnant vegetation. • PECs. • Ecological linkages.
<p>Development Pressures</p>	
<ul style="list-style-type: none"> • Potential for further Special Rural development. • Potential for further incompatible rural land uses. • Potential for further incompatible non-rural land uses. • Clearing associated with bushfire risk mitigation. • Implications of buffer requirements to sensitive land uses. 	
<p>Key Elements Vulnerable to Development Pressures</p>	
<ul style="list-style-type: none"> • Clearing of remnant vegetation would have a major detrimental impact upon areas of environmental and landscape significance with resultant adverse impacts upon the visual character and amenity of the area. • Clearing along road frontages would have a major detrimental impact upon the visual character and amenity of the area. • Loss of Banksia woodland. • Loss of Carnaby's Cockatoo habitat. • Loss of LNAs. • Loss of ecological linkages. • Potential for CCWs, REWs, PECs, associated vegetation and buffers to be compromised by development. • Potential for the Bush Forever sites, Peel Main Drain and Serpentine River to be compromised by development. 	



Desired Future Character
Notwithstanding the flat, low-lying nature of the area, the Baldivis (East) precinct contains multiple overlapping ecological values and linkages that need to be protected from the adverse impacts of development. These areas of environmental significance are fundamental to the remaining visual character and amenity of the area and their ongoing preservation is a key strategic objective of the RLS.
Strategic Intent
<ul style="list-style-type: none">• To minimise the loss of remnant vegetation associated with development and bushfire risk mitigation; particularly the Guildford and Dardanup Complexes.• To avoid potential adverse impacts upon CCWs, REWs, PECs, associated vegetation and buffers.• To avoid potential adverse impacts upon the Bush Forever sites, the Peel Main Drain and Serpentine River.• To protect and enhance visual character and amenity.• To prevent land use planning proposals which will result in an extreme Bushfire Hazard Level (BHL) and/or BAL-40 (very high risk) or BAL-Flame Zone (extreme risk).
Policy Area 2 Strategy
The Strategy for Policy Area 2 is set out in section 7.2.5.



Legend

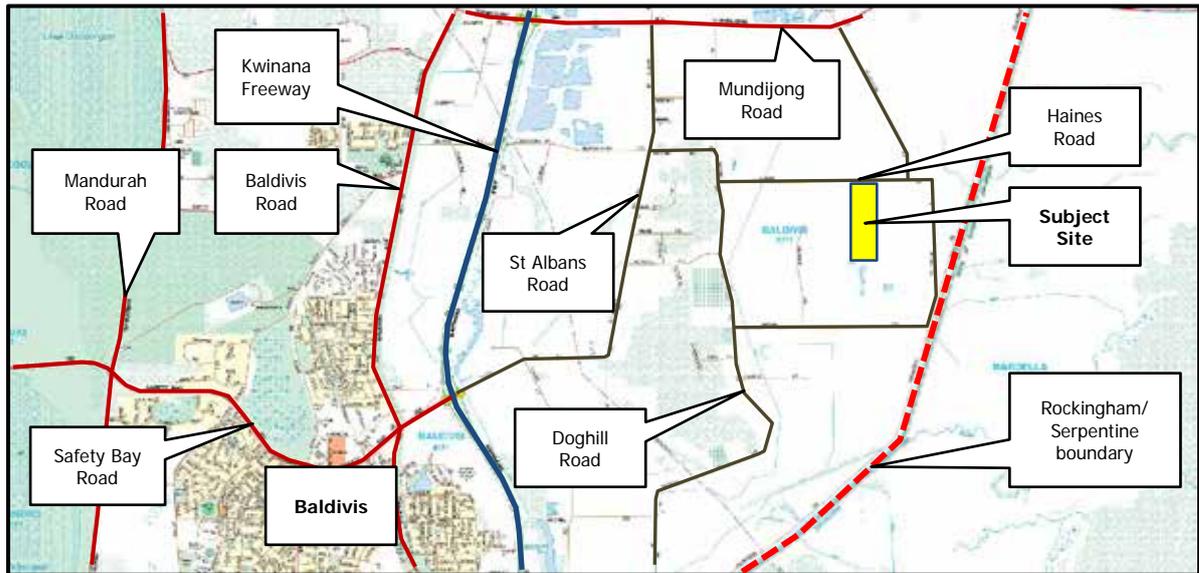
LHF Livestock Holding Facility

Figure 13: Precinct 2A – Baldavis (East)

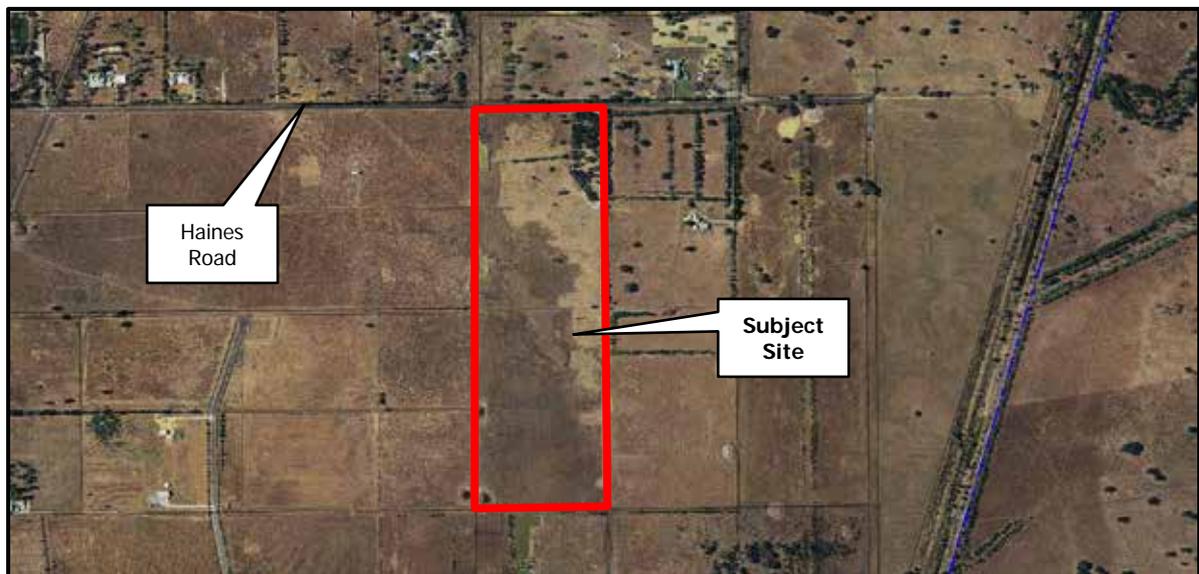
Planning and Development Services
Statutory, Planning Services



Reference No & Subject:	PDS-059/14 Proposed Place of Worship
File No:	DD020.2013.00000431.1
Risk Register No:	363 and 365
Applicant:	Mulder Kampman Design Pty Ltd
Owner:	Samoan Independent Seventh Day Adventist Church (WA Division) Incorporated
Author:	Mr Riaan Stassen, Senior Planning Officer
Other Contributors:	Mr David Waller, Coordinator Statutory Planning Mr Mike Ross, Manager Statutory Planning
Date of Committee Meeting:	18 August 2014
Previously before Council:	
Disclosure of Interest:	
Nature of Council's Role in this Matter:	
Site:	Lot 588 (No.162) Haines Road, Baldivis
Lot Area:	23.45ha
LA Zoning:	Rural
MRS Zoning:	Rural
Attachments:	Schedule of Submissions
Maps/Diagrams:	<ol style="list-style-type: none"> 1. Location Plan 2. Aerial Photo 3. Surrounding Land Uses 4. Proposed Site Plan 5. Artist Impression – view from Haines Road 6. Proposed Floor Plan 7. Elevations (north and south) 8. 3D View 9. Elevations (east and west) 10. Consultation Plan



1. Location Plan



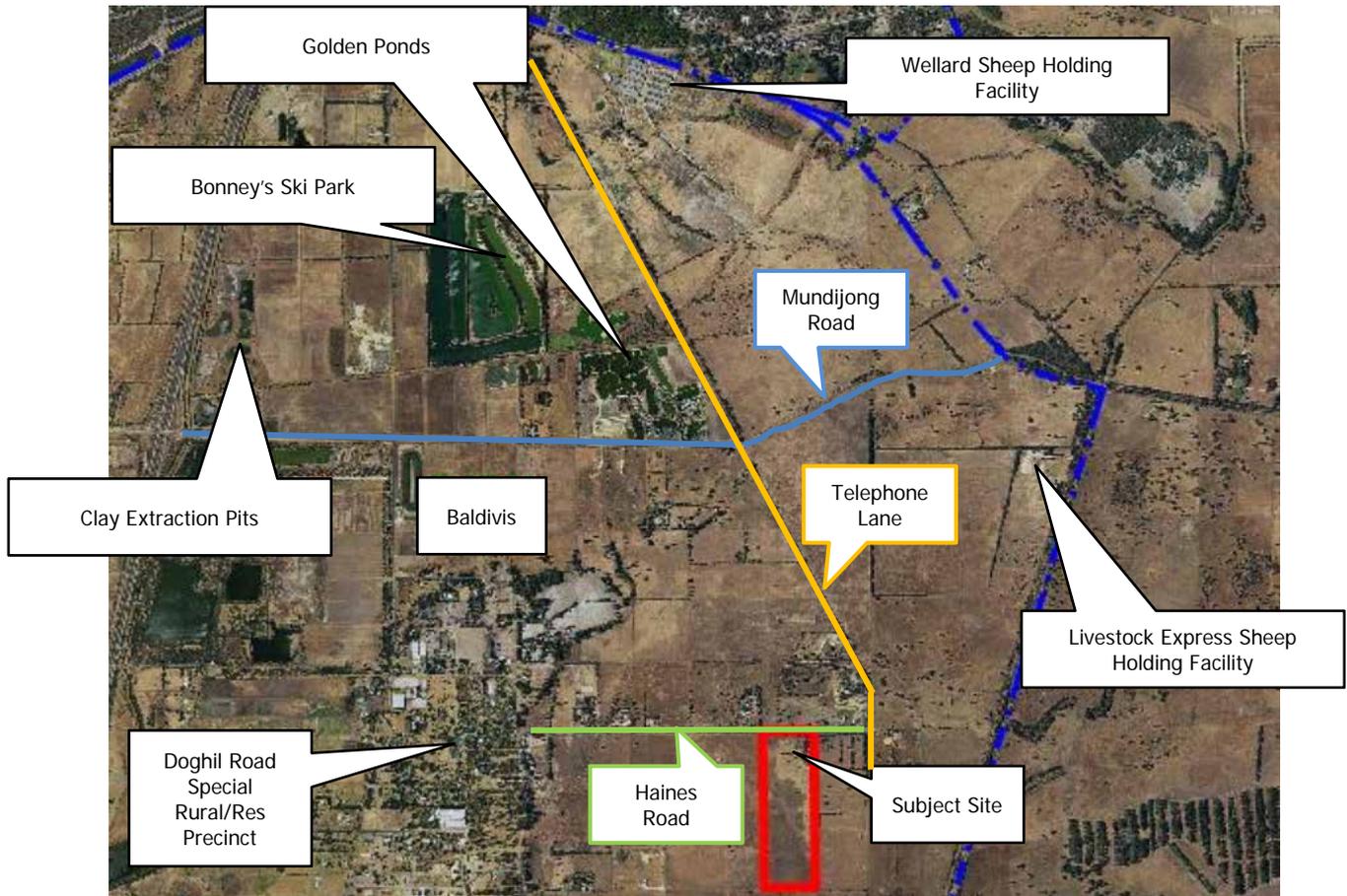
2. Aerial Photo

Purpose of Report

To consider an application seeking Planning Approval for a church (Place of Public Worship) to be developed on Lot 588 (No.162) Haines Road, Baldyville.

Background

The locality in which the subject property is situated comprises a range of uses, which includes raw material extraction, broad hectare cattle grazing and holding yards, WA Water Ski Park and Caravan Park, market gardening and rural pursuits. The Doghill Road area to the west is characterised by predominantly 'Special Rural' and 'Special Residential' subdivisions.



3. Surrounding Land Uses

Details

The applicant seeks approval to develop a church on the subject site. The proposal is summarised as follows:

A church hall - $\pm 752\text{m}^2$ to cater for a future congregation of 170 persons (current congregation of 110 persons);

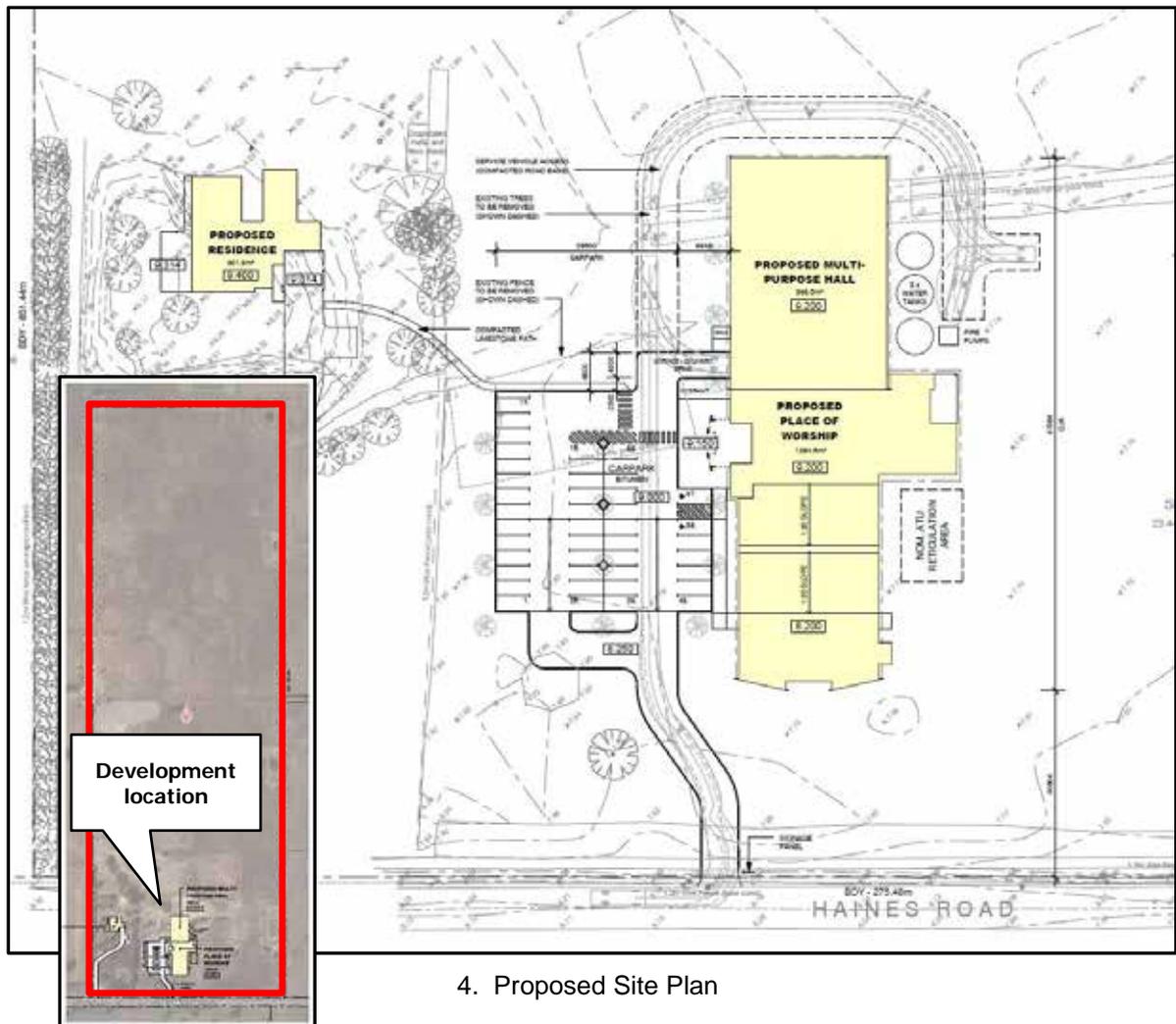
- Two Church Services are proposed to be held on Saturdays between 9:00am and 2:00pm;
- Bible studies will be undertaken two evenings per week;
- 1 to 2 times per year larger services will be held at the premises to cater for visiting members from other congregations;
- Meeting rooms - $\pm 91\text{m}^2$;
- Foyer, kitchen, offices, store - $\pm 251\text{m}^2$;
- Crèche - $\pm 66\text{m}^2$;
- Multi-purpose hall (recreation) - $\pm 949\text{m}^2$;
- A Pastor's residence - $\pm 301\text{m}^2$;
- Car parking area for 43 vehicles;

The aesthetic appearance of the building is described by the applicant as conservative in nature with pitched roofs to compliment the rural setting. The colour scheme is proposed as 'natural and earthy tones' in response to the natural environment. The pastor's residence continues on with the colour scheme and has been positioned within the treed area for privacy and to take advantage of the natural shade.

The applicant has submitted a Traffic Impact Assessment Report (TIA) in the support of the proposal. The findings of the TIA have been summarised as follows:

- A left turning pocket and right auxiliary lane are required at the intersection of Mundijong Road and Telephone Lane due to a 100km/h speed limit, poor sight distances due to the curve in Mundijong Road at the intersection location, high number of turning vehicles during peak times and a substantial percentage of vehicles using the intersection being heavy vehicles.
- Excellent Level of Service achieved with intersection changes described above during AM arrival and midday departure periods;
- No widening of Haines Road is necessary at the access point into the site given the very low traffic volumes; and
- The car park has been designed to accommodate refuse vehicles.

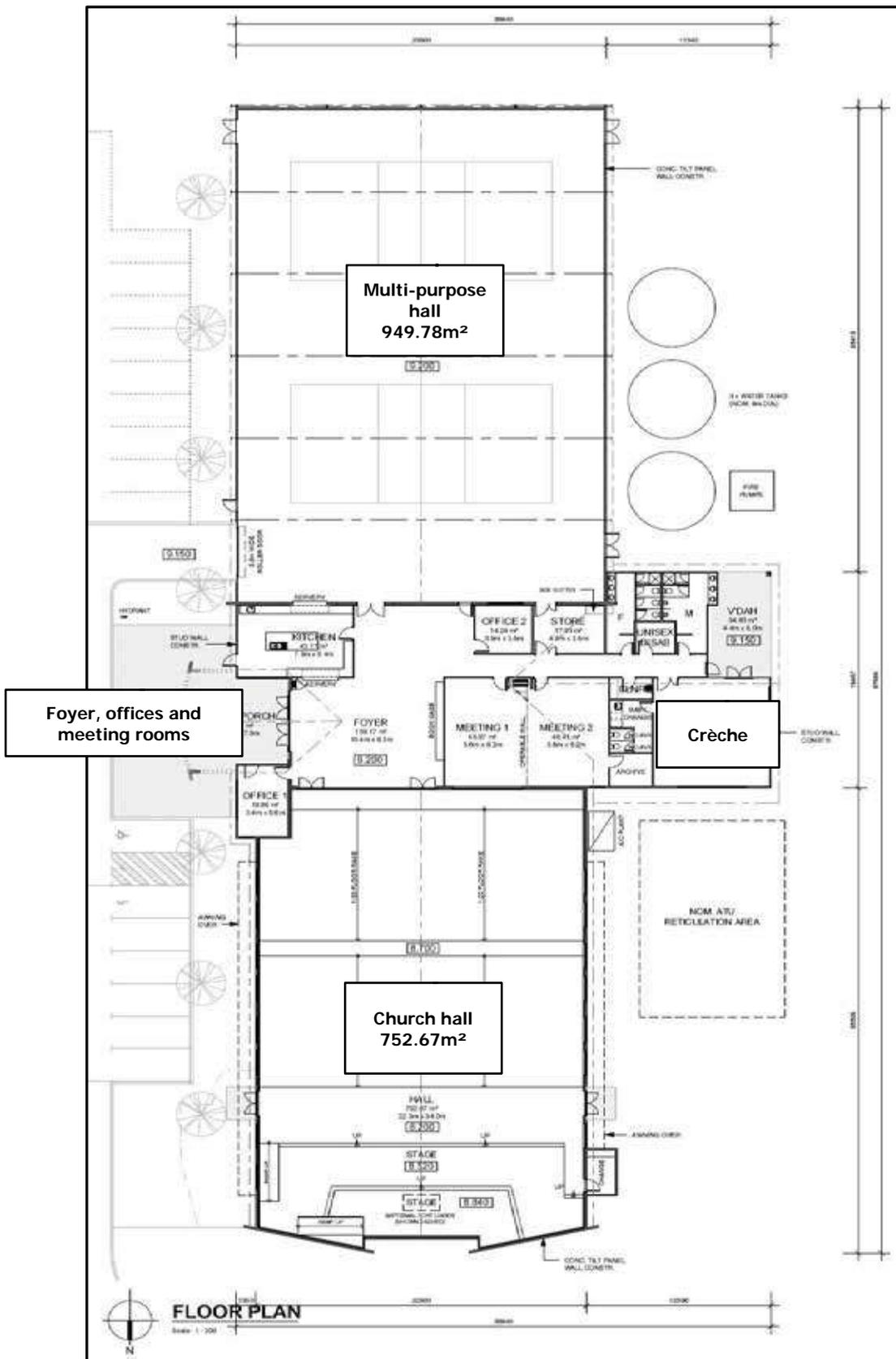
An Acoustic Report has also been submitted in support of the proposal.



4. Proposed Site Plan



5. Artist Impression – View from Haines Road



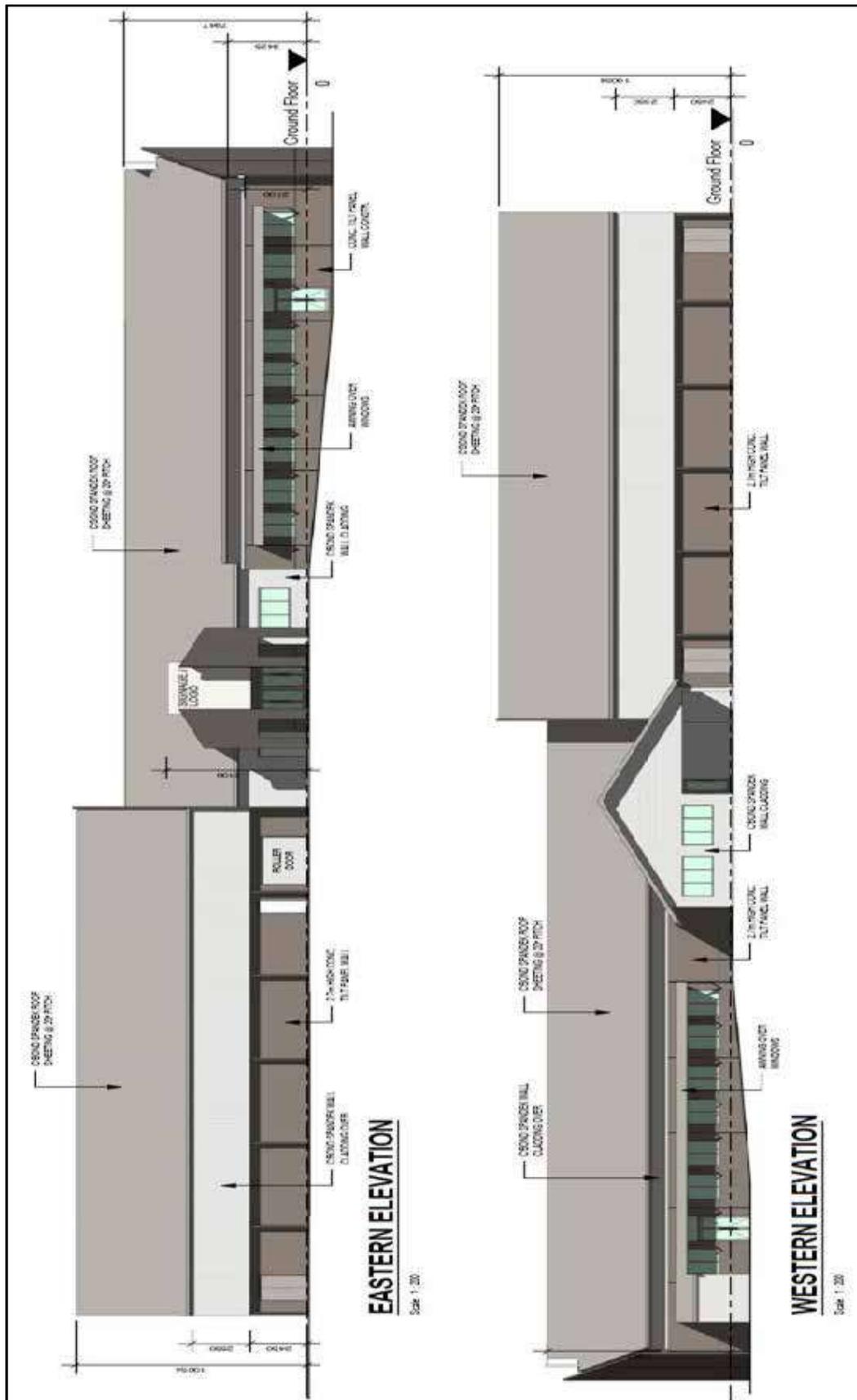
6. Proposed Floor Plan



7. Elevations (north and south)



8. 3D View



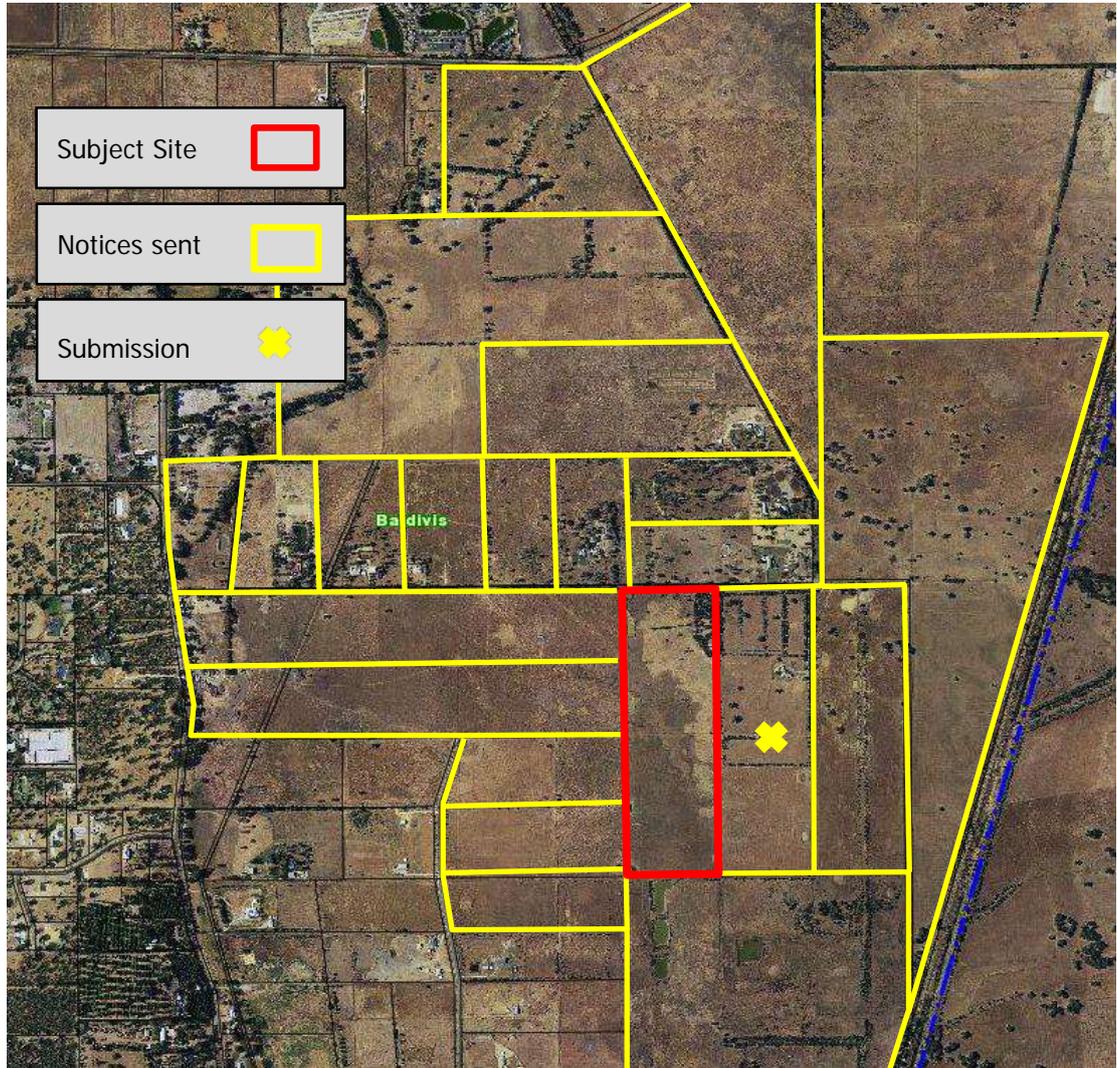
9. Elevations (east and west)

Implications to Consider

a. Consultation with the Community

In accordance with the requirements of Town Planning Scheme No.2 (TPS2), the application was referred to adjacent and nearby owners and occupiers for comment for a period of 28 days.

At the close of the advertising period, one submission was received objecting to the proposal. A consultation plan is depicted below:



10. Consultation Plan

The objection and concerns received were based on the following grounds:

Submission:

- (i) **Illegal dumping of various household and construction materials has occurred over the property over a period of up to twenty years.**

City's Comment:

This matter has been separately investigated as a compliance matter which revealed that the works were undertaken over a period of years, however, the works undertaken were outside the statute of limitations. The current owner has been advised of the requirement to seek approval and that any further filling of land/stockpiling will result in the City taking further compliance action.

There is no evidence to suggest that the material located on-site is contaminated. Furthermore, a geotechnical report will be required as part of a future Building Permit application to determine the suitability of fill.

Submission:

- (ii) **Haines Road is not suitable to carry high traffic numbers. The road currently consists of a narrow hard surface with no shoulders to accommodate passing vehicles.**

Applicants Response:

The Traffic Impact Assessment Report, which is based on an auditorium of 170 persons, found that no widening of Haines Road is required and the road has sufficient capacity to cater for the increased patronage generated by the church and would maintain the current level of service. It was noted that the increase in traffic would occur half an hour before and after church services.

City's Comment:

The City's Engineering Services support the findings of the TIA. Based on the above and the limited hours of operation (Saturdays and two week nights), the City considers the potential impact on the amenity of neighbours and road capacity to be acceptable.

Submission:

- (iii) **The possible impact of 'urban' related land uses on the rural amenity of the area.**

City's Comment:

The City's Town Planning Scheme No.2 makes provision for a 'Place of Public Worship' as an 'A' use under the 'Rural' zone. The City is satisfied that the proposal will not have a detrimental impact on the rural environment or amenity and relevant conditions are recommended to ensure the rural amenity of neighbours is maintained.

b. Consultation with Government Agencies

In accordance with the City's Town Planning Scheme No.2, the application was referred to the following external agencies for comment:

- Department of Environment Regulation (DER)
- Department of Water (DoW)

A response was received from the following agency:

1. Department of Water

Effluent Disposal

On-site effluent disposal systems should only be used where there is a 1.2m vertical separation between the underside of the wastewater disposal system and the highest known water table, and at least 100m horizontal separation between the disposal system and the nearest water body or public well. Alternative Treatment Units (ATU), where approved by the Department of Health, may be accepted with ongoing maintenance requirements.

Peel Harvey Coastal Plain Catchment

The proponent is advised that the proposal is located within the Peel-Harvey catchment and the provisions of the *Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992* and the *Statement of Planning Policy No 2.1 – the Peel-Harvey Coastal Plain Catchment* shall apply.

Groundwater

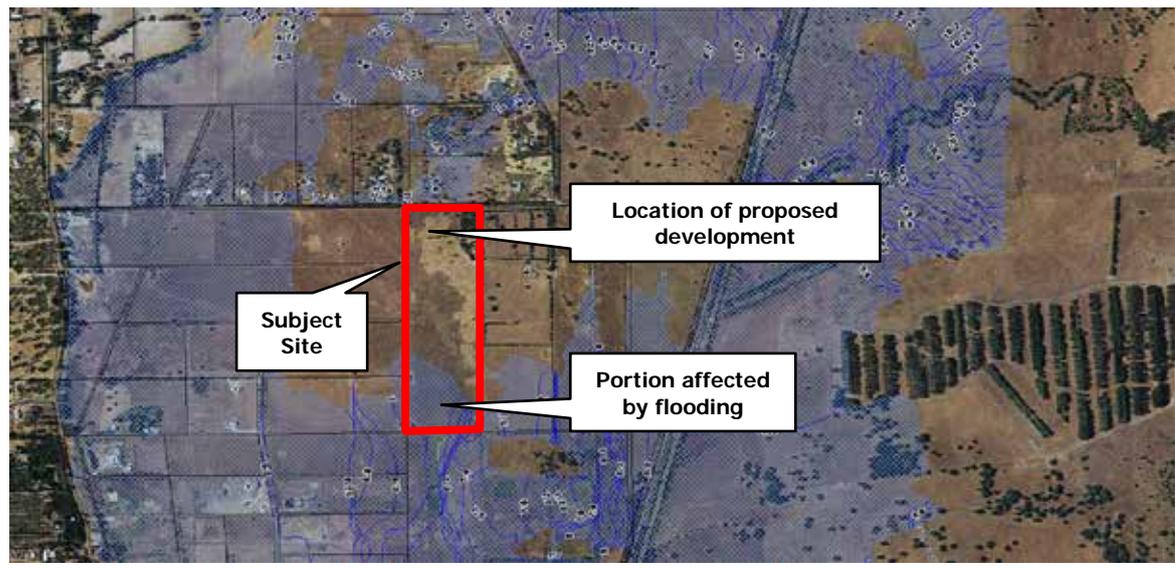
The subject area is located within the Stakehill Groundwater Area as proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction in this proclaimed area for purposes other than domestic and /or stock watering taken from the superficial aquifer is subject to licencing by the Department of Water. It is important to note, there may be difficulties securing groundwater in the Stakehill Groundwater Area.

Flooding

The Serpentine River Flood Study shows that parts of the lot are affected by flooding during major river flows with the 100 year ARI flood level in the southern portion of the lot. Based on the floodplain development strategy for the area, proposed development that is located outside of the floodway is considered acceptable with respect to major flooding. However, minimum habitable floor levels of 0.5m above the appropriate 100 year ARI flood level are recommended to ensure adequate flood protection.

City's Comment:

The location of the proposed development within the subject site is unaffected by the 100 year ARI flood level. With the introduction of acceptable minimum floor levels, the proposed development should have adequate flood protection.



c. **Strategic**

Community Plan

This item addresses the Community's Vision for the future and specifically the following Aspiration contained in the Community Plan 2011:

Aspiration 11: *Planning for population growth to ensure that future development and land-uses contribute to a sustainable city that provides for a genuinely desirable lifestyle.*

d. Policy

Planning Policy No. 3.1.1 – Rural Land Strategy (PP 3.1.1)

PP 3.1.1 provides the basis for land use planning in the rural area of the district. In particular, it provides Council with a planning framework for its assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

PP 3.1.1 considers the City's rural land in terms of 'Planning Units', which are further divided into Planning Precincts.

The subject property is located within 'Planning Unit 6'; the majority of land within this Planning Precinct is zoned for rural, special rural and rural residential purposes.

Assessment of the application against the requirements of PP 3.1.1:

Required	Provided	Compliance
Subdivision and development to be carried out in accordance with an approved Rural Concept Plan, where the following performance standards apply:	A rural concept plan does not apply to this site.	Yes
Provision of an Aerobic Treatment Unit (ATU) for effluent disposal purposes.	This would be a condition of approval.	Yes
Buildings to be setback 30m from all subdivisional roads and 10m from all other boundaries.	The development is consistent with the setback requirements of TPS2.	Yes
Stormwater shall be retained on site to WRC and Council specifications.	This would be a condition of approval.	Yes
Minimum building level 0.5m above 1:100 year flood level in areas of inundation as identified.	This would be a condition of approval.	Yes
No development being permitted within 20m of the 1:100 floodway.	DoW has identified that the site is located within the floodway, however, considers the development suitable. See full comments from DoW above.	Yes
Subdivision/development proposals are to include a landscaping plan detailing a proposed tree planting programme.	This would be a condition of approval.	Yes
Development shall be of a scale that minimises intrusion into the landscape.	The development is of a scale that is considered appropriate for a rural area. The buildings contain elements that mimic the character of rural buildings. A range of neutral colours and colours from the natural landscape are to be used. A condition should be imposed requiring a schedule of colours and finishes to be approved by the City prior to applying for a Building Permit.	Yes

Required	Provided	Compliance
When sensitive development (such as rural-residential development) is proposed near an existing/proposed intensive rural land uses (such as piggeries, poultry farms, market gardens or any other agricultural activity or industry), or a new intensive rural land use is proposed near existing or proposed sensitive development, the requirements of the WAPC's State Industrial Buffer Policy must be observed.	This is discussed below.	Yes

Planning for Bush Fire Protection Guidelines (edition 2 - 2010)

This document contains a set of guidelines and addresses a range of matters that need to be taken into consideration at various stages of the planning process to provide an appropriate level of protection to life and property on land where bush fire risk is identified.

The subject property is located within an existing rural setting with a potential bush fire risk.

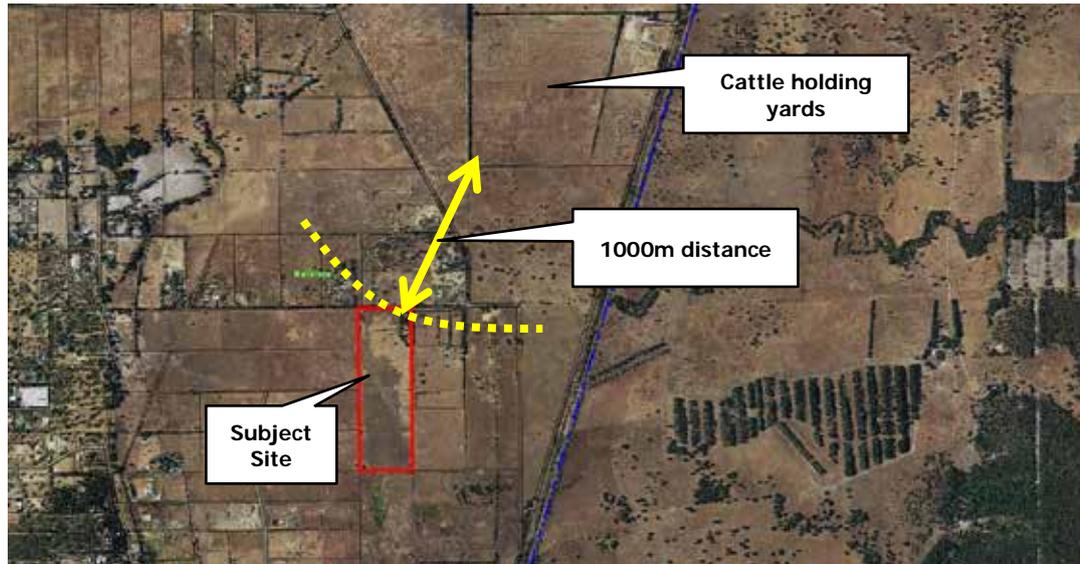
A Fire Management Plan is therefore required based on a Bush Fire Hazard Assessment and should address appropriate mitigation measures, inclusive of the following:

- Building protection zones;
- Hazard separation zones;
- Fire breaks;
- Bush fire attack levels;
- Hazard reduction measures, and
- Emergency access and exit ways.

Environmental Protection Authority (EPA) – Generic Separation Distances between Sensitive and Intensive Rural (Industrial) Land Uses

The EPA generic separation distances guides the determination of suitable distances between industry and sensitive land uses where industry may have the potential to affect the amenity of a sensitive land use.

The subject property is situated approximately 1000m from existing cattle holding yards to the north-east of the property. The proposed minimum separation distance between such a use and a sensitive land use is 1000m which is outside of the required buffer distance.



State Planning Policy No.2.1 – Peel Harvey Coastal Plain Catchment (SPP2.1)

SPP2.1 applies to land within the Peel-Harvey Catchment. It requires that new developments incorporate effluent management systems in accordance with the Health Department, EPA and the Water Authority of Western Australia requirements.

The proposed development will be required to incorporate a nutrient retentive effluent management system, which is a requirement in the Peel Harvey Catchment.

e. Financial

Nil

f. Legal and Statutory

Metropolitan Region Scheme (MRS)

The subject property is affected by Clause 32 (Resolution No.55 – *Development in the Rural Zone*) under the Metropolitan Region Scheme (MRS).

The application must therefore be determined by the Western Australian Planning Commission (WAPC), pursuant to the MRS. The City will provide its comments and recommendations to the WAPC following the Council's decision on the proposal under the TPS2.

Planning Approval is therefore required from the WAPC (MRS) and the Council (TPS2) in order for the applicant to proceed with the development.

Town Planning Scheme No.2 (TPS2)

Permissibility

A church is interpreted under TPS2 as a 'Public Worship – Place of', which is a use that is not permitted in a Rural Zone unless Council has exercised its discretion by granting Planning Approval after advertising the proposal for public comment.

Place of Worship is interpreted under TPS2 as follows:

"means premises used for religious activities such as a church, chapel, mosque, synagogue or temple."

Rural Zone

The objective of the Rural Zone under TPS2 is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

The City considers that the proposed church complies with the objectives of the Rural Zone and will be compatible to its rural setting subject to screen planting being provided within the street setback area to Haines Road and side setback area to the neighbouring property to the west.

Parking

The proposal includes 43 car parking bays which complies with the car parking requirements of TPS2, based on 1 bay per 4 persons accommodated for the Place of Worship. There are currently 110 members, which require 28 parking bays. The additional bays are proposed to accommodate future growth of the congregation.

Setbacks

TPS.2 requires all development to be setback 30m from Haines Road and 10m from all other boundaries. All existing and proposed structures are behind the current 30m street setback.

Environmental Protection (Noise) Regulation (Regulations)

The applicant has prepared a preliminary Acoustic Report in support of the proposal. The Report has assessed the proposed development against the Environmental Protection (Noise) Regulations 1997 (Regulations). It has determined that the development will comply with the noise emission criteria subject to the implementation of appropriate acoustic treatments and management measures.

The City is satisfied with this assessment, subject to preparation of a Noise Impact Assessment being undertaken post commencement of the development, to demonstrate that the development is complying with the assigned noise criteria. A standard condition of approval has been included in this regard.

g. Risk

Risk Implications of Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant lodging either a request for reconsideration of conditions of approval or an Application for Review to the State Administrative Tribunal if the applicant is aggrieved by a condition of Planning Approval.

Risk Implications of Not Implementing Officer Recommendation

Low:

- There is the potential risk of the applicant being aggrieved by a refusal of Planning Approval lodging an Application for Review to the State Administrative Tribunal.

Comments

The location of the proposed development is acceptable as the development complies with the requirements of TPS2. The objections raised by the submissioner can be satisfactorily addressed by conditions of Planning Approval.

The Acoustic Consultant's Report has demonstrated that the development will comply with the Regulations.

The City accepts the findings of the TIA, where the additional traffic is predicted to not impact on the road network performance, due to an upgraded intersection at Mundijong Road and Telephone Lane. No changes to the road network are required to facilitate the proposed development along

Haines Road, which will not be unduly affected except for the new intersection treatment required at the intersection of Mundijong Road and Telephone Lane.

It is recommended that Council grant conditional Planning Approval to the proposed Place of Worship.

Voting Requirements

Simple Majority

Officer Recommendation

That Council **APPROVE** the application for the proposed Place of Worship on Lot 588 (No.162) Haines Road, based on the following conditions:

1. No vehicle parking associated with the development is permitted along Haines Road at any time.
2. The car park must:
 - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit;
 - (ii) include one car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

The car park must comply with the above requirements for the duration of the development.

3. All Finished Floor Levels must be a minimum of 4.1m AHD.
4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, during construction.
5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.
6. The development must be connected to an alternative on-site wastewater system designed to reduce Phosphorus, Pathogenic Microbes, Biological oxygen demand, and Non-filterable residue, and constructed to the satisfaction of the City.
7. Materials, sea containers, goods or bins must not be stored within the car park at any time.
8. The new crossover onto Haines Road must be designed and constructed in accordance with the City's specifications, prior to the occupation of the development.
9. A bin storage area must be designed with a size suitable to service the development and screened from view of Haines Road, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;

- (ii) Any lawns to be established;
- (iii) Any natural landscape areas to be retained;
- (iv) Those areas to be reticulated or irrigated; and
- (v) Landscape buffer to Haines Road and the western boundary.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.

11. The landscape buffer must be vegetated such that the development minimises visual impact from Haines Road and the western neighbour, to the satisfaction of the City, prior to the commencement of development and must be retained and maintained in good condition at all times.
12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
13. A Fire Management Plan must be prepared in accordance with the Western Australian Planning Commission's Planning for Bush Fire Protection Edition 2, to the satisfaction of the City, prior to applying for a Building Permit.
All works required by the approved Fire Management Plan must be carried out for the duration of development.
14. An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness; and
 - (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

15. Floodlighting must not be illuminated after 10:00pm or before 7:00am.
All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
16. A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to applying for a Building Permit.
The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.
17. All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to applying for a Building Permit - Certified.
Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular access way.
18. Prior to the occupation of the development:
 - (i) an auxiliary lane must be provided on Mundijong Road for vehicles turning right into Telephone Lane;

- (ii) a left turning lane must be provided on Mundijong Road for vehicles turning left into Telephone Lane,

in accordance with the intersection plan contained within the Traffic Impact Assessment Report prepared by ML Traffic Engineers Version 2 (May 2014) and detailed design drawings to be approved by the City, prior to commencement of construction.

Footnotes:

- (i) A separate approval from the City's Health Services is required under the Health (Public Building) Regulations 1992. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City's Health Services in this regard.
- (ii) The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information and conforming requirements.
- (iii) A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (iv) With respect to Condition 10, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.

Committee Recommendation

That Council **APPROVE** the application for the proposed Place of Worship on Lot 588 (No.162) Haines Road, based on the following conditions:

1. No vehicle parking associated with the development is permitted along Haines Road at any time.
2. The car park must:
 - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit;
 - (ii) include one car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and
 - (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;The car park must comply with the above requirements for the duration of the development.
3. All Finished Floor Levels must be a minimum of 4.1m AHD.
4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, during construction.
5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.
6. The development must be connected to an alternative on-site wastewater system designed to reduce Phosphorus, Pathogenic Microbes, Biological oxygen demand, and Non-filterable residue, and constructed to the satisfaction of the City.
7. Materials, sea containers, goods or bins must not be stored within the car park at any time.

8. The new crossover onto Haines Road must be designed and constructed in accordance with the City's specifications, prior to the occupation of the development.
9. A bin storage area must be designed with a size suitable to service the development and screened from view of Haines Road, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Any natural landscape areas to be retained;
 - (iv) Those areas to be reticulated or irrigated; and
 - (v) Landscape buffer to Haines Road and the western boundary.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.
11. The landscape buffer must be vegetated such that the development minimises visual impact from Haines Road and the western neighbour, to the satisfaction of the City, prior to the commencement of development and must be retained and maintained in good condition at all times.
12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
13. A Fire Management Plan must be prepared in accordance with the Western Australian Planning Commission's Planning for Bush Fire Protection Edition 2, to the satisfaction of the City, prior to applying for a Building Permit.

All works required by the approved Fire Management Plan must be carried out for the duration of development.
14. An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness; and
 - (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.
15. Floodlighting must not be illuminated after 10:00pm or before 7:00am.

All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
16. A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to applying for a Building Permit.

The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.

17. All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to applying for a Building Permit - Certified.

Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular access way.

18. Prior to the occupation of the development:

- (i) an auxiliary lane must be provided on Mundijong Road for vehicles turning right into Telephone Lane;
- (ii) a left turning lane must be provided on Mundijong Road for vehicles turning left into Telephone Lane,

in accordance with the intersection plan contained within the Traffic Impact Assessment Report prepared by ML Traffic Engineers Version 2 (May 2014) and detailed design drawings to be approved by the City, prior to commencement of construction.

Footnotes:

- (i) A separate approval from the City's Health Services is required under the Health (Public Building) Regulations 1992. This is required prior to the lodgement of an application for a Building Permit- Certified. The applicant should liaise with the City's Health Services in this regard.
- (ii) The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information and conforming requirements.
- (iii) A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (iv) With respect to Condition 10, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.

Committee Voting – 5/0

The Committee's Reason for Varying the Officer's Recommendation

Not Applicable

Implications of the Changes to the Officer's Recommendation

Not Applicable

Council Resolution

That Council **APPROVE** the application for the proposed Place of Worship on Lot 588 (No.162) Haines Road, based on the following conditions:

1. No vehicle parking associated with the development is permitted along Haines Road at any time.
2. The car park must:
 - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking, prior to applying for a Building Permit;
 - (ii) include one car parking space(s) dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and

- (iii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;

The car park must comply with the above requirements for the duration of the development.

3. All Finished Floor Levels must be a minimum of 4.1m AHD.
4. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, during construction.
5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City, and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.
6. The development must be connected to an alternative on-site wastewater system designed to reduce Phosphorus, Pathogenic Microbes, Biological oxygen demand, and Non-filterable residue, and constructed to the satisfaction of the City.
7. Materials, sea containers, goods or bins must not be stored within the car park at any time.
8. The new crossover onto Haines Road must be designed and constructed in accordance with the City's specifications, prior to the occupation of the development.
9. A bin storage area must be designed with a size suitable to service the development and screened from view of Haines Road, to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
10. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Any natural landscape areas to be retained;
 - (iv) Those areas to be reticulated or irrigated; and
 - (v) Landscape buffer to Haines Road and the western boundary.The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City.
11. The landscape buffer must be vegetated such that the development minimises visual impact from Haines Road and the western neighbour, to the satisfaction of the City, prior to the commencement of development and must be retained and maintained in good condition at all times.
12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
13. A Fire Management Plan must be prepared in accordance with the Western Australian Planning Commission's Planning for Bush Fire Protection Edition 2, to the satisfaction of the City, prior to applying for a Building Permit.

All works required by the approved Fire Management Plan must be carried out for the duration of development.
14. An Acoustic Report must be prepared which demonstrates that the completed development complies with the Environmental Protection (Noise) Regulations 1997, and including the following information, to the satisfaction of the City, prior to the occupation of the development:

- (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
- (ii) tonality, modulation and impulsiveness; and
- (iii) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

15. Floodlighting must not be illuminated after 10:00pm or before 7:00am.

All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.

16. A Schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be provided to the satisfaction of the City, prior to applying for a Building Permit.

The development must be finished in accordance with the Schedule provided and approved by the City, prior to occupation of the development.

17. All buildings and structures must be designed to be setback at least 30 metres from the road frontage and at least 10 metres from all other boundaries, prior to applying for a Building Permit - Certified.

Clearing of vegetation within these setback areas must not be undertaken at any time, other than for the purpose of providing a firebreak or a vehicular access way.

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Footnotes:

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- (iii) A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (iv) With respect to Condition 10, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.

Carried en bloc

The Council's Reason for Varying the Committee's Recommendation

Not Applicable

162 Haines Rd
Baldvis, Western Australia

Google

Street View - Mar 2021



Google



35 Haines Rd
Baldivis, Western Australia

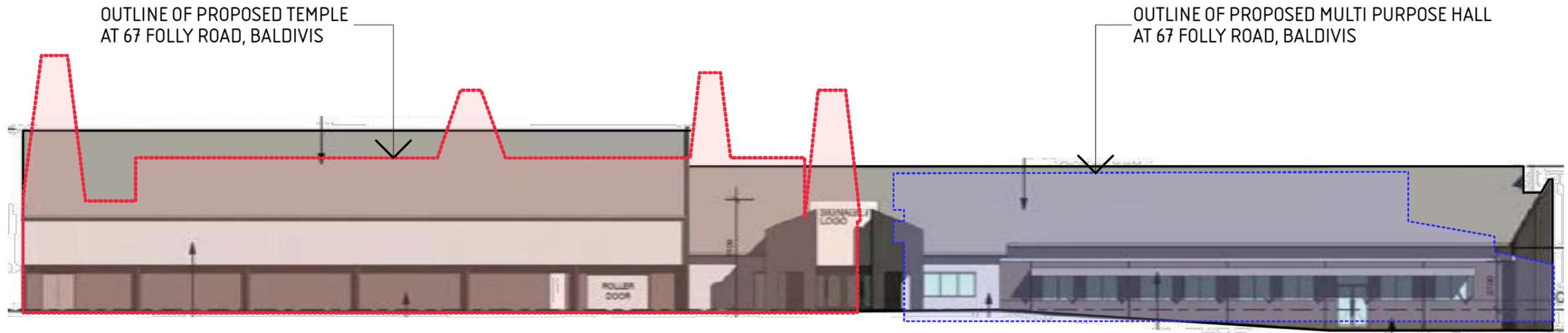
Google

Street View - Mar 2021

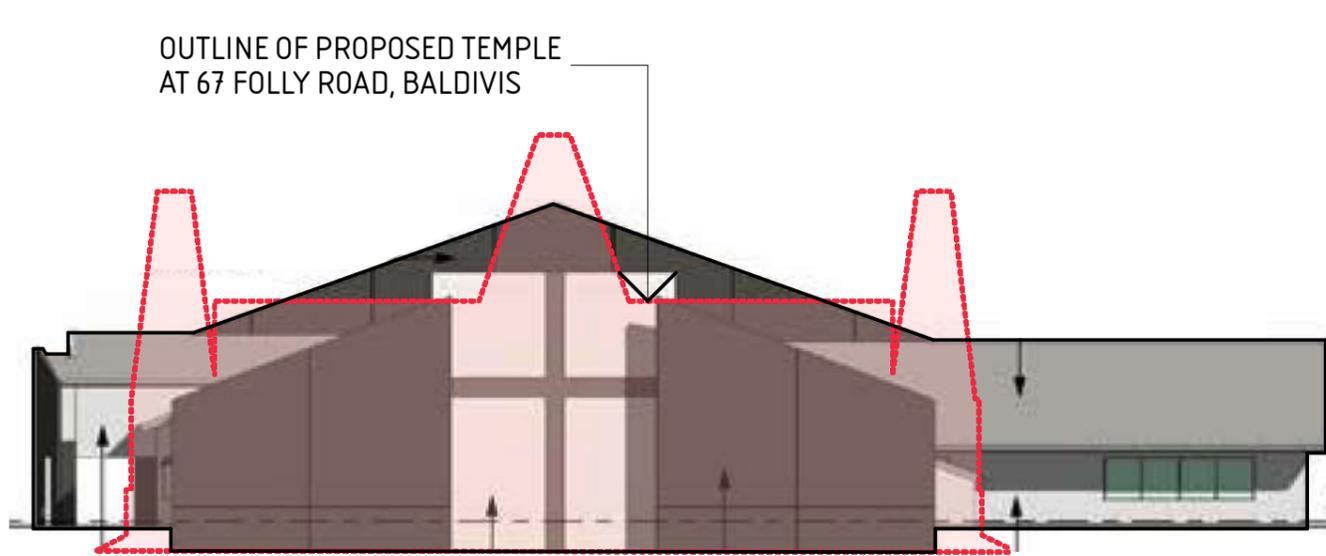


162 Hain
Baldivis

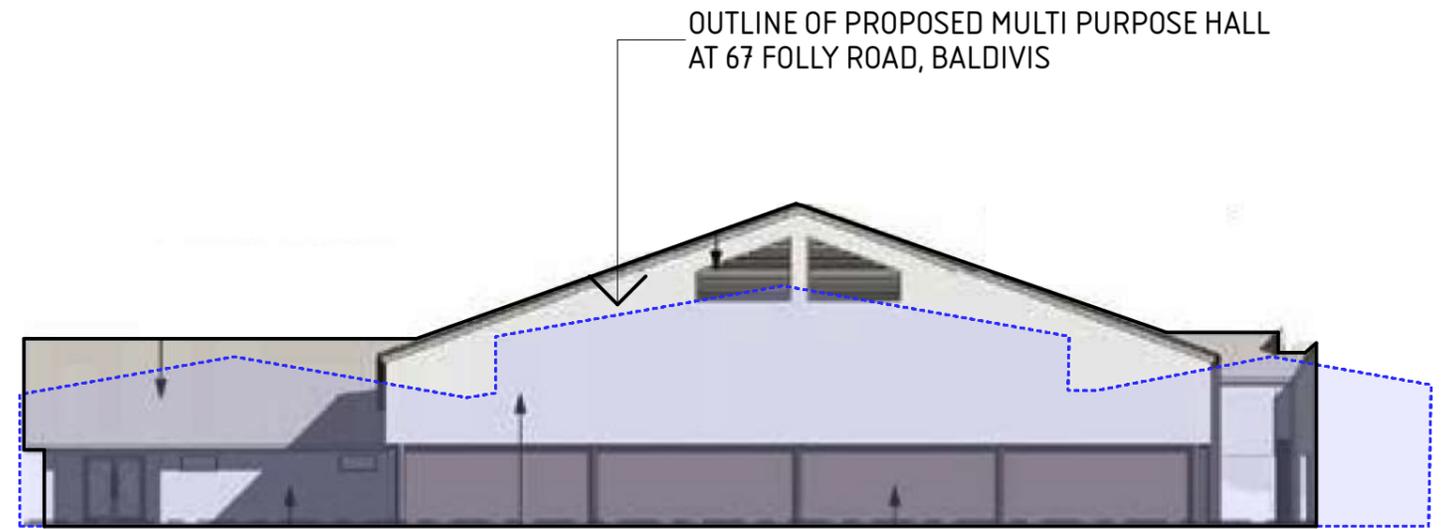
Navigation controls including a compass, a zoom in (+) button, and a zoom out (-) button.



SAMOAN INDEPENDENT SEVENTH DAY ADVENTIST CHURCH (SISDAC), HAINES ROAD, BALDIVIS
EAST ELEVATION



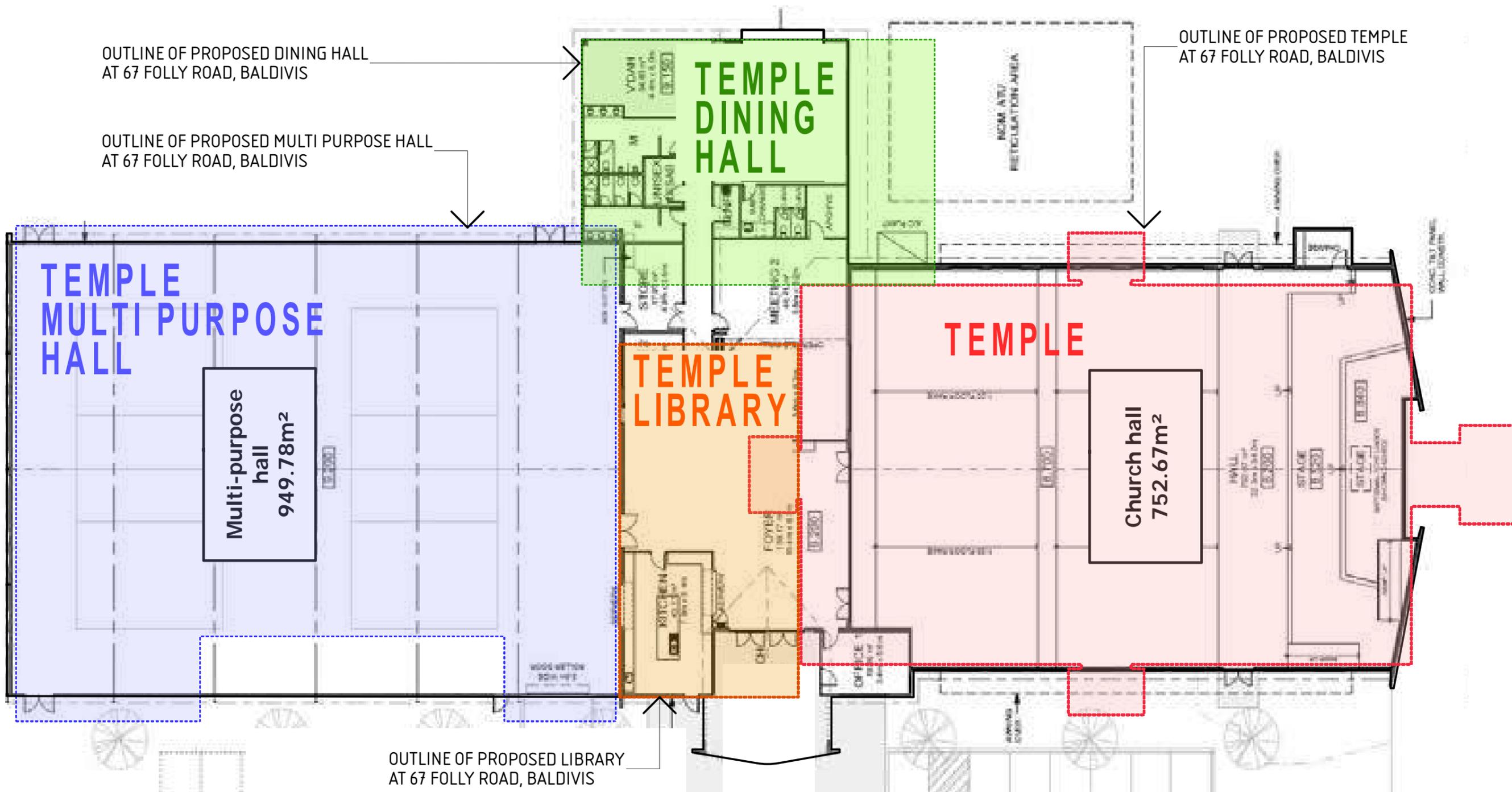
SISDAC, HAINES ROAD, BALDIVIS
NORTH ELEVATION



SISDAC, HAINES ROAD, BALDIVIS
SOUTH ELEVATION,

DIAGRAMMATIC COMPARISON OF SISDAC HAINES RD, BALDIVIS 1 : 250

archetype design studio architecture - interiors - feng shui Address: 27 Watkins Road Dalkieth WA 6009 Email: lynette@archetypedesign.com.au Phone: 0412369191	COPYRIGHT : This design and documentation remains the sole property copyright of archetype design studio No reproduction or alterations are permitted without the written permission of this architectural practice. All rights reserved.	GENERAL NOTES : 1. All works are to comply with The Building Code of Australia, all relevant Australian Standards, Worksafe requirements & all relevant Local Authority By-Laws 2. Do not scale from these drawings. Dimensions shown on larger scale drawings take precedent over smaller scaled drawings 4. The contractor shall check and verify all dimensions on site, both new and existing, prior to commencement of any phase of the building work or ordering any materials 5. In case of any discrepancy whatsoever, the contractor shall check with the architect prior proceeding. 6. Contractor shall carry out works in accordance with Council. Building License and conditions stipulated thereon	<table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>0</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Rev	Date	Description	0															Client : JAPA PTY LTD. Project : SRI BALAJI TEMPLE DEVELOPMENT Site Address : 67 FOLLY ROAD, BALDIVIS	Drg N0 Time 12:14 pm Date issued: Thursday, 18 August 2022	Rev. N0 0
	Rev	Date	Description																					
	0																							
			Drawing Title																					



FLOOR PLAN

DIAGRAMMATIC COMPARISON OF SISDAC HAINES RD, BALDIVIS 1 : 250

archetype design studio architecture - interiors - feng shui Address: 27 Watkins Road Dalkieth WA 6009 Email: lynette@archetypedesign.com.au Phone: 0412369191	COPYRIGHT : This design and documentation remains the sole property copyright of archetype design studio No reproduction or alterations are permitted without the written permission of this architectural practice. All rights reserved.	GENERAL NOTES : 1. All works are to comply with The Building Code of Australia, all relevant Australian Standards, Worksafe requirements & all relevant Local Authority By-Laws 2. Do not scale from these drawings. Dimensions shown on larger scale drawings take precedent over smaller scaled drawings 4. The contractor shall check and verify all dimensions on site, both new and existing, prior to commencement of any phase of the building work or ordering any materials 5. In case of any discrepancy whatsoever, the contractor shall check with the architect prior proceeding. 6. Contractor shall carry out works in accordance with Council. Building License and conditions stipulated thereon	<table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>0</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Rev	Date	Description	0															Client : JAPA PTY LTD. Project : SRI BALAJI TEMPLE DEVELOPMENT Site Address : 67 FOLLY ROAD, BALDIVIS	Drg N0 Time 12:21 pm Date issued: Thursday, 18 August 2022	Rev. N0 0
	Rev	Date	Description																					
	0																							
			Drawing Title																					

From: [Mandy](#)
To: [Development Assessment Panels](#)
Subject: Proposed Hindu Temple, Baldivis
Date: Friday, 25 November 2022 5:02:33 PM

To Whom it may concern,

I would like to voice my grave concerns about the resubmitted plans for the Hindu Temple in Baldivis.

As a rural community we do not have the road infrastructure to accommodate the influx of traffic and, even though in the new submission, the parking has been reduced, I fear that cars will park on the side of the road and become a real accident hazard, the increase in traffic will be a hazard to our animals and children and the issue with noise and extra pollution will impact our whole area.

After having a Closed door' meeting , I also find myself thinking, possibly cynically, that the Temple group, are resubmitting their plans and once established, will enact all the originally submitted ideas without caring about the already established residents.

If this happens, our protected water will be poisoned, our housing prices will decrease and our way of life, peaceful and quiet, will be decimated.

Please, please, DO NOT consider this proposal, surely the residents of rural Baldivis (who have been living here way before this group wanted the gatecrash our little piece of paradise) deserve to be heard. There must be many other areas that this group can consider building this Temple.

I implore you, please consider the residents safety, peace of mind and lifestyle. Please consider our environment, our animals and our children rather than accept the Temple proposal (who by the way, will be destroying our community rate free).

Thank you

Regards

Amanda Christensen

Sent from my iPad

From: [Darren Oatway](#)
To: [Development Assessment Panels](#)
Subject: Hindu temple
Date: Wednesday, 23 November 2022 11:51:54 AM

Hello,

As a resident of the Baldivis Rural area I would like to share my disapproval at the proposed Hindu Temple site. There has been more than enough evidence to support the environmental damage footprint that this project will impact not to mention the impact of noise, traffic and depreciation of neighbouring property worth.

There are far more suitable areas for such a place that won't affect eco sensitive areas or general housing populations such as next to Best Bar on Mandurah Rd Rockingham for example. The idea of such a temple in the proposed location is ludicrous and has no positive outcome for the residence already in the area as the people visiting the temple currently have no input towards the area except to visit and create environmental issues and upset neighbours. This MUST not go ahead and is a rude slap in the face for current residents that opted for and paid for a peaceful place to live.

Regards

Darren Oatway

From: [Bigpond](#)
To: [Development Assessment Panels](#)
Subject: Temple of WORSHIP, 67 Folly Road Baldivis WA.
Date: Wednesday, 23 November 2022 3:40:33 PM

Dear Panel Member's

I ask that when considering the above development application that you consider very carefully all of planning reason's, together with all the surrounding residents objections as to why this development should NOT BE APPROVED.

I trust that your decision to REFUSE this development application will allow our beautiful rural area to retain its natural beauty, as zoned under the current CITY OF Rockingham's town planning scheme.

I look forward to a supportive response to the outcome.

Ross McCamish

 Baldivis WA.

Sent from my iPad



FOLLY ROAD, NO.67 (LOT 53) BALDIVIS – PROPOSED PLACE OF WORSHIP (HINDU TEMPLE)

State Administrative Tribunal Reconsideration – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer Joint Development Assessment Panel
Local Government Area:	City of Rockingham
Summary of Modifications:	<ol style="list-style-type: none">1. The Hindu wedding component (wedding celebrations and receptions) (300-400 people) has been deleted and the Multi-Purpose Hall removed;2. Revised positioning of the Dining Hall and the Library buildings, with the Dining Hall located in the former position of the Library, and the Library building located where the Dining Hall was previously;3. The Dining Hall and Library buildings have increased in size, through the inclusion of toilet amenities required as a result of deleting the Multi-Purpose Hall (approximately 130m² net increase overall);4. The maximum number of people the development has been designed to accommodate has been reduced from 400 to 350 people, to reflect the existing size of the temple community.5. Car parking bays have been re-positioned centrally within the site away from the northern boundary, with the total number of car bays reducing overall (by 12) as a result of deleting the Multi-Purpose Hall and the Wedding 'Reception Centre' components of the application;6. Minor changes in the locations of the bin store and water tanks to try and mitigate headlight glare from cars impacting the adjoining land to the north and7. A revised Asset Protection Zone (APZ) is proposed around the buildings that accounts for the deletion of the Multi-Purpose Hall building.
Applicant:	Archetype Design Studio
Owner:	Ms A P Byers
Value of Development:	\$5 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)

Responsible Authority:	City of Rockingham	
Authorising Officer:	Mr Peter Ricci, Acting Director Planning and Development Services	
LG Reference:	DD020.2021.00000340.001	
DAP File No:	DAP/21/02148	
SAT File No (DR reference):	DR 146/2022	
Date of Decision under Review:	12 August 2022	
Application for Review Lodgement Date:	26 August 2022	
Attachment(s):	1. Amended Application 2. Decision of the MOJDAP refusing the application, dated 12 August 2022 3. Responsible Authority Report to the MOJDAP meeting on 4 August 2022	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR146 of 2022, resolves to:

1. **Reconsider** its decision in accordance with Section 31 of the State Administrative Tribunal Act 2004;
2. **Reaffirm** its decision to **Refuse** DAP Application reference DAP/21/02148 and the accompanying plans:
 - Location Plan, Drawing No. 01, Revision 6, dated 19 October 2022;
 - Site Plan: Total Lot, Drawing No. 02, Revision 6, dated 19 October 2022;
 - Proposed Development East of Mid Tree Line, Drawing No.3, Revision 6, dated 19 October 2022;
 - Temple Plan, Priests Quarters and Toilet Block, Drawing No.4, Revision 6, dated 19 October 2022;
 - Elevations, Drawing No.5, Revision 6, dated 19 October 2022;
 - Dining Hall and Library Plan, Drawing No.6, Revision 6, dated 19 October 2022;
 - Dining Hall and Library Elevations, Drawing No.7, Revision 6, dated 19 October 2022;
 - Guests Accommodation Plan and Elevations, Drawing No.8, Revision 6, dated 19 October 2022;

- Landscape Plan, Drawing No.9, Revision 6, dated 19 October 2022;
- Bushfire APZ Strategy, Drawing No. 10, Revision 6, dated 19 October 2022;

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the following reasons:

1. The proposed development is not consistent with the City of Rockingham Town Planning Scheme No.2 Objective of the Rural Zone (Clause 4.11.1), which is to preserve land for farming and foster semi-rural development which is sympathetic to the rural character of the area.
2. The proposed development is not consistent with the strategic intent for Planning Precinct 2A under the City of Rockingham Planning Policy 3.3.1 - Rural Land Strategy, as it has not been sufficiently demonstrated that the development will protect and enhance the amenity of the locality.
3. The intensity of the proposed development exceeds what could reasonably be expected within this rural locality, based on the range of activity proposed and number of people likely to attend the site.
4. The proposed development is considered to have an adverse impact on the rural character and amenity of the locality, due to the proposed intensity of the use and the potential noise nuisance associated in particular with vehicles leaving events during evening hours.
5. The proposed development is contrary to orderly and proper planning principles.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Rural
Local Planning Scheme	Town Planning Scheme No.2
Local Planning Scheme Zone/Reserve	Rural
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan Land Use Designation	N/A
Use Class (proposed) and permissibility:	<u>'A' Discretionary</u> Place of Worship <u>'D' Discretionary</u> Residential Building <u>'IP' Incidental to Predominant Use</u> Ancillary Accommodation
Lot Size:	7.4362ha
Number of Dwellings:	Two
Existing Land Use:	Vacant land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A

	<input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

The Applicant has submitted the following supporting information (Attachment 1):

- A covering letter from Moharich & More Planning Lawyers, quoting case law related to 'freedom to exercise religious beliefs'; 'operational peaks' and 'expectations of amenity in rural locations';
- A letter from the planning consultant Peter Webb and Associates, providing a planning submission in support of the amended proposal;
- A letter from the Bushfire Consultant, providing an updated bushfire strategy plan; and
- Amended architectural plans provided by Archetype Design.

There were no other technical documents submitted.

Key Changes

The following changes are proposed to the Development Application:

1. The Hindu wedding component (i.e. wedding celebrations and receptions) (300-400 people) has been deleted and the Multi-Purpose Hall removed;
2. Revised positioning of the Dining Hall and the Library buildings, with the Dining Hall located in the former position of the Library, and the Library building located where the Dining Hall was previously;
3. The Dining Hall and Library buildings have increased in size, through the inclusion of toilet amenities required as a result of deleting the Multi-Purpose Hall (approximately 130m² net increase overall);
4. The Applicant has stated that the maximum number of people the development has been designed to accommodate has been reduced from 400 to 350 people, to reflect the existing size of the temple community. It is unclear, however, how this figure relates to the maximum attendance figures provided by the Applicant, which are outlined below;
5. Car parking bays have been re-positioned centrally within the site away from the northern boundary, with the total number of car bays reducing overall (by 12) as a result of deleting the Multi-Purpose Hall and the Wedding 'Reception Centre' components of the application;

6. Minor changes in the locations of the bin store and water tanks to try and mitigate headlight glare from cars impacting the adjoining land to the north; and
7. A revised Asset Protection Zone (APZ) is proposed around the buildings that accounts for the deletion of the Multi-Purpose Hall building.

The Revised Application

The key elements of the revised Development Application include:

- A Hindu Temple building (975m² approx.); a Chariot Store, Kitchen and Ablution buildings;
- A two storey Priest's residence;
- A Dining Hall (408m²);
- A Library building (300m²);
- Ancillary 'guests' Accommodation Dwelling (103m²);
- A total of 92 on-site car parking bays; and
- Landscape plantings to assist screen the development.

As there was no additional information provided to the City that indicated any change was proposed to the operating hours or visitor numbers for daily prayer and festival activities, the assessment which follows is based on the information provided in the Development Application that was reported to the MOJDAP on 4 August 2022. This information is reproduced below for comparison.

DAILY PRAYER SESSIONS 7 DAYS PER WEEK			
Monday - Friday	Morning session	25-50	7am - 1pm
	Evening session	25-50	5pm - 9pm
	Yoga Classes (2 per week)	20	6pm-7pm
Saturday - Sunday	Morning session	100 - 150	7am – 1pm
	Evening session	100 - 150	5pm - 9pm
	Scripture Classes	50 - 75 (included in the above)	3pm - 6pm
HINDU FESTIVAL DAYS 12 TIMES PER YEAR			
If held Monday - Friday	Morning session	50 - 75	7am - 1pm
	Evening session	200 - 250	5pm - 9pm
If held on Saturday or Sunday	Morning session	200	7am - 1pm
	Evening session	200 - 250	5pm - 9pm

Table 1 - Prayer and Festival Day Data

Daily Prayer Sessions

Two prayer sessions per day are proposed in the Temple building, as follows:

- Mondays to Fridays: 25-50 people attending each morning and evening session, between 7am-1pm and 5pm-9pm;
- Potentially up to **100** people may visit the site per weekday for prayers, which (assuming an average of two people per vehicle as outlined in the Applicant's Traffic and Acoustic Reports) translates to potentially **100** vehicle movements to and from the site per day (**50 cars**);
- Saturdays/Sundays: 100-150 people attending each morning and evening session, between 7am-1pm and 5pm-9pm;
- Potentially up to **600** people may visit the site for prayers over Saturdays and Sundays, which (assuming an average of two people per vehicle) translates to potentially **600** vehicle movements to and from the site across the weekends (**300 cars**); and
- Over the course of a week, potentially **1,100** vehicle movements (**550 cars**) can be expected for daily prayer sessions.

Special Hindu Festivals

In addition to daily prayer sessions Hindu festival days are proposed to be held, on average, once per month as follows:

- If held on a week day:
 - 50-75 people attend a morning session, between 7am-1pm;
 - 200-250 people attend evening sessions, between 5pm-9pm; and
 - Potentially up to **325** people may visit the site for festivals, if held on a weekday, which (based on an average of two people per vehicle) translates to potentially **325** vehicle movements to and from the site (**162 cars**);
- If held on a Saturday or Sunday:
 - Up to 200 people attend the morning session, between 7am-1pm;
 - 200-250 people attend evening sessions, between 5pm-9pm;
 - There is potential for up to **450** people to visit the site for festivals if held on a Saturday or Sunday, which (based on an average of two people per vehicle) translates to potentially **450** vehicle movements to and from the site (**225 cars**);

In June 2022, at the request of the City, the Applicant submitted the following additional information to provide more understanding about the proposed Hindu Festivals:

- On 27 June 2022, the Applicant stated:

“The Hindu Festivals are spread throughout the year, and follow the lunar cycle, so they are not set dates throughout the year.

Generally they are distributed quite evenly.

The following is typical of the major festivals:

➤ Pradosham	January
➤ Sivaratri	February
➤ Sri RamanaVani	March/April
➤ Ugadi	April
➤ Brahmostsavam	June/July
➤ Ganesh Chaturti	August/September
➤ Janmashthami	September
➤ Navarathri	October
➤ Deepavali	October/November

As you can see, there may be some overlap, so there may be some months where there are no festivals, and some where they occur and are observed in the same month.

Although some festivals may be observed over one night only eg Shivaratri, others such as Navaratri are traditionally observed in Hinduism over a period of 9 days.

In such circumstances, the Temple will select the most significant day (usually being either the first or last day), to be observed at the Temple.

Consequently, even if the Festivals last a week or so, they will only be celebrated on one day at the Temple.

Where possible, these observance days will be selected to spread out so they fall on weekends, and in the month where there are no other festivals.”

- On 29 June 2022, the Applicant stated:

“Further to previous emails, please see attached a table depicting the Hindu Festival days to be observed by the Balaji Temple.

This was prepared by our clients and their Temple priests, and is more accurate than the more generic festival list that I prepared a few days ago.”

	Hindu Festivals	English Months	Expected Crowd (numbers based on last 10 years statistics)
1	Sankranti (Goda kalyanam)	January	125 - 150
2	Bhimsima Ekadasi	February	75 - 100
3	Sri Rama Navami	April - May	300 - 350
4	Ramanuja Tiru nakshatram	May	75
5	Ashada Purnima Guru Purnima	June - July	150
6	Sravana Bahula Astami (Krushnastami)	July - August	100 - 130
	Sravana Purnima Sri Lakshmi Hayagri:va	July - August	100 - 125
7	Sravana Sri Mahalakshmi Kumkumarchana	August	125 - 150
8	Aswija shukla (Vijaya) dasami/ Sri Srinivasa Kalyanam	August - September	300 - 350
9	Karthika Amavasya Deepavali	October - November	125
10	Marghasira Shukla Ekadasi - Gita jayanthi	December	100
11	Vaikunta Ekadasi	December - January	150
12	Temple consecration day Anniversary celebrations (3 to 5 days)...dates based on Temple consecration.	No information was provided	No information was provided

Table 2 - Festival Information Table

In order to comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) when a dwelling is constructed in the future on the adjoining land to the north at Lot 923 Young Road, the Applicant proposes to modify the operating times of the Hindu festivals such that if held on Sundays and Public Holidays, to occur between 9am-9pm (i.e. commence two hours later in the morning).

Dining Hall

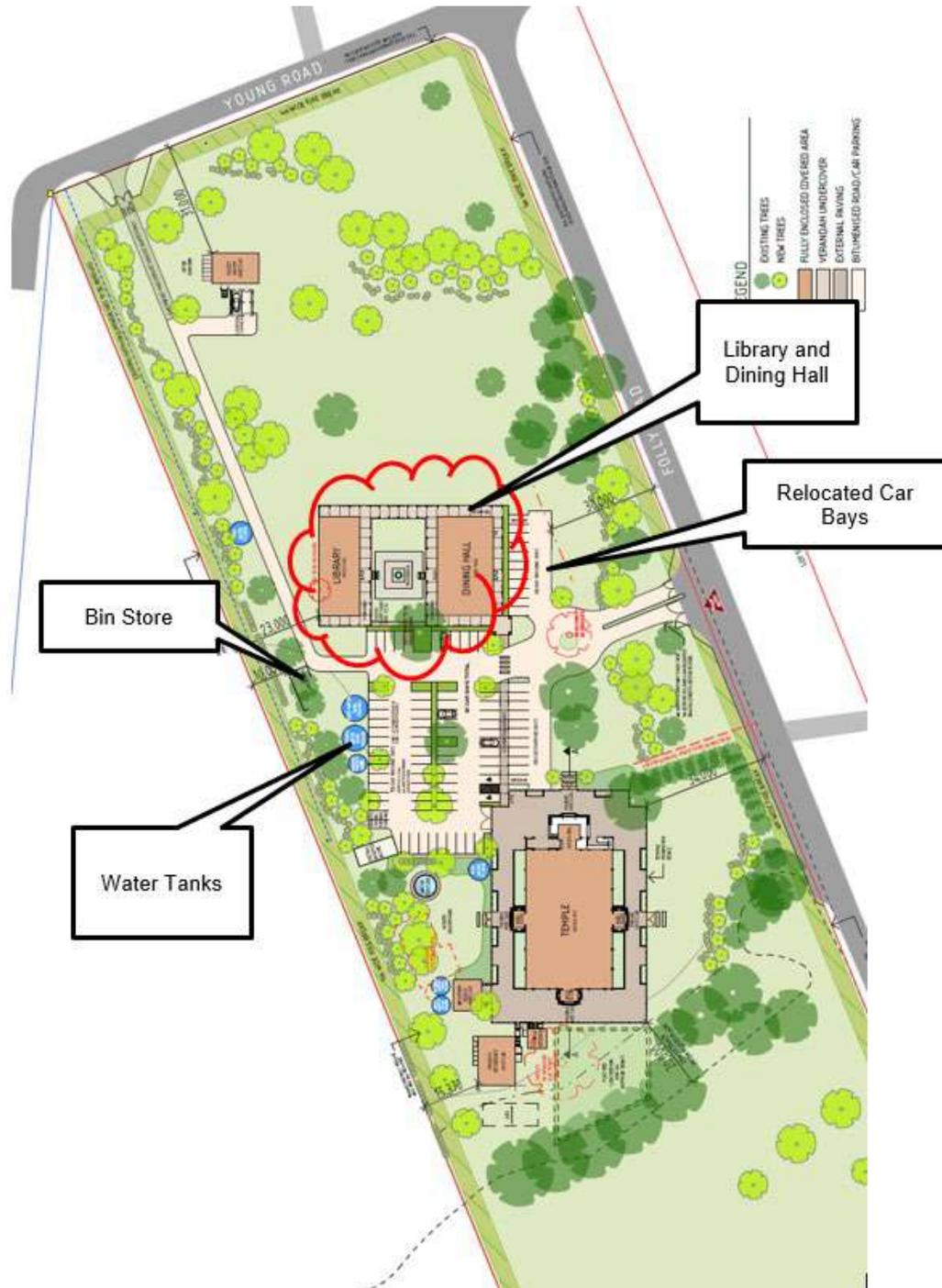
The Dining Hall is proposed to operate during lunch and dinner on Fridays and the weekend to serve those wishing to stay for a meal after attending prayer sessions at the Temple.

With the deletion of the Multi-Purpose Hall, the people will pray at the Temple and then visit the Dining Hall for the “cultural offerings held on festival days”.

Library

The Library will hold a collection of religious texts and resources available for loan; be used for cultural learnings, yoga classes (two time per week, between 6pm-7pm) and scripture classes (Saturday/Sunday between 3pm-6pm).

The revised application, now being considered, remains the same in all other respects as previously reported to the MOJDAP on 4 August 2022.



Background:

History of Application

On 9 December 2021, a Development Assessment Panel application was lodged with the City of Rockingham, seeking Development Approval for a proposed Hindu Temple on the Subject Land (the original Application).

The original Application proposed a number of buildings and the land use involved:

- Daily prayer sessions held twice a day in the Temple building with:
 - 25-50 attending prayer sessions during the week; and
 - 100-150 people attending each prayer session on weekend days.
- Special Hindu Festival days ('Festival days'), involving two sessions per day, held generally on average once a month, where people visit the Temple for prayer and then move to the Multi-Purpose Hall for cultural offerings, with occupancy numbers generally ranging between:
 - 50-75 people during morning sessions (if held on weekdays); and
 - 200-250 people during weekday evening sessions; and morning and evening sessions if the Festivals are held during weekends.
- Hindu weddings being held in the Multi-Purpose Hall every second month (6 times a year), with capacity for 300-400 people to attend.
- Additional activities, including weekday Yoga classes (20 people) and weekend Scripture classes, generally following or held in conjunction with daily prayers.

The Development Application was referred to Council for consideration on 26 April 2022, following public consultation, prior to the MOJDAP meeting being held on 9 May 2022. The Council resolved not to support the application and recommended refusal.

On 9 May 2022, the MOJDAP resolved to defer determining the application in order to provide the Applicant an opportunity to address various issues which were considered to be unresolved.

An amended proposal was submitted and referred to Council on 26 July 2022. There were a number of amendments which were made in an attempt to address various concerns of the City, which included the Applicant deleting an 89m acoustic barrier that was recommended by the Applicant's Acoustic Consultant in order to mitigate noise impact to the north of the site. Instead, the Applicant proposed to modify operating hours of the festival days and weddings to achieve acoustic compliance.

On 4 August 2022, the MOJDAP resolved to refuse the Development Application in accordance with the recommendations from the Council, for the following reasons:

- "1. *"The proposed development is not consistent with the City of Rockingham Town Planning Scheme No.2 Objective of the Rural Zone (Clause 4.11.1), which is to preserve land for farming and foster semi-rural development which is sympathetic to the rural character of the area.*

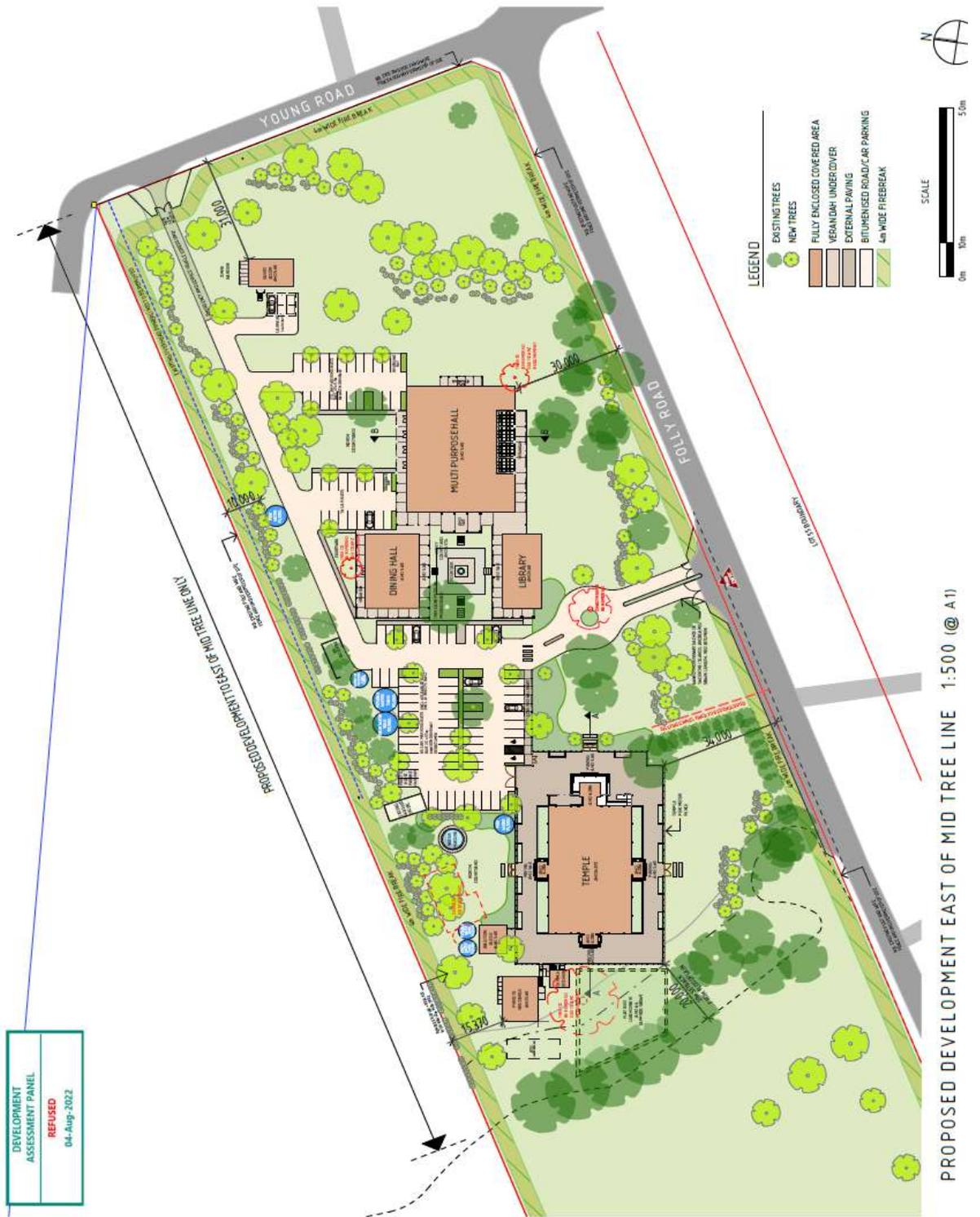
2. *The proposed development is not consistent with the strategic intent for Planning Precinct 2A under the City of Rockingham Planning Policy 3.3.1 - Rural Land Strategy, as it has not been sufficiently demonstrated that the development will protect and enhance the visual character and amenity of the locality.*
3. *The intensity of the proposed development exceeds what could reasonably be expected within this rural locality, based on the range of activity proposed and number of people likely to attend the site.*
4. *The proposed development is considered to have an adverse impact on the rural character and amenity of the locality, due to the proposed scale and intensity of the use; visual impacts and the potential noise nuisance associated in particular with vehicles leaving events during evening and night time hours.*
5. *The proposed development is contrary to orderly and proper planning principles."*

On 26 August 2022, the Applicant lodged an application for review with the State Administrative Tribunal (SAT) of the refusal of the JDAP application.

On 14 October 2022, a mediation occurred as a part of the SAT proceedings, which the City attended, noting that the Presiding Member of the MOJDAP is the Respondent. At that meeting, the SAT invited a reconsideration of the MOJDAP decision, pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, based upon amended plans and information required to be submitted by the Applicant.

On 19 October 2022, the Applicant submitted amended plans and information in an attempt to address the City's concerns and the MOJDAP's reasons for refusal.

The Report that follows focuses on the revised Development Application, and as such, does not discuss matters that have previously been reported as compliant, or being capable of management via conditions of approval. Additional detail in these areas is available to view in the Responsible Authority Report to the MOJDAP meeting on 4 August 2022 (Attachment 3).



Site Plan Refused by MOJDAP



Location Map



Aerial Photograph of the Subject Site

Site Context

The subject land is located on the northern side of Folly Road, west of Young Road, Baldy and comprises of the following characteristics:

- There are to (2) rural outbuildings on the land, with vehicular access obtained from the existing crossover on Folly Road;
- The site is predominantly in open grassland, with pockets of established trees located at the western end of the property and within the central-eastern portion of the site;

- The Lot is generally rectangular in shape, being approximately 620/730m long (west-east) and 120m wide (north-south); and
- The land is generally flat and low lying, with the western portion (approximately 4ha) affected by the 1 in 100 year floodplain. As such, development is restricted to the eastern half of the lot.

The surrounding locality comprises:

- Folly Pool to the west, which is a Conservation Category Wetland, beyond which lies the Kwinana Freeway (a 'Primary Regional Road'), and the Baldivis urban area further to the west. Elevated topography east of Folly Pool screens the subject site from the Kwinana Freeway and Baldivis urban area. Despite the proximity of the Freeway, the mature trees and wetland vegetation of Folly Pool reinforce the rural character at the western end of the site.
- North and east of the site on Young Road (Young Road is a cul-de-sac at this point which serves the following properties):
 - Lot 923 (No.547) Young Road adjoins the site to the north-west, which is a triangular shaped 6.4ha rural property containing three (3) rural sheds. While there is currently no dwelling on the land, it is understood that the land owner intends to build a dwelling in the future. Lot 923 is also affected by flooding, meaning that the building envelope on this land is restricted to the eastern end of the lot, immediately north of the building envelope on the subject site.
 - Lot 33 (No.574) Young Road contains a dwelling and rural sheds, and is used for keeping animals, including horses ('Rural Pursuit');
 - Lot 52 Young Road contains a rural shed and is used for grazing animals ('Agriculture - Extensive'); and
 - Lot 103 (No.151) Folly Road contains two dwellings and sheds.
- South-east of the site (south of Folly Road, east of Young Road) on Lot 202 (No.154) Folly Road a small citrus orchard and shed are located on the eastern portion. The western portion comprises open grassland and trees.
- A rural stockfeed business is situated opposite the site to the south on Lot 55 (No.66) Folly Road. Lot 55 contains a dwelling and six (6) rural sheds, with some approximately 6-8m high. Established trees substantially screen the buildings from public view, but some of the buildings can be seen looking east from the western end of Folly Road.
- In the hierarchy of the surrounding road network Folly Road is an 'Access Road'. Folly Road (between the Kwinana Freeway and Young Road) is also reserved as an 'Other Regional Road' (ORR) in the MRS. Despite this, there are no plans to upgrade Folly Road to an ORR standard. Further, there is a 'drainage lot' owned by the Water Corporation in the middle of the ORR reservation, which is also a constraint to road widening (the road reserve is only 10m wide adjoining the subject site).



Map of Surrounding Properties

Application to the State Administrative Tribunal

On 26 August 2022, the Applicant lodged an application for review with the State Administrative Tribunal (SAT) of the refusal of the JDAP application.

On 14 October 2022, a mediation occurred as a part of the SAT proceedings. At that meeting, the SAT invited a reconsideration of the MOJDAP decision on or before 15 December 2022, pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, based upon amended plans and information required to be submitted by the Applicant.

On 19 October 2022, the Applicant submitted amended plans and information in an attempt to address the City’s concerns and the MOJDAP’s reasons for refusal.

Legislation and Policy:

Legislation

- Planning and Development Act 2005
- Metropolitan Region Scheme
- Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)
- Town Planning Scheme No.2 (TPS2)
- Environmental Protection (Noise) Regulations 1997

State Government Policies

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)
- State Planning Policy 7.0 - Design of the Built Environment (SPP 7.0)
- Guidelines for Planning in Bushfire Prone Areas (Version 1.3)

Local Policies

- Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1)

Consultation:

Public Consultation

The additional information submitted by the Applicant has not been re-advertised for public comment due to the restrictive SAT timeframes.

Nevertheless, community concerns previously reported to Council, in particular, as they relate to impact on the rural character and amenity, form the basis upon which the revised application was assessed by the City.

During the original community consultation process, of the 255 submissions that were received, 72 objected or raised concerns.

The public submissions objecting raised the following 'broad' concerns:

- That the proposal will adversely affect the surrounding rural character and amenity in terms of traffic generation, visual and noise impact;
- The impact on Lot 923 (547) Young Road given the location of the proposed car parking, proposed buildings and intensity of use;
- The appropriateness of the built form in a rural context; and
- The environmental impact of the development on ground and surface water resources, wetlands and habitats for flora and fauna.

The relevant concerns expressed by submitters, as they relate to the revised Development Application are discussed in the relevant sections below.

Referrals/Consultation with Government/Service Agencies

The following Government departments and service agencies were consulted in January 2022, when the original application was advertised seeking public comment:

- Department of Health (DoH);
- Department of Fire and Emergency Services (DFES);
- Department of Planning, Lands and Heritage (DPLH);
- Department of Water and Environmental Regulation (DWER);
- Main Roads Western Australia (MRWA); and
- Water Corporation.

Any issues raised have either been resolved, or were of an 'information only' nature. As such, no further consultation occurred with the consulted agencies.

Design Review Panel Advice

On 30 May 2022, amended plans were presented to the City's Design Review Panel ('DRP') for consideration, to provide independent feedback on site planning and layout of the development.

Specifically, the purpose was primarily aimed to gauge the views of the DRP with respect to how the development compliments the key 'Design Principles' contained in SPP7.0 relevant to this proposal. The DRP considered that:

- Noise and glare attenuation to the north was the 'weakest' part of the application. The interface with the northern property needed to be well resolved.
- The location of car parking near the northern boundary was also not favoured, and it was suggested that it should be relocated.
- The building design, bulk and scale was considered appropriate, having considered the locational context of the site.
- The Temple is a necessarily distinctive building, the visual impact of which is ameliorated by the retained trees.
- Design of the secular buildings is appropriate to the local context.
- The landscaping strategy was generally supported. Additional landscaping was also suggested around the Library and Hall buildings; in the car parks and along the northern property boundary.

The Applicant responded by amending the plans in an attempt to ameliorate the impact of noise and glare on the adjoining property to the north.

Planning Assessment:

The proposal has been assessed against the requirements of all relevant Legislation; the Scheme, State and Local Planning Policies, as previously outlined in the Legislation and Policy section of this report.

The following matters have been identified as key considerations for the determination of this application:

Environmental Protection (Noise) Regulations 1997 (Noise Regulations)

The Applicant has not provided an updated Acoustic that is based on the proposed changes to the Application.

The Applicant's planning submission describes the proposed changes in broad terms, and outlines planning justification that is not based upon any updated acoustic reporting. The City considers the Applicant's planning submission is 'flawed' and of no material assistance to satisfying concerns of the City, or those raised in submissions relating to the potential noise impact of the development, as an updated Acoustic Report has not been provided.

It is stated that "*The proposed development and use of the site continues to achieve compliance with the Environmental Protection (Noise) Regulations 1997*", but refers to the technical Acoustic Report that was prepared by Marshall Day Acoustics (dated 28 June 2022) that was prepared for the purpose the earlier proposal that involved Hindu weddings and festivals that were to be held in the now deleted Multi-Purpose Hall.

The 'Marshall Day Acoustics Report' (28 June 2022) that was considered previously provided a noise assessment addressing the following noise sources from the development:

- Wedding and general activity noise from the Multi-Purpose Hall; and
- Noise from car parks and patrons using the car parks.

The Acoustic Report identified various recommended noise management measures to mitigate the potential noise impacts in order for the development to comply with the Noise Regulations, including implementing alternative operating hours at specific times for the Hindu Weddings and Festivals when a dwelling is built on Lot 923 Young Road, adjoining the site the north.

As detailed above, there has been no updated acoustic reporting provided that refers specifically to noise impact based on the revised application, with the deletion of the Multi-Purpose Purpose Hall, the use of the Dining Hall during Festival days or the amended car parking layout.

Furthermore, there is uncertainty around the number of people proposed to attend the festivals, and the frequency of the festival days, noting:

- The Festival Information Table (Table 2) above was provided by the Applicant that outlines the expected frequency and attendance numbers for the specific Hindu festivals. The City has taken the expected crowd numbers stated in Table 2 to relate to individual Festival days as a whole (and not individual sessions). There appears significant variability between the expected crowd numbers outlined in Table 2, compared to the 'times of use' and 'attendance numbers' that the technical reports are based upon that is reproduced in Table 1 (eg. the information provided with the Development Application indicates that potentially up to 450 people could be expected on the site across a Festival day if held on a weekend day, while the expected crowd information indicates significantly less).
- There are "Temple Consecration Day Anniversary Celebrations" proposed (refer Table 2) spanning a 3-5 days, which is also not addressed in the technical reporting.
- There is also uncertainty about any "other activities" intended (incidental or otherwise), that the Dining Hall and Library buildings may be used for.

It is not possible to verify whether noise generated from the festival days in particular, which will operate into the evening, can be managed to comply with the Noise Regulations, or whether alternative operating hours, or further reduced intensity is necessary.

This is considered a material gap in the information required for the City to assess the impact of the proposed development. As such, the application has not demonstrated compliance with the Noise Regulations.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas ('SPP3.7')

An amended Bushfire APZ Strategy Plan has been submitted, along with a letter from the Applicant's Bushfire Consultant indicating a revised Asset Protection Zone (APZ) across the subject land accounting for the deletion of the Multi-Purpose Hall building.

The new, somewhat contracted APZ is 21m wide around habitable buildings. There appears to be no change (increase or loss) to the extent of proposed tree planting for screening purposes.

The amended APZ has no material impact on the calculated Bushfire Attack Level (BAL), being less than BAL-29.

The revised application is considered consistent with SPP3.7 and the Bushfire Guidelines.

State Planning Policy 7.0 - Design of the Built Environment ('SPP7.0')

SPP7.0 provides the broad framework for the design of the built environment across Western Australia, and applies to all levels of the planning hierarchy, including the assessment of development applications.

The objectives of SPP7.0 seek to provide, *inter alia*, a coordinated strategy of design quality mechanisms to achieve design outcomes that meet government and community expectations, including:

- Design principles - performance based approach to policy;
- Design review - skilled evaluation expertise; and
- Design skills - skilled design expertise.

The design principles particularly relevant to the revised application include:

- Design Principle 1 - Context and Character: *"Good design responds to and enhances the distinctive characteristics of the local area, contributing to a sense of place"*.
- Design Principle 3 - Built Form and Scale. *"Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between the existing built form and the intended future character of the local area"*.
- Design Principle 6 - Amenity. *"Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy"*.

With the removal of the Multi-Purpose Hall and Hindu weddings component, the overall building area on the site has reduced (from approximately 2,976m² to 2,067m²).

In terms of the scale of development and appearance of the proposed built form, it is noted that:

- The construction of two dwellings (i.e. a Single Dwelling and an Ancillary Accommodation dwelling) on the subject property is consistent with the number of dwellings permitted on 'Rural' zoned land;

- The Temple building is of a form that is necessarily religious in appearance; is moderate in bulk and scale and has vertical elements (the Goporam's), the inclusion of which is not inconsistent with architectural elements found in more traditional forms of Places of Worship;
- Given the existing tree line near the centre of the site and the proposed landscape plantings, it is considered that the Temple, Priest's Dwelling, Library and Dining Hall buildings can be sufficiently screened to minimise visual impact, although it may take some years for the screening to effectively establish. The proposed staging of the development provides for the planting of 'major' trees early, to maximise the screening effectiveness. The City is generally satisfied overall with the proposed screening strategy.
- The Library, Dining Hall and the dwellings have an appearance that is generally consistent with the prevailing surrounding rural building form.

The revised application has a more acceptable visual impact in terms of the proposed built form, and satisfies Design Principles 1 and 3, in particular, in this respect.

From a land use perspective the City does not consider the proposed intensity of the use (given the numbers of people proposed and the additional traffic generated) and the consequential impact on the 'amenity' of the area to be acceptable, as explained in the Town Planning Scheme No.2, and Reasons for Refusal sections of this Report.

Furthermore, the application is not considered to satisfy Design Principle 6 – Amenity, in that the proposed use does not optimise the “*external amenity...for neighbours, providing environments that are comfortable, productive and healthy*”.

Local Planning Policies

PP3.1.1 Rural Land Strategy ('RLS')

Within the RLS the subject land is situated in Policy Area 2A - Baldivis East, which is described as:

“The Baldivis (east) precinct is located on the eastern side of the Kwinana Freeway generally between Mundijong Road to the north and Karnup Road to the south, extending eastward to the municipal boundary. The precinct is predominantly zoned Rural, with some Special Rural zoned land in the vicinity of Doghill Road”.

The RLS outlines the following stated Strategic Intent: *“To protect and enhance visual character and amenity”.*

The Multi-Purpose Hall has been removed, reducing the scale and visual impact of development.

Notwithstanding, it is reasonable to expect that the amenity of the area will change with the introduction of the land uses proposed as part of the revised application, as discussed in more detail in the Town Planning Scheme No.2 section of this report, in particular, by:

- the number of people using the site;

- the fluctuating intensity of the use of the site 7 days a week, by people attending daily prayers and festival days;
- noise; and
- the additional traffic generated by the proposal.

The intensity of development is considered significant when compared to the existing low intensity surrounding land uses, and is considered likely to adversely affect the existing rural character and amenity.

As such, the City considers that the revised application does not “**protect and enhance the ...amenity**” of the locality.

Town Planning Scheme No.2 (TPS2)

Rural Zone

The objective for the Rural zone, as contained in TPS2, ‘*is to preserve land for farming and foster semi-rural development, which is sympathetic to the particular characteristics of the area in which it is located, having due regard to the objectives and principles outlined in the Rural Land Strategy...*’

The City considers that the information provided in support of the revised application is lacking the detail necessary in order to demonstrate how the proposed use “*foster’s semi-rural development which is **sympathetic to the rural character of the area***” (emphasis added).

The number of people, noise and the additional traffic generated by the proposal is considered significant when compared to the existing low intensity surrounding land uses, and is considered likely to adversely affect the existing rural character of the area. The City’s concerns about the intensity of development and the amenity impacts are also discussed in more detail in the following sections of this Report.

As such, the City is does **not** consider that the proposed use is consistent with the Rural zone Objective.

Permissibility

The proposed land uses are as follows:

- The Temple building, used for daily prayers and Special Hindu festivals - a ‘Place of Worship’, as defined in TPS2, being the predominant use of the land. A Place of Worship is an ‘A’ (discretionary) use in the ‘Rural’ zone.
- The use of the Temple Kitchen, the Ablution building, Library and Dining Hall are ‘Incidental’ components of the predominant use.
- The Priest’s dwelling is a ‘Residential Building’ (Incidental use), which is a ‘D’ use (discretionary) in the ‘Rural’ zone.
- The guest accommodation dwelling is ‘Ancillary Accommodation’, which is an ‘IP’ use in the ‘Rural’ zone, being Incidental to the predominant use (Incidental use).

Parking

The proposal includes 92 car parking spaces, which complies with TPS2 requirements, based on 350 people on the site, plus occupants of the two dwellings.

Clause 4.18 of TPS2

Clause 4.18 addresses amenity, and states:

*“4.18.1 **No land, building, vehicle, machine, tool or electrical appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration, illumination or waste products in such quantity or extent or in such a manner as to create or be a nuisance to any inhabitant of the neighbourhood of such land or to traffic or persons using roads in the vicinity.***

*4.18.2 **No property shall be maintained or finished so that in the opinion of the Local Government its external appearance would disfigure the locality or tend to blight the appearance of neighbouring properties. Further, all land and buildings shall be so used and maintained as to preserve the amenity of the neighbourhood in which they are situated”** (Emphasis added).*

‘Amenity’ is defined in the Deemed Provisions as ‘*all those factors which combine to form the character of an area and include the present and likely future amenity*’.

The properties within the immediate locality are small scale rural and semi-rural land holdings that include a range of uses such as hobby farming and rural–residential development; a small scale rural industry and commercial horticultural uses. Buildings on the land in the locality are often clustered and well screened by remnant vegetation.

Road noise from the Kwinana Freeway (500m west of the proposed buildings), while audible from the site, is significantly mitigated by the intervening topography and is relatively low level.

Noise from traffic on Folly Road is intermittent, given the existing traffic volumes and the peak traffic periods. The surrounding properties can be described as low intensity uses that generate minimal traffic and noise. These elements collectively combine to form the existing, relatively peaceful, character of the area.

It can be expected that the amenity of the area will change with the introduction of the land uses provided as part of this application, in particular, by:

- the number of people using the site;
- the fluctuating intensity of the use of the site 7 days a week, by people attending daily prayers and festival days;
- noise; and
- the additional traffic generated by the proposal.

Furthermore, there is uncertainty within the application about dates that festivals days will be held, as well as uncertainty about the number of people attending festival days given the information outlined in Tables 1 and 2 of this Report.

It is the City's understanding from the technical reports submitted by the Applicant that over the course of a typical week up to **1,100** vehicle movements (**550 cars**) can be expected to be generated by the use of the site for daily prayer sessions alone. In addition, approximately **325-450** vehicle movements can be expected to and from the site on the days that festivals are held. The increased traffic from the proposed development is considered significant when compared to the existing low intensity surrounding land uses, and is likely to adversely affect the existing rural character.

By way of comparison, the established surrounding semi-rural land uses are considered likely to generate on average approximately 10 vehicular movements per day.

The City is of the view that the proposal is likely to have a significant detrimental impact on the rural residential amenity of residents in this area by way of increased traffic volumes, and the on-going amenity impacts based on the number of people continually entering, attending and leaving the site.

On balance, and when considered in the context of its locality, the degree of impact on the locality is unacceptable to the City.

The Application is therefore considered non-compliant withTPS2.

Comments

The application has been assessed in accordance with the relevant planning framework, whereupon concerns about the proposed land use intensity, and the consequential amenity impacts have been identified.

The following section links the planning discussion with the MOJDAP's reasons for refusal, and provides updated recommendations in respect to each reason, in respect to the Responsible Authority Report to be submitted to the MOJDAP.

With the exception of Reasons No.2 and 4, to which there are minor modifications proposed, all the other recommended reasons for refusal remain unchanged.

Reasons for Refusal

The following commentary provides an assessment of the revised application relevant to the MOJDAP's reasons for refusal.

Reason No.1:

"The proposed development is not consistent with the City of Rockingham Town Planning Scheme No.2 Objective of the Rural Zone (Clause 4.11.1), which is to preserve land for farming and foster semi-rural development which is sympathetic to the rural character of the area".

The City considers that the information provided in support of the revised application is lacking the detail necessary in order to demonstrate how the proposed use *"foster's semi-rural development which is **sympathetic to the rural character of the area**"* (emphasis added).

Furthermore, the number of people, noise and the additional traffic generated by the proposal is considered significant when compared to the existing low intensity surrounding land uses, and is likely to adversely affect the existing rural character.

As such, the City does **not** consider that the proposed use is consistent with the Rural zone Objective.

Reason No.2:

“The proposed development is not consistent with the strategic intent for Planning Precinct 2A under the City of Rockingham Planning Policy 3.3.1 - Rural Land Strategy, as it has not been sufficiently demonstrated that the development will protect and enhance the visual character and amenity of the locality.”

The Multi-Purpose Hall has been deleted, reducing the scale and visual impact of development, and proposed landscape plantings will assist to minimise visual impact.

Notwithstanding, it can be expected that the amenity of the area will change with the introduction of the land uses proposed as part of the revised application, in particular, by the number of people, noise and the additional traffic generated by the proposal, which is considered significant when compared to the existing low intensity surrounding land uses, and is likely to adversely affect the existing rural character and amenity.

As such, the City considers that the revised application does not “**protect and enhance the ...amenity**” of the locality, and as such, is non-compliant with the strategic intent of the City’s Rural Land Strategy.

Reason No.3:

“The intensity of the proposed development exceeds what could reasonably be expected within this rural locality, based on the range of activity proposed and number of people likely to attend the site”.

The City had previously recorded concerns about the intensity of the proposed use, given the overall level of activity on the site combined involving daily prayer sessions, monthly Hindu festivals, in conjunction with bi-monthly Hindu wedding events. With the wedding component now being removed from the application, the overall intensity of the use has reduced somewhat, however, as discussed, the City is still concerned about the intensity of the proposed use of the site for daily prayers and monthly Hindu festival days.

To put this into perspective:

- With Hindu Weddings component and the Multi-Purpose Hall being removed (i.e. wedding celebrations and receptions involving 200-400 people), there is no longer any risk of noise being generated from the Multi-Purpose Hall, or noise being generated from car parking areas (ie. from wedding traffic) impacting on surrounding properties. Also, the potential amenity impact from the noise of vehicles leaving the site during night time hours is also reduced, albeit, only 6 wedding events were proposed annually.
- The Applicant has stated that prayer and festival day activities are generally religious in nature and relatively quiet events. The City understands that no chanting or bell ringing is proposed, which was a concern raised in submissions.

- Festival days are formal days of worship. It is understood that people will arrive, some with families, and visit the Temple for prayer. With the deletion of the Multi-Purpose Hall, the people will pray at the Temple and then visit the Dining Hall for the “cultural offerings held on festival days”.
- Festival days will not be held on the same day as daily prayers.
- The prayer sessions are not particularly structured events. The temple community members will arrive and leave at different times of the day, meaning traffic volumes are more dispersed across the session timeframes than concentrated.
- Nevertheless, the application has the potential to generate:
 - Over the course of a week, potentially **1,100** vehicle movements (**550 cars**) for daily prayer sessions; and
 - **325** vehicle movements, per festival day once a month, if held on week days (**162 cars**), or **450** vehicle movements per festival day, if held on weekend days (**225 cars**);
- In addition to residential activity, with the proposed daily prayer sessions and festival days, activity will occur on the site 7 days a week, 365 days per year.

Notwithstanding the uncertainty around attendance numbers, event frequency and Noise Impact discussed above, the high level of traffic generated by people attending daily prayer sessions and the festival days combined is considered significant, given the context of the site and surrounding locality.

As such, the City is **not** satisfied with the proposed intensity of the use.

Reason No.4:

“The proposed development is considered to have an adverse impact on the rural character and amenity of the locality, due to the proposed scale and intensity of the use; visual impacts and the potential noise nuisance associated in particular with vehicles leaving events during evening and night time hours”.

The City considers that the revised application will adversely impact the existing rural character and amenity of the area due to the intensity of the proposed use, numbers of people attending and the high level of traffic generated by the development and associated vehicle noise, notwithstanding the gaps in the acoustic reporting.

With the deletion of the wedding component there will no longer be vehicles leaving the site during night time hours, as defined in the Noise Regulations. Notwithstanding, daily prayer sessions and festival days are proposed to operate until 9pm, which are considered evening hours in the context of the Noise Regulations.

As such, it is recommended that Reason No.4 is amended to delete reference to ‘night time’ hours.

Reason No.5:

“The proposed development is contrary to orderly and proper planning principles.”

For the above reasons, and the gap in the acoustic reporting, the City's position on this reason for refusal has not changed.

Conclusion

The revised application does not address the City's concerns about the intensity of the proposed development, or impact on the amenity and rural character of the area.

Also, the application is not consistent with the Objective for the 'Rural' zone and Clause 4.18 - Amenity of TPS2.

Refusal of the revised application is therefore recommended.

Our ref: 23-006
Your ref: -

19 October 2022

Mr Tom Ledger
State Solicitor's Office
David Malcolm Justice Centre
28 Barrack Street
PERTH WA 6000

By email:

t.ledger@sso.wa.gov.au

Dear Tom

**DR 146 of 2022 - Jeeyars Acharya Peettam Australia Limited v Presiding
Member of the Metro Outer Joint Development Assessment Panel**

1 I refer to the abovementioned matter and the orders made by the Tribunal on 14 October 2022.

Information to allow for reconsideration

2 I enclose for the purpose of reconsideration –

2.1 A set of modified plans;

2.2 A report from the Applicant's town planning expert confirming compliance with relevant scheme provisions; and

2.3 A letter from the Applicant's Bush Fire Consultant enclosing a map identifying the revised APZ.

3 The Applicant submits that the plans as revised adequately address the perceived concerns of the Respondent as outlined in its reasons for refusal.

Further submissions

4 The revisions alone, in our submission, should allow your client to consider the application favourably.

5 However, I also note for your information the following commentary from the State Administrative Tribunal regarding aspects of this matter.

Freedom to exercise religious beliefs

6 In the decision of *Haladhar Holdings Pty Ltd and Shire of Kalamunda* [2012] WASAT 143, the Tribunal made comment on the need to consider a place of worship in the context of the functions and activities accepted to be part and parcel of such a land use, regardless of the nature or type of place of worship –

95 I begin the discussion of the issues by reminding myself of the advice offered by Cripps CJ in *Tsang Hui v Strathfield Municipal Council* [1989] NSWLEC 48; (1989) 130 LGERA 30 at [36], concerning the amenity impacts of less mainstream religious establishments:

The subject land is zoned residential but churches and educational establishments are permissible in residential areas. There are many churches in residential areas in Sydney, some of which have functions and undertake activities more intrusive than the subject proposal [a Buddhist temple and monastery].

96 While we are here not dealing with a Buddhist temple, **a planning tribunal must always be mindful that 'at back of [all of these types of] proceedings is a question of freedoms to exercise religious beliefs'**: *Canterbury Municipal Council v Moslem Alawy Society Ltd* (1985) 1 NSWLR 525 at [544] per McHugh JA. (emphasis added)

7 In order to satisfy the perceived concerns of 'intensity' we trust that your client acknowledges that the Applicant has removed aspects of the development which would be integral to most faiths, in removing marriage ceremonies from the activities that will occur on site.

Operational peaks

8 In that same decision, the Tribunal went on to acknowledge that it is important that a place of worship was not assessed on its exceptional operational peaks –

97 Turning to the specifics of the case, I begin by endorsing Mr Flint's submission to the effect that one should not view the case through the prism of exceptional operational peaks. In *Hutchinson*, the Victorian Civil and Administrative Tribunal made the same point when it said, at [17]:

[The Tribunal] do[es] not expect the Synagogue to provide onsite parking to meet the demands generated on these 5 High Holy Days. It is not something [that the Tribunal] would require for any development with a low number of exceptional peak demands (such as shopping centres at Christmas or Easter or sports grounds for final series) ...

Expectations of amenity in rural locations

9 In the decision of *Self and Shire of Serpentine Jarrahdale* [2005] WASAT 140, the Tribunal made comments regarding the expectation of amenity on rural zoned land -

62 Whilst such uses listed above will mostly require consent (as here), the following observation from the Environment Resources and Development Court of South Australia is nevertheless a useful reminder and a reference point for general discussion about rural amenity:

"The list of developments [the relevant planning instrument] has designated as complying confirms, in my mind, that the amenity to be expected in the zone might not be free of nuisance of one form or another. Rural areas generate a variety of 'externalities' – mainly noise and dust emissions. One cannot expect to reside in such a zone and necessarily expect a quiet and serene rural environment. However, [counsel] quite rightly said that the circumstances of the zone should be taken into account when considering the amenity that might be reasonably expected." See *Marley-Duncan v Corporation of the Town of Gawler* [2003] SAERDC 28 at [21].

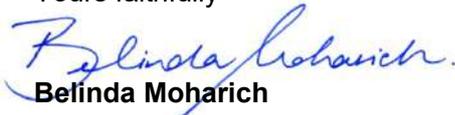
10 In this case, a number of land uses are capable of approval which would have a much more significant built form impact, and a much greater intensity of land use. Such uses include Brewery, Tourist Development, Sawmill, Abattoir, and Animal Husbandry – intensive.

Conclusion

11 We trust that the additional information, and the accompanying submissions will allow the JDAP to consider this application favourably.

12 Please do not hesitate to contact me should you require any further information.

Yours faithfully



Belinda Moharich

Director

SRI BALAJI TEMPLE

67 FOLLY ROAD, BALDIVIS

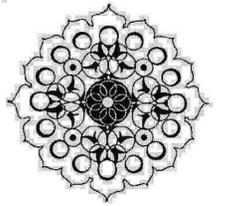
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- A02 SITE PLAN 1:1000
- A03 SITE PLAN 1:500
- A04 TEMPLE + PRIESTS RESIDENCES
GROUND FLOOR PLAN
- A05 TEMPLE + PRIESTS RESIDENCES
ELEVATIONS
- A06 DINING HALL + LIBRARY GROUND FLOOR PLAN
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- A12 DENSITY DIAGRAM
- A13 VIEW SHEDS
- A14 VIEW SHEDS
- A15 VIEW SHEDS
- A16 RENDERS



archetype
|design studio|

architecture - interiors - feng shui
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Revision	Description	Date
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REV 1	AMENDMENTS IN RESPONSE TO COUNCIL + PUBLIC QUERIES/COMMENTS	FEB 2022
REV 2	AMENDMENTS IN RESPONSE TO RESPONSIBLE AUTHORITY REPORT	MAY 2022
REV 3	AMENDMENTS IN RESPONSE TO MOJDAP	MAY 19 TH 2022
REV 4	AMENDMENTS IN RESPONSE TO DRP	MAY 31 ST 2022
REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022
REV 6	AMENDMENTS IN RESPONSE TO SAT MEDIATION	OCT 19 TH 2022

Project :
**SRI BALAJI TEMPLE
DEVELOPMENT**

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

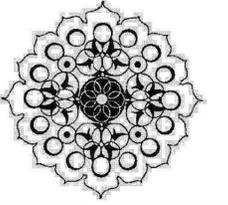
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Scale :
Status: #Project Status

Drawing N^o

00

Date issued: Wednesday, 19 October 2022
Time 12:21 pm Revision : 6



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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
LOCATION PLAN

Scale :
Status: #Project Status

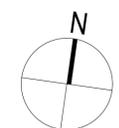
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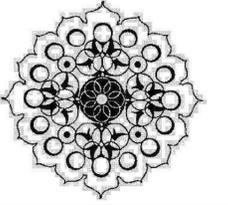
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LOCATION PLAN 1:2000 (@ A1)





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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
SITE PLAN 1:1000

Scale :
Status: #Project Status

Drawing N^o

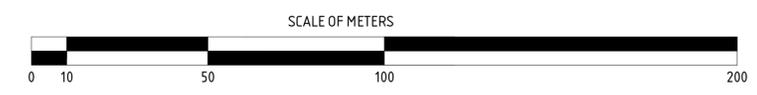
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Time 12:21 pm Revision : 6

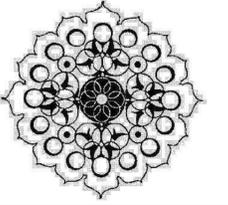


LEGEND

- EXISTING TREES
- NEW TREES
- FULLY ENCLOSED COVERED AREA
- VERANDAH UNDERCOVER
- EXTERNAL PAVING
- BITUMENISED ROAD/CAR PARKING
- 4m WIDE FIREBREAK



SITE PLAN: TOTAL LOT 1:1000 (@ A1)



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REV 6	AMENDMENTS IN RESPONSE TO SAT MEDIATION	OCT 19 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
SITE PLAN 1.500

Scale :
Status: #Project Status

Drawing N^o

03

Date issued: Wednesday, 19 October 2022
Time 12:21 pm Revision : 6

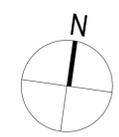


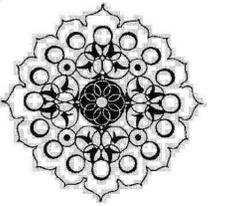
PROPOSED DEVELOPMENT EAST OF MID TREE LINE 1:500 (@ A1)

LEGEND

- EXISTING TREES
- NEW TREES
- FULLY ENCLOSED COVERED AREA
- VERANDAH UNDERCOVER
- EXTERNAL PAVING
- BITUMENISED ROAD/CAR PARKING
- 4m WIDE FIREBREAK

SCALE





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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

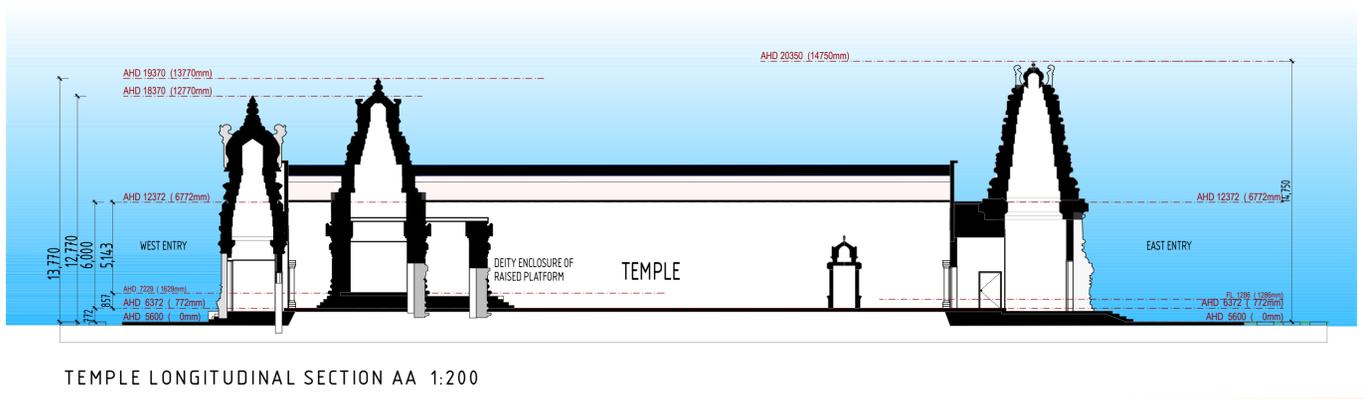
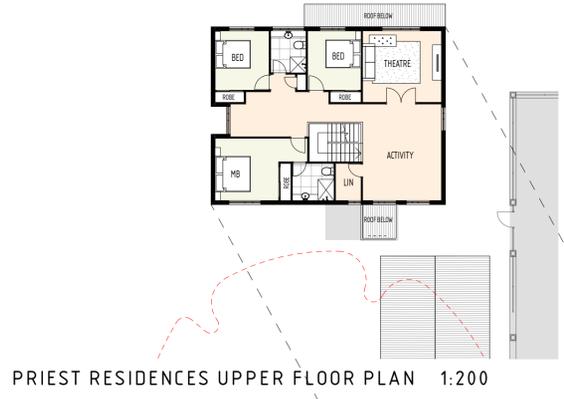
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Scale :
Status: #Project Status

Drawing N^o

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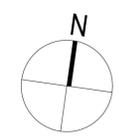
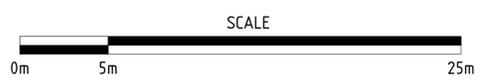
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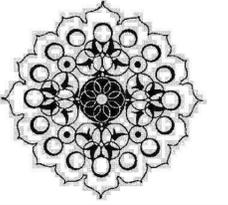


LEGEND

- EXISTING TREES
- NEW TREES

TEMPLE PLAN, PRIESTS QUARTERS + TOILET BLOCK 1:200 (@ A1)





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REV 6	AMENDMENTS IN RESPONSE TO SAT MEDIATION	OCT 19 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

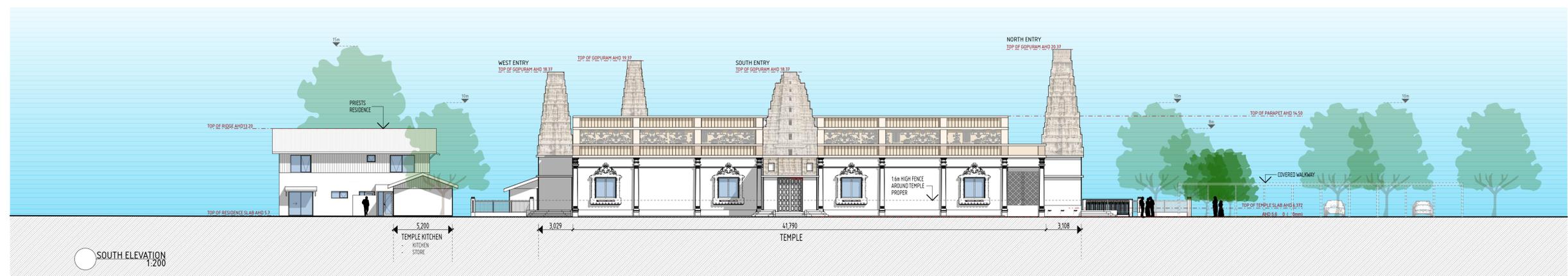
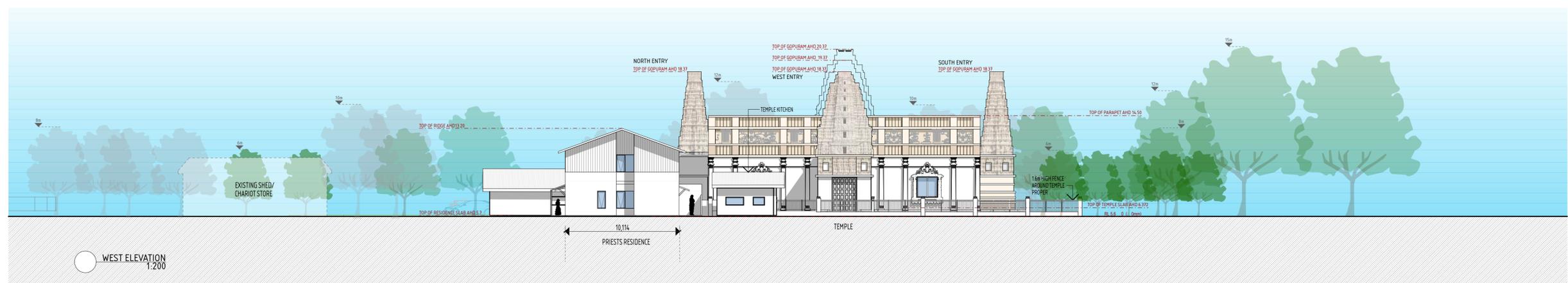
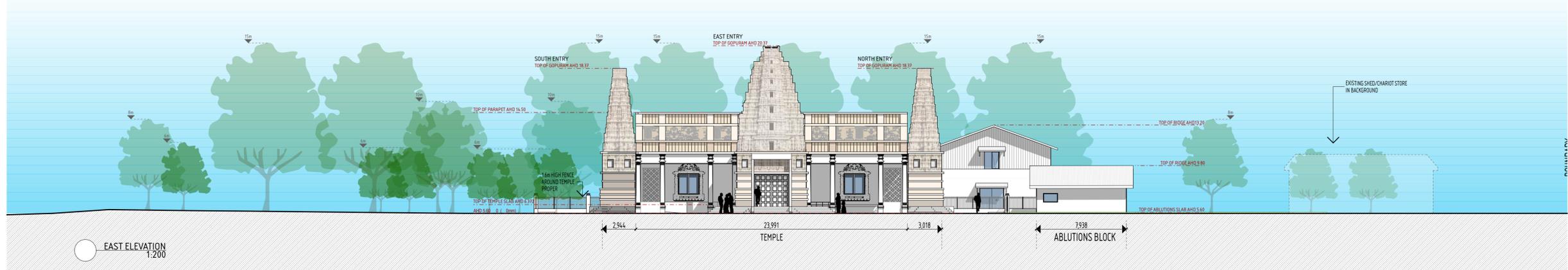
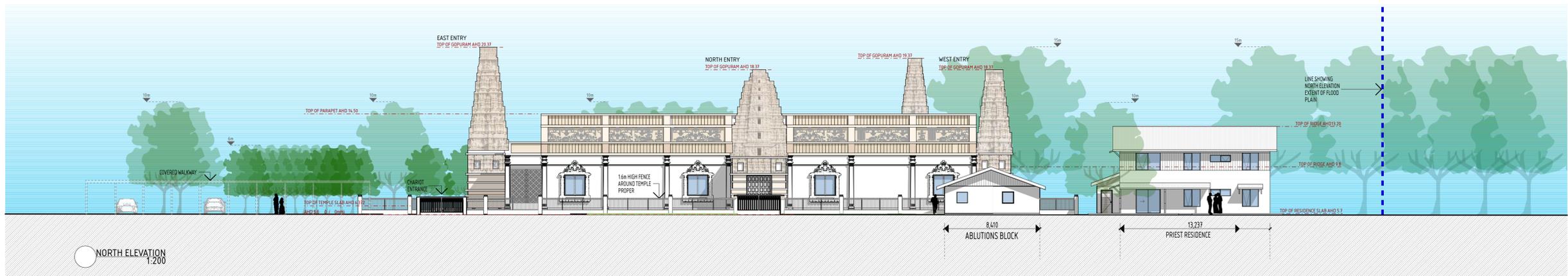
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Scale :
Status: #Project Status

Drawing N^o

05

Date issued: Wednesday, 19 October 2022
Time 12:21 pm Revision : 6

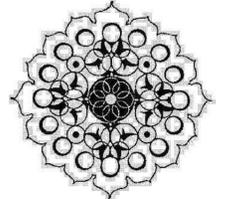


ELEVATIONS 1:200 (@ A1)

NOTE:
ALL EXISTING TREES ARE DEPICTED AND DRAWN TO SCALE IN CORRECT POSITION. NEW TREES NOT SHOWN

NOTE:
TREES IN FOREGROUND SHOWN GREEN
TREES IN BACKGROUND SHOWN GREY





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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
LIBRARY + DINING HALL GF PLAN

Scale :
Status: #Project Status

Drawing N^o

06

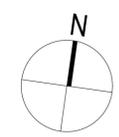
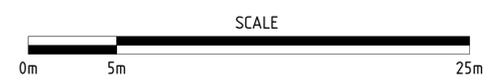
Date issued: Wednesday, 19 October 2022
Time 12:22 pm Revision : 6

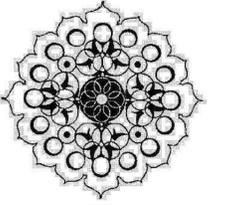
LEGEND

- EXISTING TREES
- NEW TREES



DINING HALL + LIBRARY PLAN 1:200 (@ A1)





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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
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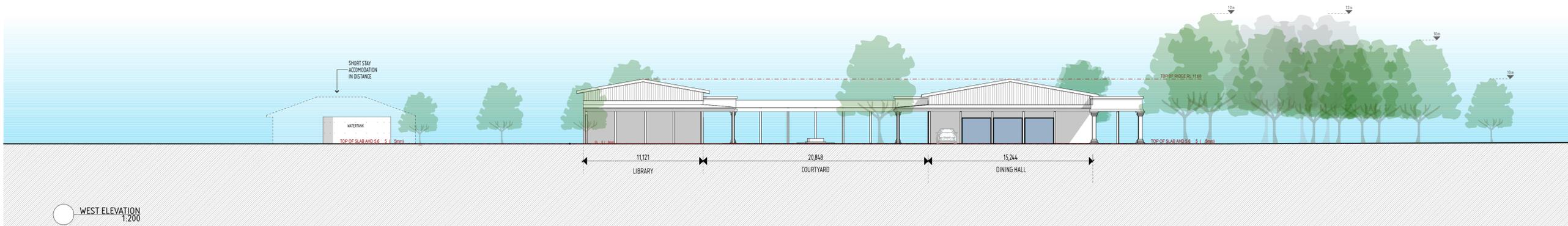
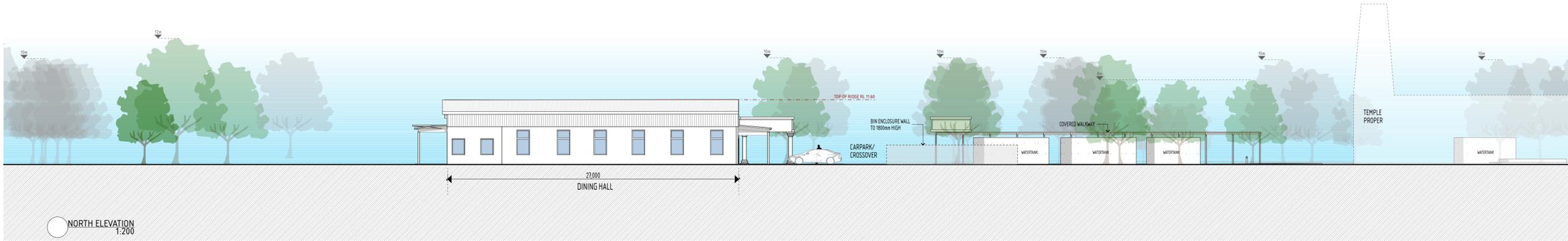
Drawing Title:
ELEVATIONS

Scale :
Status: #Project Status

Drawing N^o

07

Date issued: Wednesday, 19 October 2022
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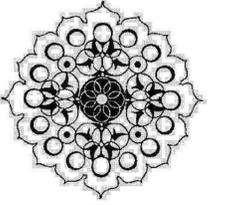
DINING HALL + LIBRARY ELEVATIONS 1:200 (@ A1)

NOTE:
ALL EXISTING TREES ARE DEPICTED AND DRAWN TO SCALE IN CORRECT POSITION. NEW TREES NOT SHOWN

NOTE:
TREES IN FOREGROUND SHOWN GREEN
TREES IN BACKGROUND SHOWN GREY



SCALE



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REV 4	AMENDMENTS IN RESPONSE TO DRP	MAY 31 ST 2022
REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022
REV 6	AMENDMENTS IN RESPONSE TO SAT MEDIATION	OCT 19 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

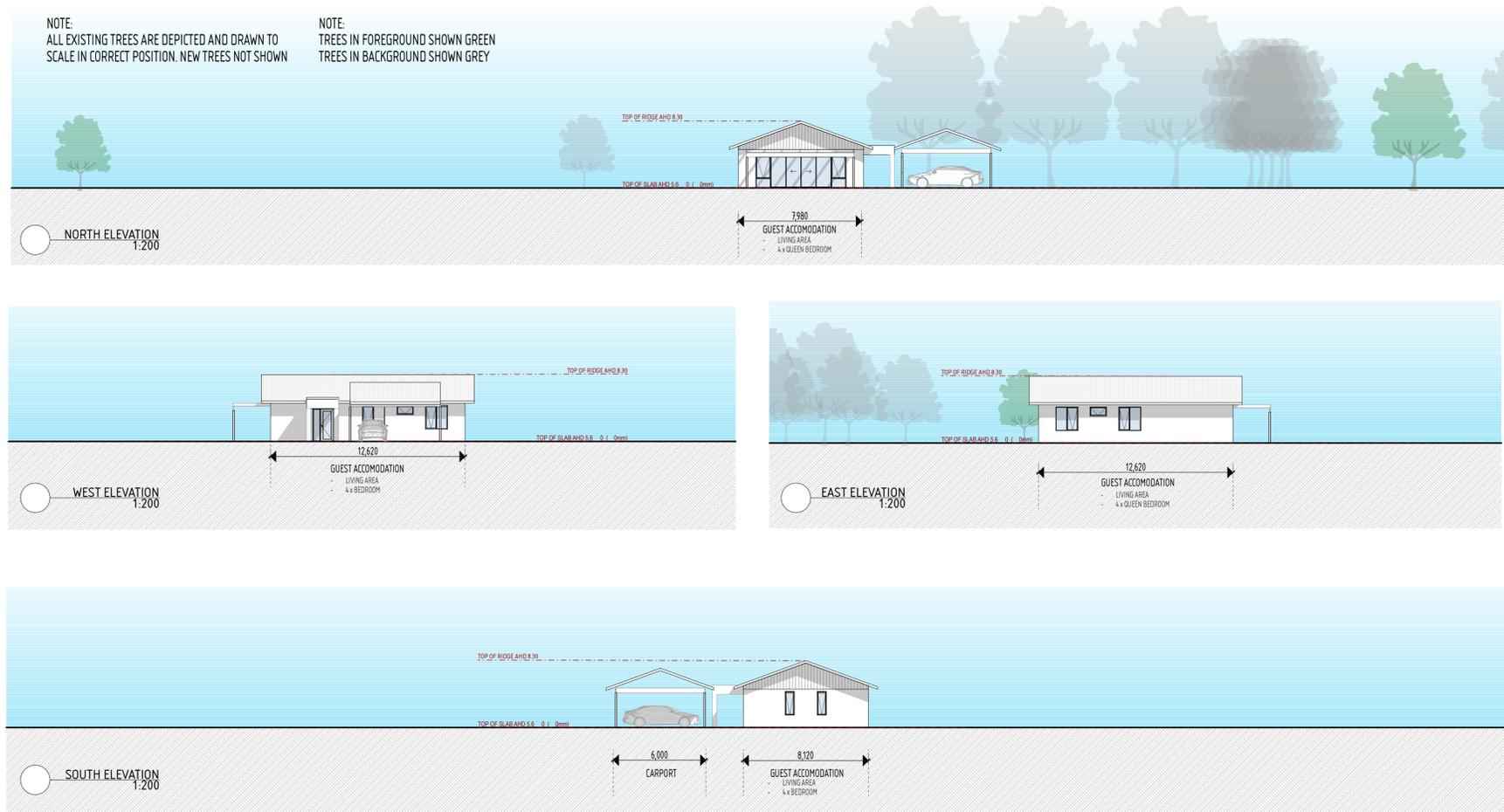
Drawing Title:
ACCOM PLANS + ELEVATIONS

Scale :
Status: #Project Status

Drawing N^o

08

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GUEST ACCOMMODATION PLAN + ELEVATIONS 1:200 (@ A1)



VISUAL LANDSCAPE STRATEGY

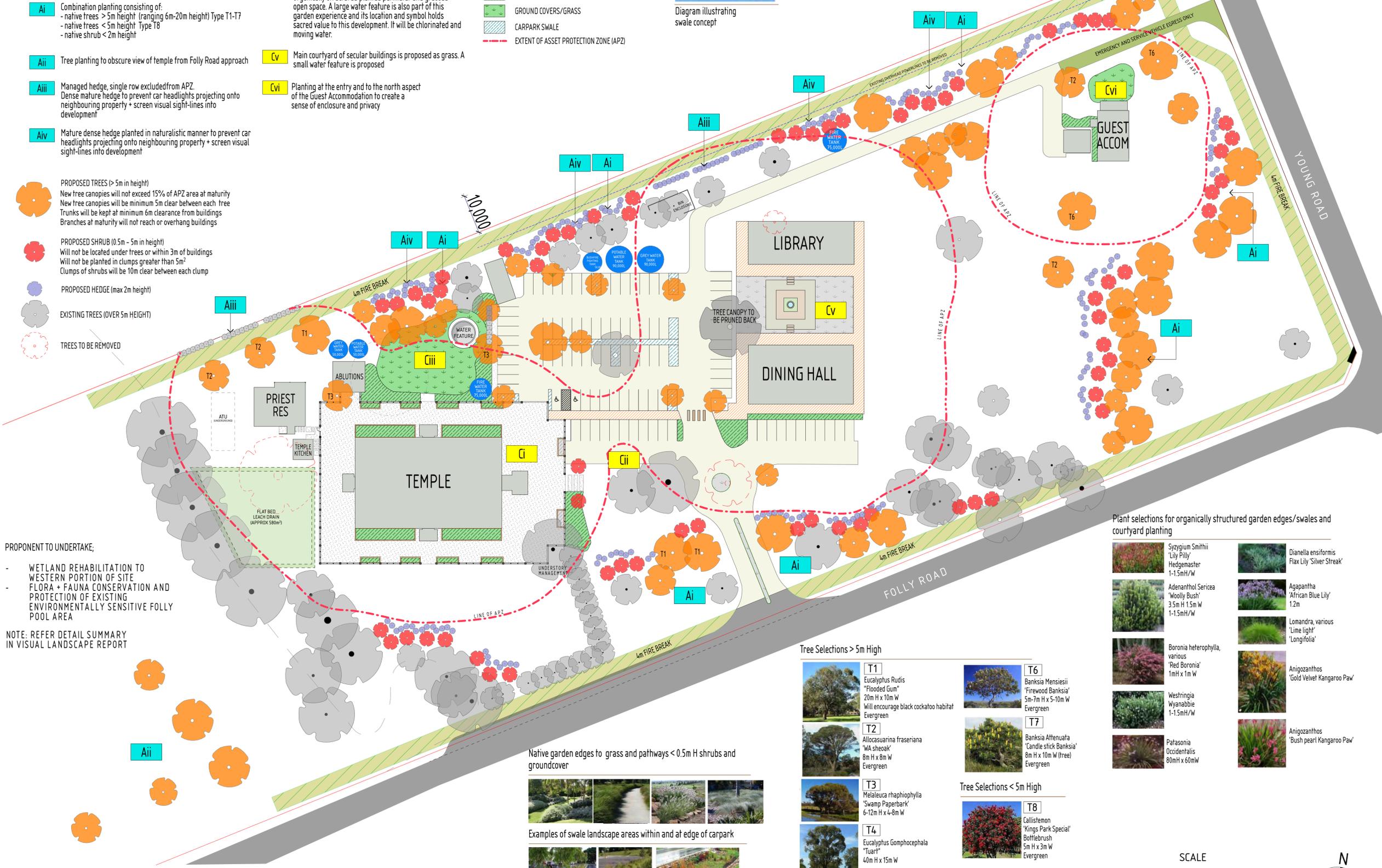
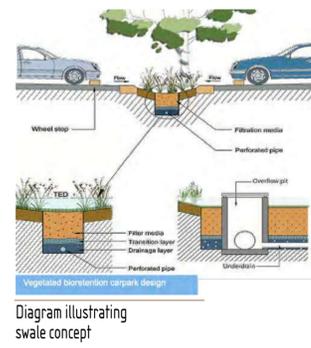
The proposed planting combination of trees and understory shrubs and bushes along the boundary of the proposed APZ, provides continuous natural planted screening and as such, obscures buildings, cars, people and activities at the temple development. The planted screening along all four sides of the development and improves the visual amenity of the proposal from both the roads and neighbouring properties.

LEGEND

- Ai** Combination planting consisting of:
 - native trees > 5m height (ranging 6m-20m height) Type T1-T7
 - native trees < 5m height Type T8
 - native shrub < 2m height
- Aii** Tree planting to obscure view of temple from Folly Road approach
- Aiii** Managed hedge, single row excluded from APZ. Dense mature hedge to prevent car headlights projecting onto neighbouring property + screen visual sight-lines into development
- Aiv** Mature dense hedge planted in naturalistic manner to prevent car headlights projecting onto neighbouring property + screen visual sight-lines into development

- Ci** Planting around the immediate vicinity of Temple into planter beds located within the temple perimeter 'fence'. Lower ornamental flowering shrubs and hedge bushes will be selected
- Cii** Planting of shrubs organically at outside perimeter of East side 'fence' of Temple and wrapping around to the south of the covered walkway on main carpark. Some smaller native trees will be incorporated.
- Ciii** The courtyard North of the main Temple will have an organically structured planted perimeter and grassed open space. A large water feature is also part of this garden experience and its location and symbol holds sacred value to this development. It will be chlorinated and moving water.
- Cv** Main courtyard of secular buildings is proposed as grass. A small water feature is proposed
- Cvi** Planting at the entry and to the north aspect of the Guest Accommodation to create a sense of enclosure and privacy

- PROPERTY BOUNDARY
- EXTERNAL PAVING
- VERANDAH UNDERCOVER
- GRAVEL, LASERITE ASPHALT ROAD/CARPARK
- FULLY ENCLOSED COVERED AREA
- FIREBREAK
- GARDEN BEDS AND EDGE PLANTS
- GROUND COVERS/GRASS
- CARPARK SWALE
- EXTENT OF ASSET PROTECTION ZONE (APZ)



- PROPOSED TREES (> 5m height)**
New tree canopies will not exceed 15% of APZ area at maturity
New tree canopies will be minimum 5m clear between each tree
Trunks will be kept at minimum 6m clearance from buildings
Branches at maturity will not reach or overhang buildings
- PROPOSED SHRUB (0.5m - 5m in height)**
Will not be located under trees or within 3m of buildings
Will not be planted in clumps greater than 5m²
Clumps of shrubs will be 10m clear between each clump
- PROPOSED HEDGE (max 2m height)**
- EXISTING TREES (OVER 5m HEIGHT)**
- TREES TO BE REMOVED**

PROPONENT TO UNDERTAKE:

- WETLAND REHABILITATION TO WESTERN PORTION OF SITE
- FLORA + FAUNA CONSERVATION AND PROTECTION OF EXISTING ENVIRONMENTALLY SENSITIVE FOLLY POOL AREA

NOTE: REFER DETAIL SUMMARY IN VISUAL LANDSCAPE REPORT

Plant selections for organically structured garden edges/swales and courtyard planting

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Tree Selections > 5m High

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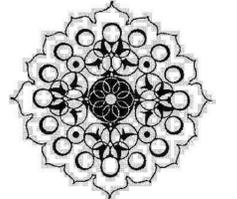
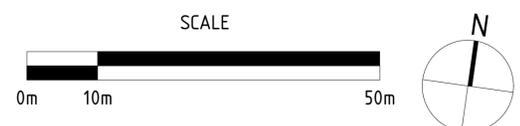
Tree Selections < 5m High

- | |
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Native garden edges to grass and pathways < 0.5m H shrubs and groundcover



LANDSCAPE PLAN 1:500 (@ A1)



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REV 6	AMENDMENTS IN RESPONSE TO SAT MEDIATION	OCT 19 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

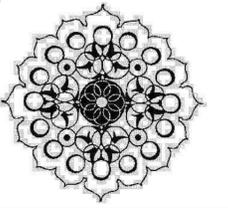
Drawing Title:
LANDSCAPE PLAN

Scale :
Status: #Project Status

Drawing N^o

09

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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
BUSHFIRE APZ STRATEGY PLAN

Scale :
Status: #Project Status

Drawing N^o

10

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1 EXTENT OF ASSET PROTECTION ZONE (APZ)

Boundary of APZ

The APZ has been located 21m from all habitable buildings

For the duration of the development, all vegetation on site will be maintained to a low threat standard, in accordance with Section 2.2.3.2 of AS 3959.

Management should include (but is not limited to):

- Clearing / modification of vegetation.
- regular removal of weeds and built up dead material (such as fallen branches, leaf litter etc).
- Low pruning of trees (i.e. removal of branches less than 2 metres in height).
- Application / re-application of ground surface cover (such as mulch or non-flammable materials as required.)
- Where grass is present, this should be regularly cut so that grass is maintained at or below 100mm in height.

GROUND COVERS (< 0.5m in height)
Will be kept 3m from windows or doors if >100mm in height

GRASS
Will be kept < 100mm in height

FUEL LOADS
Maintained at less than 2T per hectare

2 % OF CANOPY WITHIN APZ < 15%

APZ area	16,971 m ²
Existing Tree Canopy Area	1,132 m ²
Proposed New Canopy Area	589 m ²
Total Tree Canopy Area at maturity	1,721 m ²
% TOTAL Tree Canopy Cover (inside APZ)	10% (of 15% permissible)

3 MANAGED UNDERSTORY

Existing tree canopy which intrudes into the APZ will fall under managed understory

4 SINGLE ROW HEDGE TO NORTHERN BOUNDARY

2 x zones of single row excluded, managed dense hedge (2m height) are located within the APZ to the northern boundary for the purposes of screening views into the property from adjoining neighbours and obscuring night-time car headlights

PLANTING WITHIN APZ

PROPOSED TREES (> 5m in height)
New tree canopies will not exceed 15% of APZ area at maturity
New tree canopies will be minimum 5m clear between each tree
Trunks will be kept at minimum 6m clearance from buildings
Branches at maturity will not reach or overhang buildings

PROPOSED SHRUB (0.5m - 5m in height)
Will not be located under trees or within 3m of buildings
Will not be planted in clumps greater than 5m²
Clumps of shrubs will be 10m clear between each clump

PROPOSED HEDGE (2m in height)

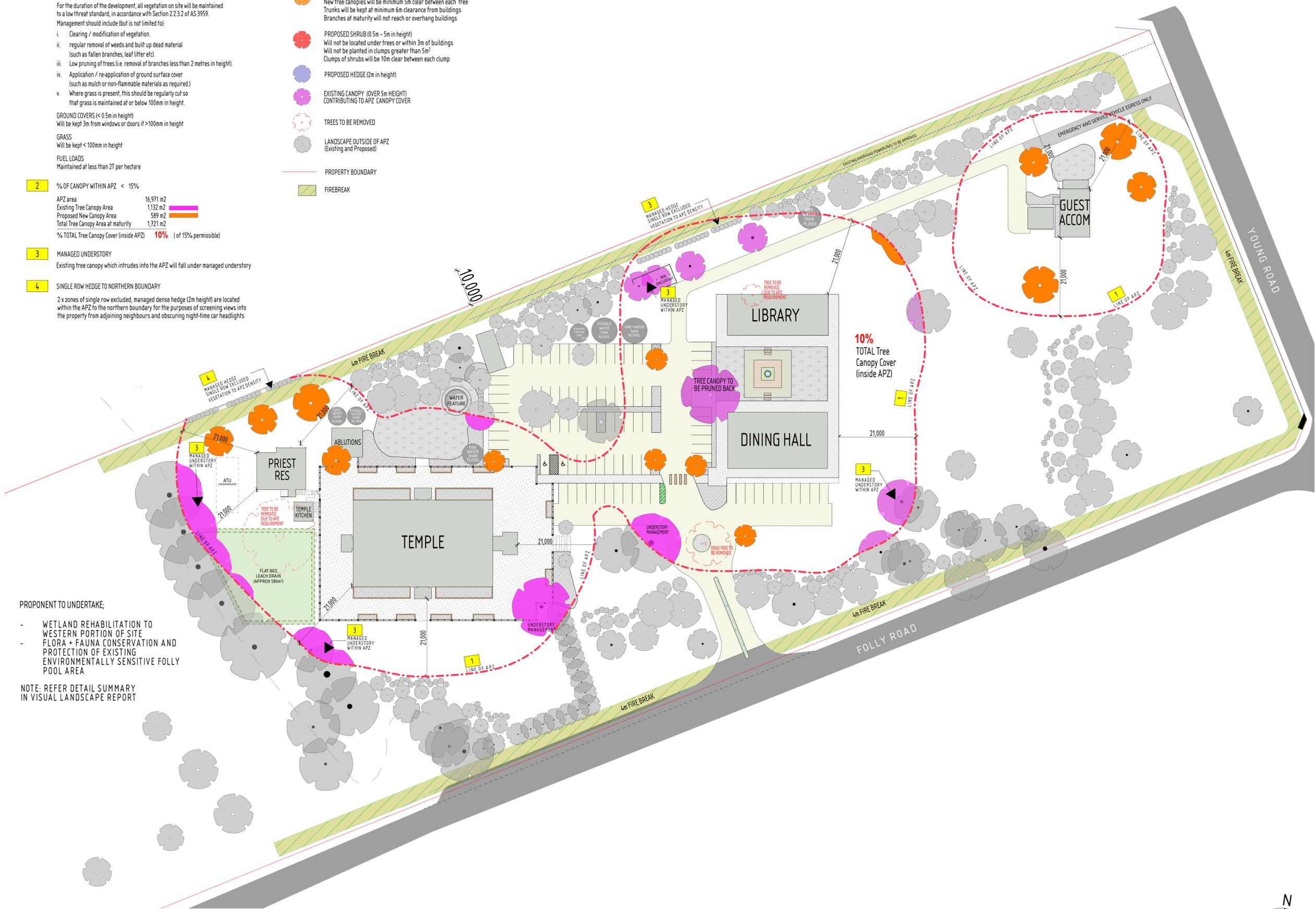
EXISTING CANOPY (OVER 5m HEIGHT) CONTRIBUTING TO APZ CANOPY COVER

TREES TO BE REMOVED

LANDSCAPE OUTSIDE OF APZ (Existing and Proposed)

PROPERTY BOUNDARY

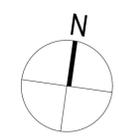
FIREBREAK



PROPONENT TO UNDERTAKE,
- WETLAND REHABILITATION TO WESTERN PORTION OF SITE
- FLORA + FAUNA CONSERVATION AND PROTECTION OF EXISTING ENVIRONMENTALLY SENSITIVE FOLLY POOL AREA

NOTE: REFER DETAIL SUMMARY IN VISUAL LANDSCAPE REPORT

BUSHFIRE APZ STRATEGY PLAN 1:500 (@ A1)



STAGE 1

DA-12 MONTHS

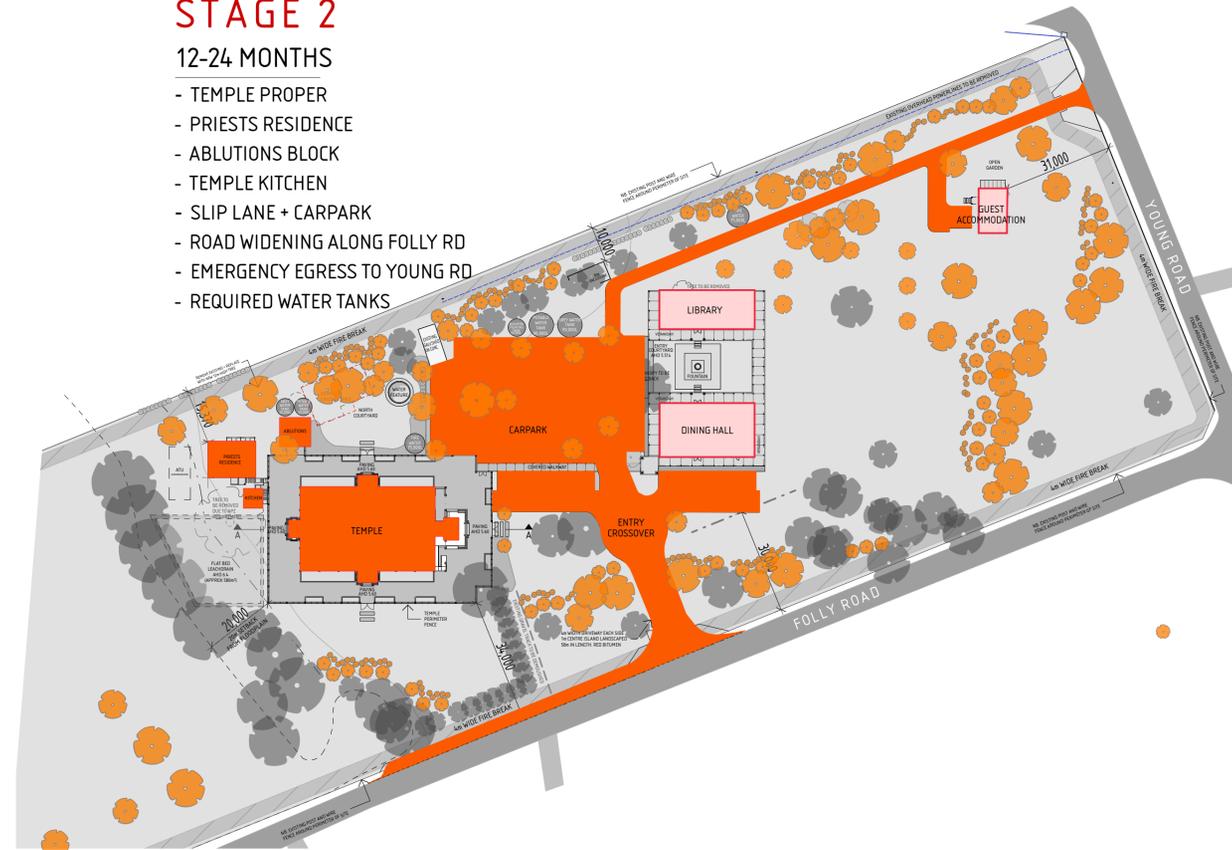
- CONSTRUCTION LAY DOWN AREA
- REMOVE GALVANISED SHED
- MAJOR TREES PLANTED AND LANDSCAPING TO PERIMETER
- EARTHWORKS
- FOOTINGS + SLABS
- SITE DRAINAGE
- EFFICIENT DISCHARGE SYSTEM



STAGE 2

12-24 MONTHS

- TEMPLE PROPER
- PRIESTS RESIDENCE
- ABLUTIONS BLOCK
- TEMPLE KITCHEN
- SLIP LANE + CARPARK
- ROAD WIDENING ALONG FOLLY RD
- EMERGENCY EGRESS TO YOUNG RD
- REQUIRED WATER TANKS



STAGE 3

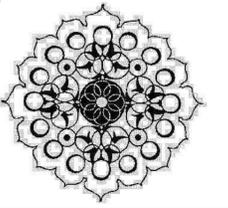
2-5 YEARS

- DINING HALL
- LIBRARY
- GUEST ACCOMODATION
- ADDITIONAL WATER TANKS



LEGEND

- PLANTED MAJOR TREES
- FOOTINGS AND SLABS
- IN PROGRESS
- COMPLETED WORKS
- DEMOLITION



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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
STAGING DIAGRAM

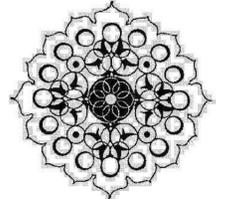
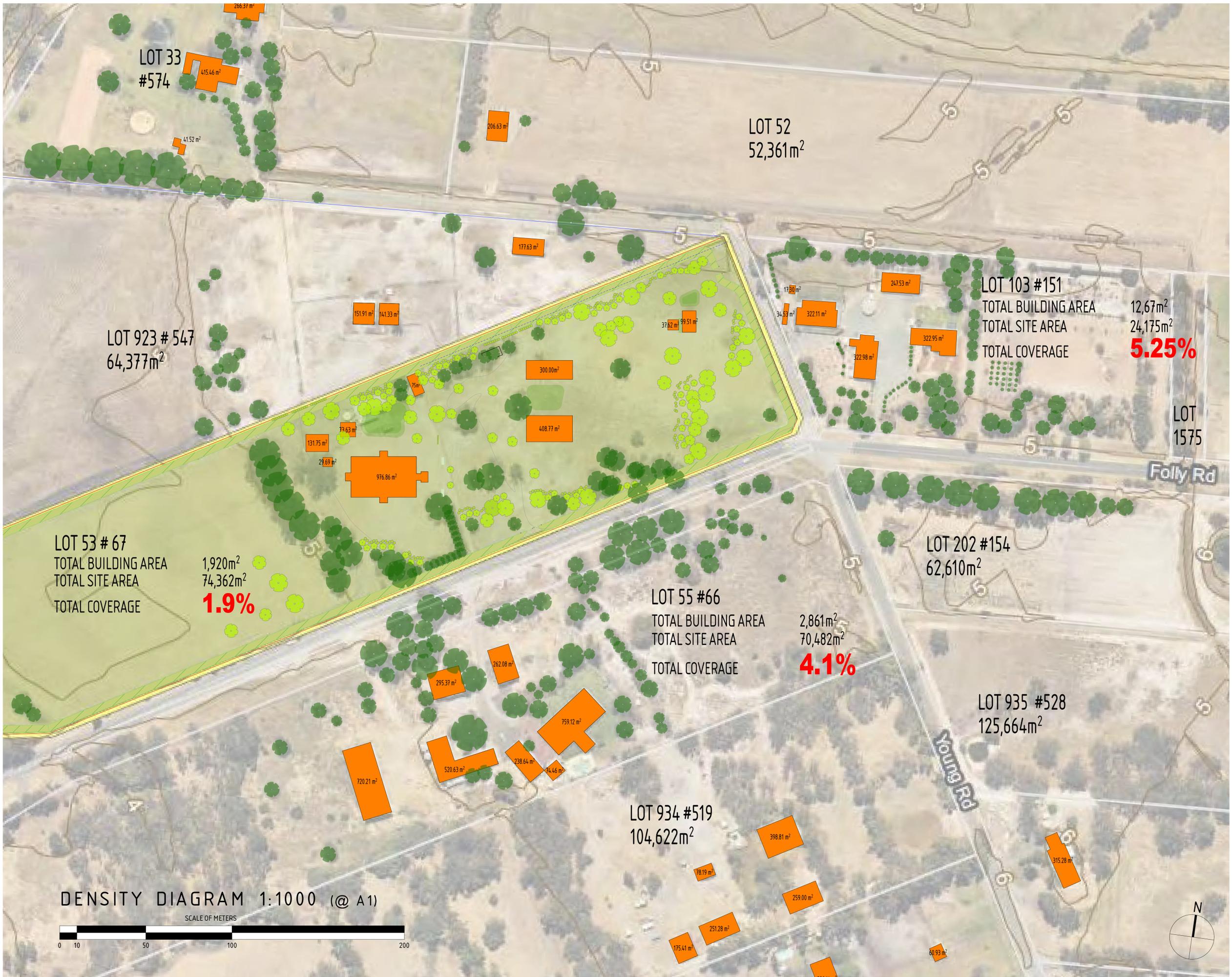
Scale :
Status: #Project Status

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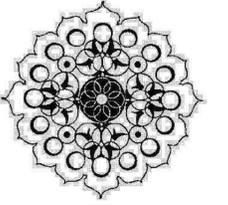
Drawing Title:
DENSITY DIAGRAM

Scale :
Status: #Project Status

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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

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Drawing Title:
VIEW SHEDS

Scale :
Status: #Project Status

Drawing N^o

13

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1 VIEW PRE-DEVELOPMENT
(no additional landscaping)



VIEW AT COMPLETION OF BUILDINGS
(new landscaping at limited growth)



VIEW POST-DEVELOPMENT
(new landscaping at maturity)



2 VIEW PRE-DEVELOPMENT
(no additional landscaping)



VIEW AT COMPLETION OF BUILDINGS
(new landscaping at limited growth)



VIEW POST-DEVELOPMENT
(new landscaping at maturity)



3 VIEW PRE-DEVELOPMENT
(no additional landscaping)



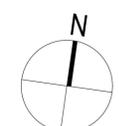
VIEW AT COMPLETION OF BUILDINGS
(new landscaping at limited growth)



VIEW POST-DEVELOPMENT
(new landscaping at maturity)



VIEW SHED DIAGRAM
NTS



VIEW SHEDS



4 VIEW PRE-DEVELOPMENT
(no additional landscaping)



VIEW AT COMPLETION OF BUILDINGS
(new landscaping at limited growth)



VIEW POST-DEVELOPMENT
(new landscaping at maturity)



5 VIEW PRE-DEVELOPMENT
(no additional landscaping)



VIEW AT COMPLETION OF BUILDINGS
(new landscaping at limited growth)



VIEW POST-DEVELOPMENT
(new landscaping at maturity)



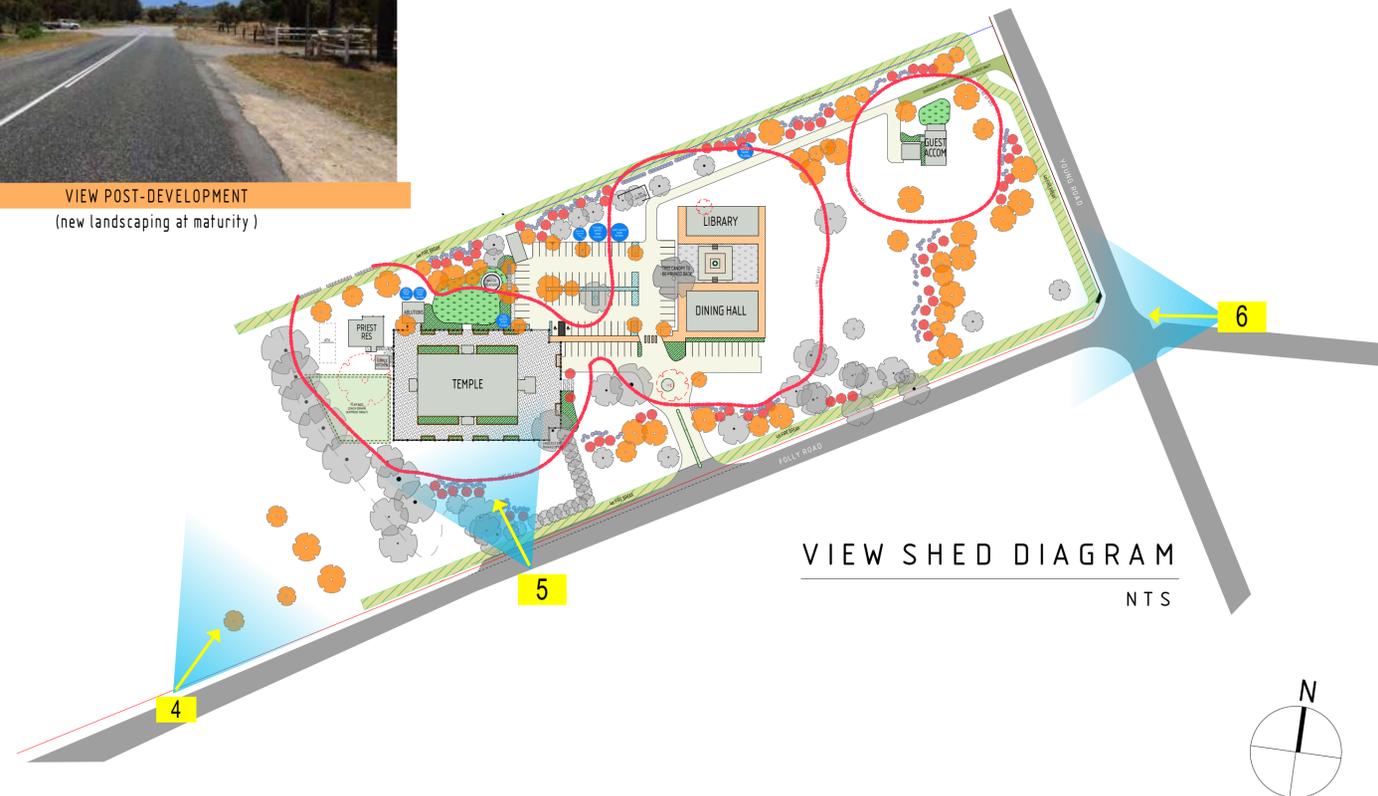
6 VIEW PRE-DEVELOPMENT
(no additional landscaping)



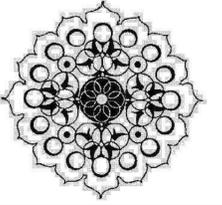
VIEW AT COMPLETION OF BUILDINGS
(new landscaping at limited growth)



VIEW POST-DEVELOPMENT
(new landscaping at maturity)



VIEW SHEDS



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Drawing Title:
VIEW SHEDS

Scale :
Status: #Project Status

Drawing N^o

14

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7 PRE-DEVELOPMENT
(no additional landscaping)



POST-DEVELOPMENT
(new landscaping at limited growth)



VIEW POST-DEVELOPMENT
(new landscaping at maturity)



8 PRE-DEVELOPMENT
(no additional landscaping)



POST-DEVELOPMENT
(new landscaping at limited growth)



POST-DEVELOPMENT WITH LANDSCAPE STRATEGY
(new landscaping at maturity)



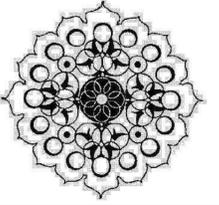
9 PRE-DEVELOPMENT
(no additional landscaping)



POST-DEVELOPMENT WITHOUT ADDED LANDSCAPE
(new landscaping at limited growth)



VIEW POST-DEVELOPMENT
(new landscaping at maturity)



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 5. Contractor shall carry out works in accordance with Council Building License and conditions stipulated thereon.
 6. Contractor shall carry out works in accordance with requirements of Western Power with respect to the easements on the site.
 7. Contractor is advised that the site is a Registered Aboriginal Heritage Site to which the Aboriginal Heritage Act and all its legal requirements apply.
 8. Contractor is to strictly adhere to Recommendations made in the Anthropological Report prepared by De Gand Pty Ltd May 2011.

Revision	Description	Date
REV 0	DEVELOPMENT APPLICATION SUBMISSION	DEC 2021
REV 1	AMENDMENTS IN RESPONSE TO COUNCIL + PUBLIC QUERIES/COMMENTS	FEB 2022
REV 2	AMENDMENTS IN RESPONSE TO RESPONSIBLE AUTHORITY REPORT	MAY 2022
REV 3	AMENDMENTS IN RESPONSE TO MOJDAP	MAY 19 TH 2022
REV 4	AMENDMENTS IN RESPONSE TO DRP	MAY 31 ST 2022
REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022
REV 6	AMENDMENTS IN RESPONSE TO SAT MEDIATION	OCT 19 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
VIEW SHEDS

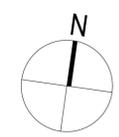
Scale :
Status: #Project Status

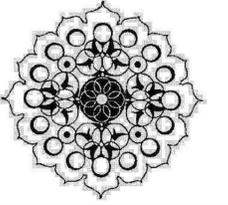
Drawing N^o

15

Date issued: Wednesday, 19 October 2022
Time 12:22 pm Revision : 6

VIEW SHEDS





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Drawing Title:
VIEW SHEDS

Scale :
Status: #Project Status

Drawing N^o

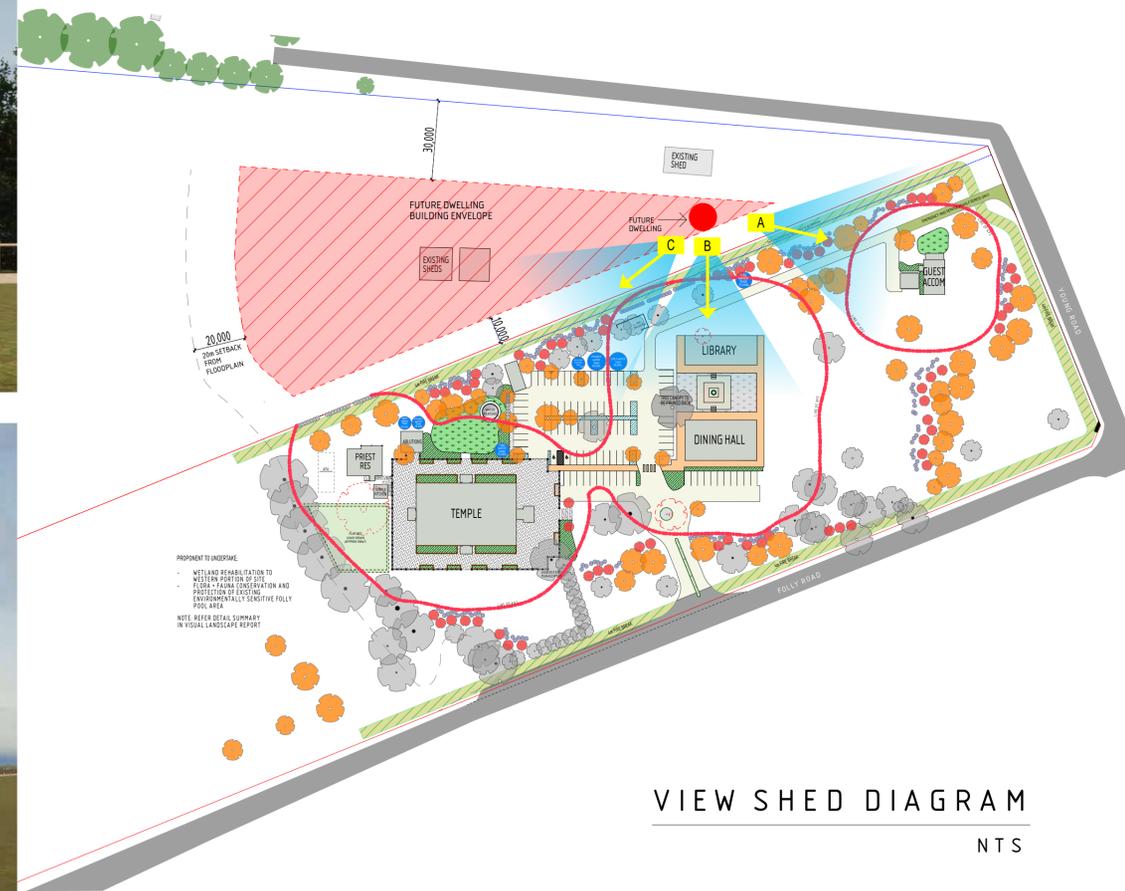
16

Date issued: Wednesday, 19 October 2022
Time 12:22 pm Revision : 6



NOTE:
PLANTING SHOWN AT MATURITY

- SHRUBS 5m GROWTH
- HEDGES 3m GROWTH
- TREES 6m-10m GROWTH



VIEW SHEDS FROM POSSIBLE NEW RESIDENCE ON LOT 923





VIEW OF TEMPLE

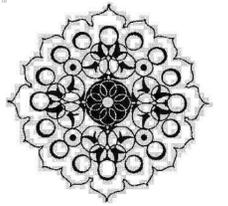


VIEW OF TEMPLE FROM CENTRAL COURTYARD

RENDERS

archetype
|design studio|

architecture - interiors - feng shui
level 12, 68 St Georges Terrace Perth WA 6000
Phone : (08) 9486 8866
email : studio@archetypedesign.com.au



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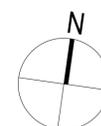
Drawing Title:
RENDERS

Scale :
Status: #Project Status

Drawing N^o

17

Date issued: Wednesday, 19 October 2022
Time 12:22 pm Revision : 6





19 October 2022

Our Ref: C2457-04

To: **Presiding Member, Metro Outer Joint Development Assessment Panel
(Respondent) and CEO, City of Rockingham (Responsible Authority)**

MATTER NO: DR 146/2022

**PARTIES: JEEYARS ACHARYA PEETTAM AUSTRALIA LIMITED (Applicant)
METRO OUTER JOINT DEVELOPMENT ASSESSMENT PANEL (Respondent)**

RE: ADDITIONAL INFORMATION FOR THE PURPOSE OF MEDIATION

Dear Sir/Madam

I refer to the Orders made by Ms Rochelle Lavery at the mediation conference held on 14 October 2022.

In particular, I refer to Order No. 1 which states:

- ‘1. *The applicant is to provide additional information as discussed at mediation to the respondent by 19 October 2022.*’

The attached revised development plan package prepared by *Archetype Design* on behalf of the Applicant is submitted to the Respondent for it to reconsider its earlier decision.

The revisions to the development proposal illustrated on the attached plans ultimately reduce the overall building footprint and therefore the intensity of use of the land as a Place of Worship.

These revisions are proposed as a direct response to the position of the Respondent that it considers the perceived intensity of the proposed land use as not meeting the expectation of the local community as to what it considers to be reasonably able to be developed on this particular landholding in the Rural zone.

The elements of the revised plans which reduce the overall intensity of the use on the site are listed below and detailed on the attached plans prepared by *Archetype Design*.

1. The removal of the multipurpose hall building, comprising of a net floor area reduction of 918m².
2. The removal and repositioning of the parking area away from the northern boundary, which parking area had been proposed to the north of the multipurpose hall.
3. The removal of wedding celebrations being held on site in order to reduce the ‘intensity’ of the use on the site. (We seek to advise the Respondent that weddings are an integral part of the religious ceremonies associated with the Place of Worship. The inability to hold these celebrations in a building adjacent to the Temple proper is a considerable sacrifice of the Applicant.)
4. The revised placement of the dining hall in the location of the library building, and the library being now placed in the former proposed location of the dining hall. The activities occurring

in the dining hall are therefore now proposed adjacent to the Other Regional Road frontage of Folly Road, rather than adjacent to the common boundary shared with the vacant rural landholding to the north.

5. A reduction of 12 car bays from the main car park. The reduced total number being 90 car bays, including 88 car bays for the Place of Worship use and two (2) car bays for the Priest residence.
6. A walled enclosure for the bin storage which is strategically located adjacent to the northern boundary to offer additional protection from headlight glare to the vacant rural land to the north.
7. Strategically located water tanks along the northern boundary of the car park to again offer additional protection from headlight glare to the vacant rural land to the north.

The following accompanying Planning statement is provided together with a schedule of revisions, which describes each of the proposed revisions and confirms the continued compliance of the development and use in its reduced, modified format.

Planning Statement:

The reason of the Respondent for not supporting the development as originally presented for approval is understood to be based on a 'perception' of the overall intensity of use not meeting the expectation of the nearby local community, to what it considers to be suitable within the Rural zone. This reason for not supporting the original proposal is not based on any sound Planning argument. It ignores the conclusions reached in the technical assessments and the supportive referral responses of the relevant government agencies, all of which confirm that the proposed Place of Worship and uses as originally proposed are able to be accommodated on this land.

In providing the revised development plans, it is my Professional responsibility to advise the Respondent of the continued, overwhelming compliance of the proposed use and development on this Rural zoned land, as it had been originally presented for approval and is now proposed in a reduced form. In doing so, the following summary of the planning justification in support of the proposal is provided.

1. The proposed land use of 'Place of Worship', together with the ancillary uses, continue to be capable of approval in the Rural Zone, pursuant to *Town Planning Scheme No. 2 (TPS 2)*.
2. A 'Place of Worship' is a land use which can be approved on this Rural zoned property, being listed as an 'A' (discretionary) land use at *Table 1 – Zoning Table (Zoning Table)* of TPS 2. It is therefore a use able to be considered in the Rural zone as it is deemed to be compatible and will not result in a land use conflict with the other land uses identified as able to be approved in this same Rural zone.
3. Table 1 of the City's TPS 2 lists an extensive range of land uses able to be considered for approval in the Rural zone. All these uses will result in an increased number of people attending the site. Such land uses include (but are not limited to): an Abattoir, a Winery, a Veterinary Hospital, and Restaurant/Café. These uses are all listed as capable of approval in the Rural zone as they are considered appropriate land uses in rural areas, should the proposal be confirmed as capable of being developed on the site, from a technical standpoint.
4. In consideration of the wide variety of land uses able to be approved in the Rural zone, it is recognised that this rural zoned area is not preserved just for the range of land uses which exist on the surrounding properties, nor is the Rural zone intended for only agricultural type farming and residential use.
5. It is relevant to note that the Environmental Assessment Report prepared by *Coterra Environment* submitted with the Application states that the land is **not** suitable for agricultural purposes due to its proximity to Folly Pool. It is however suitable for one of the other land uses listed in the Zoning Table as appropriate within the Rural zone, including the proposed Place of Worship.

6. It is ultimately the overall design of the development and the technical assessments undertaken to address the capability of the subject land to support the development and land use at the intensity proposed, which determines whether the proposal is suitable at the intensity proposed for the site.
7. The 'Place of Worship' land use classification of 'A' in the Zoning Table means that it is a use which the Respondent has discretion to grant approval, following consideration of the various site-specific technical investigations undertaken to ensure that the land use and development is capable of being supported on the landholding in the Rural zone. It is through these technical investigations and the independent conclusion of the Responsible Authority's Design Review Panel which confirms that the proposed land use and the development of the Place of Worship is entirely capable of being approved at the intensity proposed on this Rural zoned property.
8. The Planning merit in support of granting approval for this Application continues to be overwhelmingly in support of the site being developed and used as a Place of Worship.
9. In this regard, the following summary of the continued compliance of the Place of Worship on the subject site is noted:
 - 9.1 The technical investigations confirm that the development will not have an adverse impact on the ecological values of the site or locality, in accordance with the Strategic Intent for Planning Precinct 2A of the *Rural Lands Strategy (RLS)*.
 - 9.2 The proposed strategic landscaping of the site will further improve and enhance the visual rural amenity of the area.
 - 9.3 The proposed layout of the clustered building forms, which allow for the open fields to be maintained, together with sensitively designed buildings which complement the rural built form characteristics of this location, are consistent with the existing rural amenity and character of this location. This is confirmed through the conclusions reached by the Responsible Authority's Design Review Panel on 2 June 2022 that the design was supported, as it comfortably satisfies all of the relevant design principles (context, landscape, form and scale, amenity and aesthetics) of achieving a good design outcome, pursuant to *SPP 7.0 – Design of the Built Environment*.
 - 9.4 The car parking continues to be compliant with TPS 2.
 - 9.5 The regional road network of Folly Road continues to be capable of accommodating the predicted traffic volumes generated by the proposed use, with access to the site being located only 550 metres from the Freeway exit ramp. It is anticipated that the majority of traffic will travel to the site from this direction. No traffic generated by this development will utilise the surrounding local road network.
 - 9.6 The proposed development and use of the site continues to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*.
 - 9.7 The proposed development of the site continues to meet the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)*. This is confirmed in the attached statement of Mr Anthony Rowe of *envision*, which supports the updated Bushfire APZ Strategy Plan.
 - 9.8 The *Emergency Evacuation Plan (EEP)* is confirmed to be satisfactory.
 - 9.9 The *Department of Health (DoH)* has no objection with the proposed use in regard to the *Government Sewerage Policy (GSP)* requirements. No change is proposed to the servicing of the development, which remains as detailed in the Water Management Strategy prepared by *waterinsights*.
 - 9.10 The *Department of Water and Environmental Regulation (DEWR)* has no objection to the development.
 - 9.11 The *Department of Planning Lands and Heritage (DPLH)* has no objection regarding the upgrading and relocation of the crossover or the predicated volumes of traffic which will

access the site via Folly Road, as detailed in the Traffic Impact Assessment prepared by *Shawmac*.

9.12 The *Water Corporation* has no objection to the proposed servicing of the development. No change is proposed to the servicing of the development.

PROPOSED REVISIONS TO THE DEVELOPMENT PROPOSAL: COMPLIANCE ACHIEVED.

The following schedule of revisions details each of the modifications proposed to the design to address the Respondent’s position being that the proposal must respond to the local community’s expectation on what it considers suitable for development on this Rural zoned land.

SCHEDULE OF REVISIONS TO DEVELOPMENT PLANS	
Proposed Revision	Compliance with Planning Framework (Yes/No)
1. Multipurpose hall building – removed.	<p>The removal of the multipurpose hall is proposed to address the concern of the Respondent as expressed in reasons for refusal nos. 3 and 4.</p> <p>The removal of the building results in no change to the earlier planning assessment outcome: the development remains compliant with the development standards and requirements of TPS 2 and the RLS.</p> <p>Compliant: Yes.</p>
2. Parking area to the north of the multipurpose hall – removed.	<p>The removal of the car parking to the north of the multiple purpose hall is proposed to address the concern of a perceived impact of noise from cars entering and exiting the site to the northern vacant rural property.</p> <p>The removal of this section of car park results in no change to the earlier planning assessment outcome: the development remains compliant with the development standards and requirements of TPS 2, and which capability is further confirmed in the Traffic Impact Assessment and Acoustic Assessment, which investigations were undertaken by suitably qualified and well-regarded experts in their respective fields.</p> <p>Compliant: Yes.</p>
3. Wedding celebrations in the now removed hall – no longer possible to be held on site, removed.	<p>The development and use no longer proposes to hold religious wedding celebrations on the site, as the multipurpose hall is now removed. This removes the need for the use to operate into the night-time period for weddings, which component of the use might have required noise management at some time in the future, in the event that a residential dwelling was constructed in a hypothetical location on the vacant rural land to the north.</p> <p>The removal of the land use results in no change to the earlier planning assessment outcome: the development and land use remains compliant with requirements of TPS 2 and which capability is confirmed in the Acoustic Assessment.</p> <p>Compliant: Yes.</p>

SCHEDULE OF REVISIONS TO DEVELOPMENT PLANS	
Proposed Revision	Compliance with Planning Framework (Yes/No)
<p>4. Dining hall to be placed in the location of the library building, and the library building proposed to be placed in the former location for the dining hall. The dining hall therefore is now proposed adjacent to the Other Regional Road frontage of Folly frontage, rather than adjacent to the side boundary shared with the vacant rural landholding to the north.</p>	<p>The revised positions of the dining hall and library building continue to remain compliant with the development standards and requirements of TPS 2.</p> <p>The floor area of the library building is marginally increased by 56m² (from 244m² to 300m²) in order to accommodate the administration rooms of the Temple (which use component had previously been contained within the multipurpose hall building).</p> <p>The library is set back from the northern side boundary of the vacant rural lot by 23.4 metres, which complies with the minimum 10.0 metre setback requirement to other boundaries for the Rural Zone, as stated at cl. 4.11.2 (a) of TPS 2 and the RLS.</p> <p>The floor area of the dining hall has marginally increased by 74m² (from 334m² to 408m²) in order to incorporate the toilet facilities within this building (which facilities had previously been contained within the multipurpose hall building).</p> <p>The dining hall is set back from the northern side boundary of the land by 53.0 metres which complies with the minimum 10.0 metre setback requirement to other boundaries for the Rural Zone, as stated at cl. 4.11.2 (a) of TPS 2 and the RLS.</p> <p>The dining hall is set back from Folly Road by 42.8 metres, which complies with the minimum 30.0 metre setback requirement to the primary street for the Rural Zone as stated at cl. 4.11.2 (a) of TPS 2 and the RLS.</p> <p>Compliant: Yes.</p>
<p>5. A reduction of 12 car bays from the main car park. The reduced total number being 90 car bays, including 88 car bays for the Place of Worship use and two (2) car bays for the Priest residence.</p>	<p>A reduced number of car bays is proposed to respond to a total MAXIMUM capacity reduction for the site to 350 persons. This capacity better reflects the existing total number of members of the Temple.</p> <p>A total of 88 car bays are required to support the Place of Worship, which parking ratio is detailed at Table 2 of TPS 2 as being <i>1 bay per 4 persons accommodated</i>.</p> <p>An additional two (2) car bays are provided for the Priest's dwelling and two (2) bays for the guest accommodation.</p> <p>The proposed parking continues to be compliant with the development requirements and standards of TPS 2.</p> <p>We continue to emphasis to the Respondent and the Responsible Authority that the existing Temple community comprises of 100 families, 60 families of which reside within the local government area of the City of Rockingham.</p> <p>Compliant: Yes.</p>
<p>6. An enclosure for the bin storage which is strategically located</p>	<p>The location of the bin storage area is strategically positioned on the land and proposed to be enclosed to address a perceived issue of possible headlight glare entering the adjacent northern</p>

SCHEDULE OF REVISIONS TO DEVELOPMENT PLANS	
Proposed Revision	Compliance with Planning Framework (Yes/No)
adjacent to the northern boundary and in a position which offers additional protection from headlight glare from vehicles exiting and entering the main car park to the vacant rural land to the north.	<p>vacant rural property at a hypothetical location for a dwelling, should it be constructed on the property in the future.</p> <p>The enclosure to the bin storage area is set back from the northern boundary by 10.0 metres. It is 11.0 metres in length and 1.8m in height.</p> <p>The setback distance of the enclosure complies with the minimum 10.0m setback requirement to other boundaries for development in the Rural Zone, as identified at cl. 4.11.2 (a) of TPS 2 and the RLS.</p> <p>The enclosure is to be constructed in Colorbond material. A green colour palette is proposed. This enclosure is similar in construction material to the rural sheds in this location. The green colour allows the enclosure to absorb into the landscape.</p> <p>Compliant: Yes.</p>
7. Strategically located water tanks along the northern boundary of the car park to again offer additional protection from headlight glare to the vacant rural land to the north.	<p>The strategically positioned water tanks adjacent to the main car park addresses a perceived issue of headlight glare entering the adjacent northern vacant rural property at a hypothetical location of a future dwelling should it be constructed on that land.</p> <p>The water tanks are set back from the northern boundary by 15.3 metres, which is compliant with the minimum 10.0m setback requirement for other boundaries of development proposed in the Rural Zone, as identified at cl. 4.11.2 (a) of TPS 2 and the RLS.</p> <p>Compliant: Yes.</p>

In conclusion, the revised drawings now presented for the Respondent's reconsideration of the development depict a reduction to the overall building footprint of the proposed development and the removal of the ability for the Applicant to hold religious wedding celebrations on the land. These modifications are considered to provide an acceptable response to address the concern of the local community regarding its understanding of the intensity of the use on the land.

The development continues to remain compliant with the Planning Framework.

We trust that the additional information presented to the Respondent satisfies its request for an accompanying planning report in support of the revised development plans.

We now look forward to the Respondent being presented with the plans for reconsideration of its earlier decision on this development proposal on or before 15 December 2022.

Should staff have any queries regarding the advice proposed, please contact the writer on 0414 384 972.

Yours faithfully



CLARE McLEAN
Senior Planning Consultant

Date: 17 October 2022

Chris Parlane
City of Rockingham
customer@rockingham.wa.gov.au

RE: Lot 53 (67) Folly Road, Baldivis - Proposed Place of Worship – Revised Bushfire Strategy Plan

Further to the mediation hearing 14 October 2022 a revised Bushfire Strategy Plan (Rev 6 – 19 October 2022) removing the Multi Purpose Hall has been submitted for authorisation.

The Bushfire Strategy Plan provided in the Bushfire Management Plan 11 June 2022, (Rev 5- 10 June 2022) has been compared with the revised Bushfire Strategy Plan (Rev 6 – 19 October 2022).

In Rev 6, there has been no change to the Asset Protection Zones around the Temple and Priest Residence which had been set at 21 m (The Priest Residence is 15.4 m to the north boundary) to provide the onsite opportunity for unrestricted planting outside of the Asset Protection Zone without exceeding BAL-29 at Temple and Priest Residence.

Rev 6 has deleted the Multi Purpose Hall, and swapped the position of the Dining Hall and Library. A 21 m Asset Protection Zone has been provided around the Dining Hall and Library to provide unrestricted planting outside of the Asset Protection Zone without exceeding BAL-29 at the Dining Hall and Library.

The Priest Residence location is unchanged in Rev 6, it is within 15.4 m from the north boundary and more than 6 m from the Temple, its position does not affect the BAL rating at the Temple. The Priest Residence is within 15.4 m from the north boundary which adjoins grassland, it requires a separation of 8 m to achieve BAL-29.

Rev 6 – 19 October 2022 is compliant with State Planning Policy 3.7, clause 6.2(b), and the Guidelines v1.4 - Element 2 Siting and Design - Acceptable Solution 2.1, because no habitable building will exceed a BAL level of BAL-29.



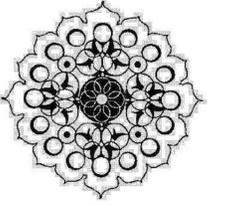
Anthony Rowe BPAD L3

Principal

Attachments:

Rev 5 - 10 June 2022

Rev 6 - 19 October 2022



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REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022
REV 6	AMENDMENTS IN RESPONSE TO SAT MEDIATION	OCT 19 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
BUSHFIRE APZ STRATEGY PLAN

Scale :
Status: #Project Status

Drawing N^o

10

Date issued: Monday, 17 October 2022
Time 3:56 pm Revision : 1

1 EXTENT OF ASSET PROTECTION ZONE (APZ)

--- Boundary of APZ
The APZ has been located 21m from all habitable buildings
For the duration of the development, all vegetation on site will be maintained to a low threat standard, in accordance with Section 2.2.3.2 of AS 3959.
Management should include (but is not limited to):
i. Clearing / modification of vegetation.
ii. regular removal of weeds and built up dead material (such as fallen branches, leaf litter etc).
iii. Low pruning of trees (i.e. removal of branches less than 2 metres in height).
iv. Application / re-application of ground surface cover (such as mulch or non-flammable materials as required.)
v. Where grass is present, this should be regularly cut so that grass is maintained at or below 100mm in height.
GROUND COVERS (< 0.5m in height)
Will be kept 3m from windows or doors if >100mm in height
GRASS
Will be kept < 100mm in height
FUEL LOADS
Maintained at less than 2T per hectare

2 % OF CANOPY WITHIN APZ < 15%

APZ area 16,971 m²
Existing Tree Canopy Area 1,132 m²
Proposed New Canopy Area 589 m²
Total Tree Canopy Area at maturity 1,721 m²
% TOTAL Tree Canopy Cover (inside APZ) **10%** (of 15% permissible)

3 MANAGED UNDERSTORY

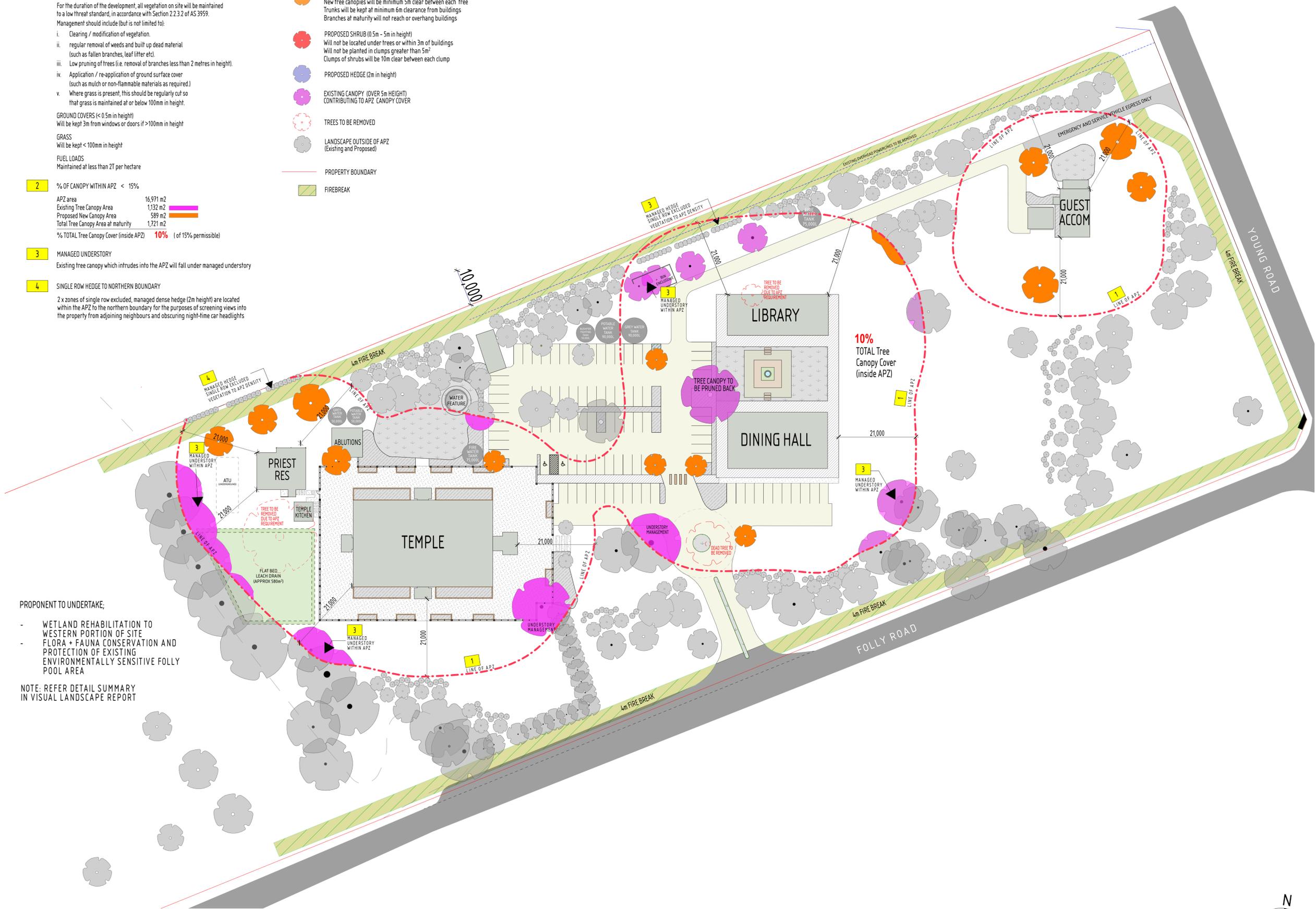
Existing tree canopy which intrudes into the APZ will fall under managed understory

4 SINGLE ROW HEDGE TO NORTHERN BOUNDARY

2 x zones of single row excluded, managed dense hedge (2m height) are located within the APZ to the northern boundary for the purposes of screening views into the property from adjoining neighbours and obscuring night-time car headlights

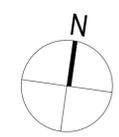
PLANTING WITHIN APZ

- PROPOSED TREES (> 5m in height)
New tree canopies will not exceed 15% of APZ area at maturity
New tree canopies will be minimum 5m clear between each tree
Trunks will be kept at minimum 6m clearance from buildings
Branches at maturity will not reach or overhang buildings
- PROPOSED SHRUBS (0.5m - 5m in height)
Will not be located under trees or within 3m of buildings
Will not be planted in clumps greater than 5m²
Clumps of shrubs will be 10m clear between each clump
- PROPOSED HEDGE (2m in height)
- EXISTING CANOPY (OVER 5m HEIGHT)
CONTRIBUTING TO APZ CANOPY COVER
- TREES TO BE REMOVED
- LANDSCAPE OUTSIDE OF APZ
(Existing and Proposed)
- PROPERTY BOUNDARY
- FIREBREAK



PROPONENT TO UNDERTAKE,
- WETLAND REHABILITATION TO WESTERN PORTION OF SITE
- FLORA + FAUNA CONSERVATION AND PROTECTION OF EXISTING ENVIRONMENTALLY SENSITIVE FOLLY POOL AREA
NOTE: REFER DETAIL SUMMARY IN VISUAL LANDSCAPE REPORT

BUSHFIRE APZ STRATEGY PLAN 1:500 (@ A1)





LG Ref: 20.2021.340.1
DAP Ref: DAP/21/02148
Enquiries: (08) 6551 9919

Gorki Bogdanich
ARCHETYPE DESIGN STUDIO
27 WATKINS ROAD DALKEITH WA 6009

Dear Bogdanich

**METRO OUTER JDAP - CITY OF ROCKINGHAM - DAP APPLICATION -
20.2021.340.1 - DETERMINATION**

Property Location:	Lot 53 (No 67) Folly Road, Baldivis
Application Details:	Proposed place of worship (Hindu Temple)

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Rockingham on 17 December 2021 for the above-mentioned development.

This application was considered by the Metro Outer JDAP at its meeting held on 4 August 2022, where in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2, it was resolved to **refuse** the application as per the attached notice of determination.

Please be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the reasons for refusal, please contact Mr Chris Parlane on behalf of the City of Rockingham on 08 9528 0305.

Yours sincerely,

DAP Secretariat

12 August 2022

Encl. DAP Determination Notice
Refused Plans
Cc: Mr Chris Parlane - City of Rockingham



Planning and Development Act 2005

City of Rockingham Town Planning Scheme No.2

Metro Outer Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Property Location: Lot 53 (No 67) Folly Road, Baldivis
Application Details: Proposed place of worship (Hindu Temple)

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **refused** on 4 August 2022, subject to the following:

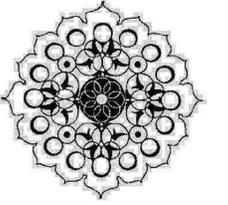
Refuse DAP Application reference DAP/21/02148 and the accompanying plans:

- Location Plan, Drawing No. 01, Revision 5, dated 10 June 2022;
- Site Plan: Total Lot, Drawing No. 02, Revision 5, dated 10 June 2022;
- Proposed Development East of Mid Tree Line, Drawing No.3, Revision 5, dated 10 June 2022;
- Temple Plan, Priests Quarters and Toilet Block, Drawing No.4, Revision 5, dated 10 June 2022;
- Elevations, Drawing No.5, Revision 5, dated 10 June 2022;
- Multi-Purpose Hall, Dining and Library Plan, Drawing No.6, Revision 5, dated 10 June 2022;
- Multi-Purpose Hall, Dining and Library Elevations, Drawing No.7, Revision 5, dated 10 June 2022;
- Guests Accommodation Plan and Elevations, Drawing No.8, Revision 5, dated 10 June 2022;
- Landscape Plan, Drawing No.9, Revision 5, dated 10 June 2022;
- Bushfire APZ Strategy, Drawing No. 10, Revision 5, dated 10 June 2022;
- Staging Diagram, Drawing No.11, Revision 5, dated 10 June 2022.

In accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the following reasons:



1. The proposed development is not consistent with the City of Rockingham Town Planning Scheme No.2 Objective of the Rural Zone (Clause 4.11.1), which is to preserve land for farming and foster semi-rural development which is sympathetic to the rural character of the area.
2. The proposed development is not consistent with the strategic intent for Planning Precinct 2A under the City of Rockingham Planning Policy 3.3.1 - Rural Land Strategy, as it has not been sufficiently demonstrated that the development will protect and enhance the visual character and amenity of the locality.
3. The intensity of the proposed development exceeds what could reasonably be expected within this rural locality, based on the range of activity proposed and number of people likely to attend the site.
4. The proposed development is considered to have an adverse impact on the rural character and amenity of the locality, due to the proposed scale and intensity of the use; visual impacts and the potential noise nuisance associated in particular with vehicles leaving events during evening and night time hours.
5. The proposed development is contrary to orderly and proper planning principles.



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8. Contractor is to strictly adhere to Recommendations made in the Anthropological Report prepared by De Gand Pty Ltd May 2011.

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REV 3	AMENDMENTS IN RESPONSE TO MOJDAP	MAY 19 TH 2022
REV 4	AMENDMENTS IN RESPONSE TO DRP	MAY 31 ST 2022
REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
LOCATION PLAN

Scale :
Status: #Project Status

Drawing N^o

01

Date issued: Thursday, 9 June 2022
Time 2:27 pm Revision : 1



LOCATION PLAN 1:2000 (@ A1)



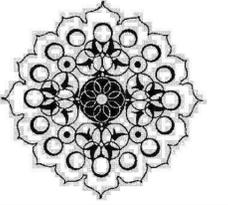
DEVELOPMENT
ASSESSMENT PANEL

REFUSED

04-Aug-2022

archetype
|design studio|

architecture - interiors - feng shui
Level 12, 68 St Georges Terrace Perth WA 6000
Phone : (08) 9486 8866
email: studio@archetypedesign.com.au



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REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

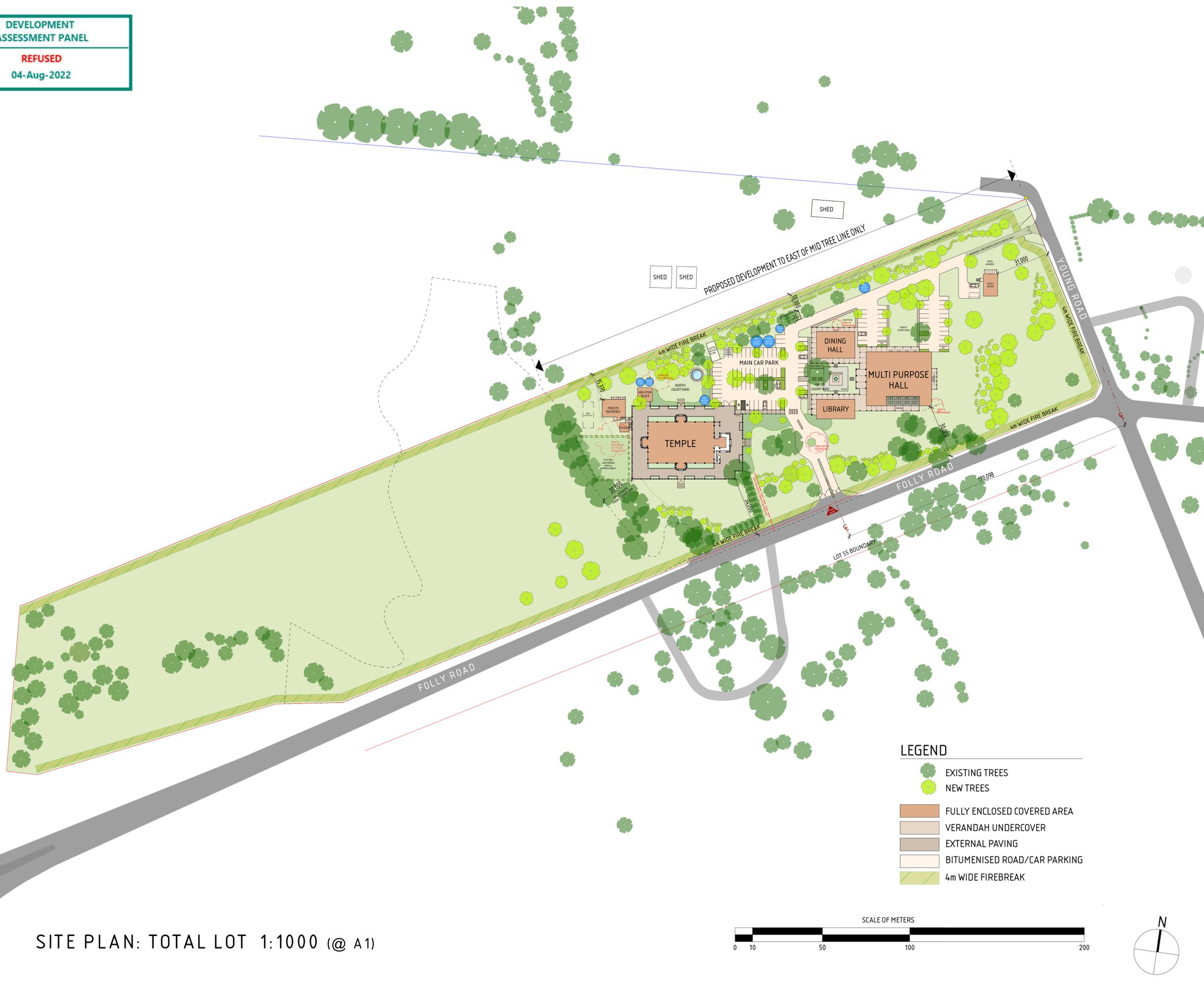
Drawing Title:
SITE PLAN 1:1000

Scale :
Status: #Project Status

Drawing N^o

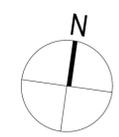
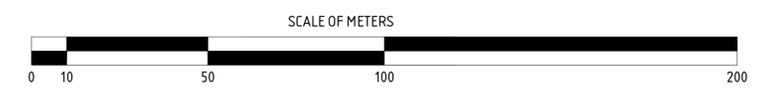
02

Date issued: Thursday, 9 June 2022
Time 2:27 pm Revision : 1



LEGEND

- EXISTING TREES
- NEW TREES
- FULLY ENCLOSED COVERED AREA
- VERANDAH UNDERCOVER
- EXTERNAL PAVING
- BITUMENISED ROAD/CAR PARKING
- 4m WIDE FIREBREAK

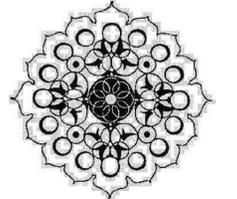


SITE PLAN: TOTAL LOT 1:1000 (@ A1)

DEVELOPMENT ASSESSMENT PANEL
REFUSED
 04-Aug-2022

archetype
 |design studio|

architecture - interiors - feng shui
 Level 12, 68 St Georges Terrace Perth WA 6000
 Phone : (08) 9486 8866
 email: studio@archetypedesign.com.au



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REV 4	AMENDMENTS IN RESPONSE TO DRP	MAY 31 ST 2022
REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
SITE PLAN 1.500

Scale :
 Status: #Project Status

Drawing N^o

03

Date issued: Thursday, 9 June 2022
 Time 2:27 pm Revision : 1

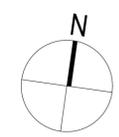


PROPOSED DEVELOPMENT EAST OF MID TREE LINE 1:500 (@ A1)

LEGEND

- EXISTING TREES
- NEW TREES
- FULLY ENCLOSED COVERED AREA
- VERANDAH UNDERCOVER
- EXTERNAL PAVING
- BITUMENISED ROAD/CAR PARKING
- 4m WIDE FIREBREAK

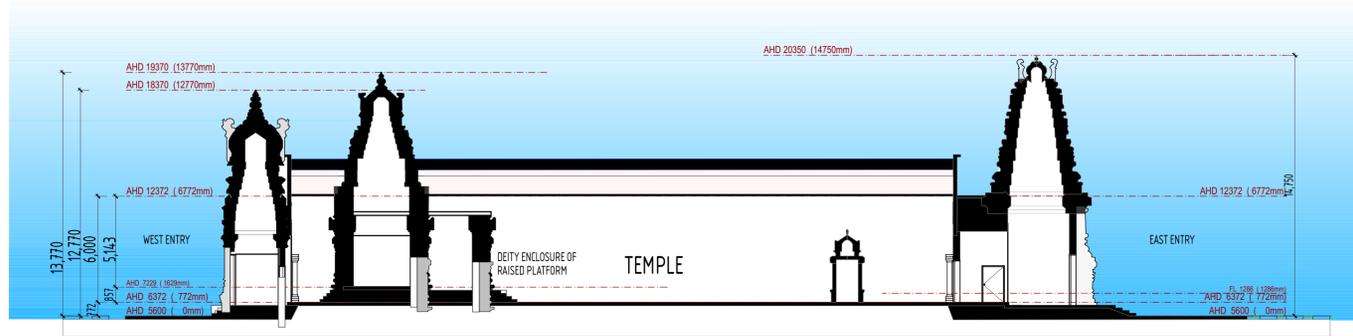
SCALE



DEVELOPMENT ASSESSMENT PANEL
REFUSED
04-Aug-2022



PRIEST RESIDENCES UPPER FLOOR PLAN 1:200



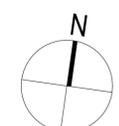
TEMPLE LONGITUDINAL SECTION AA 1:200



LEGEND

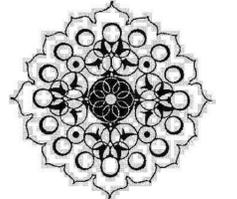
- EXISTING TREES
- NEW TREES

TEMPLE PLAN, PRIESTS QUARTERS + TOILET BLOCK 1:200 (@ A1)



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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
TEMPLE PLAN

Scale :
 Status: #Project Status

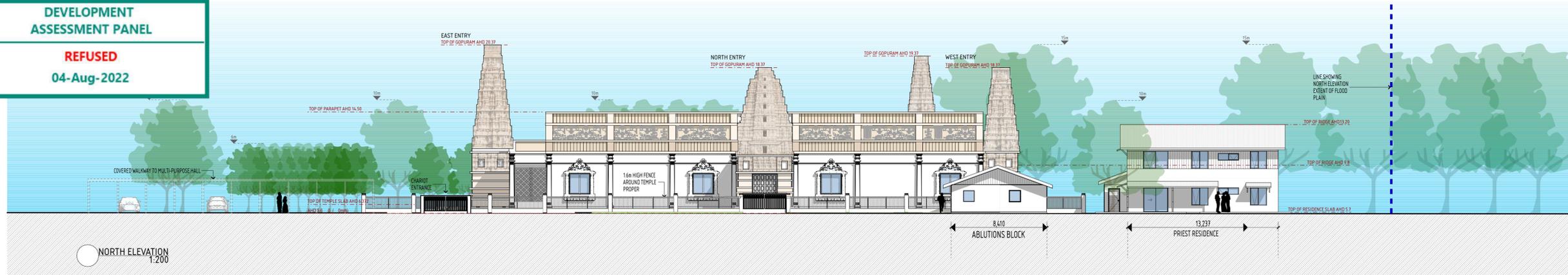
Drawing N^o

04

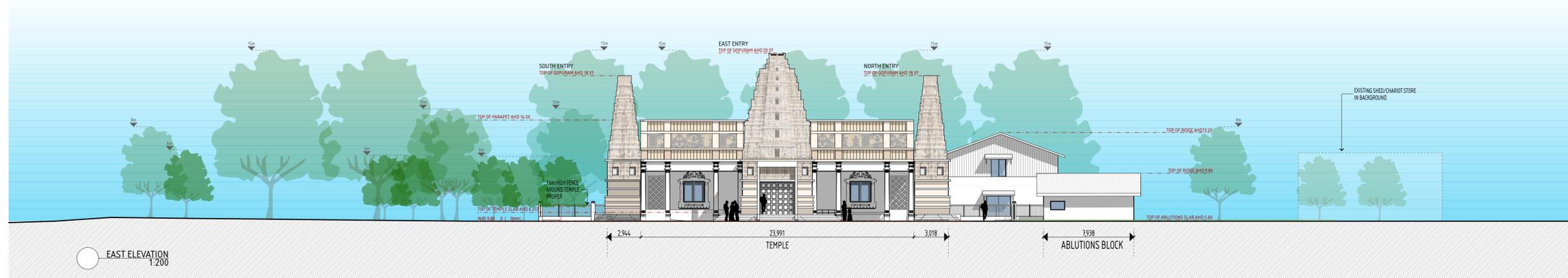
Date issued: Thursday, 9 June 2022
 Time 2:27 pm Revision : 1

DEVELOPMENT ASSESSMENT PANEL

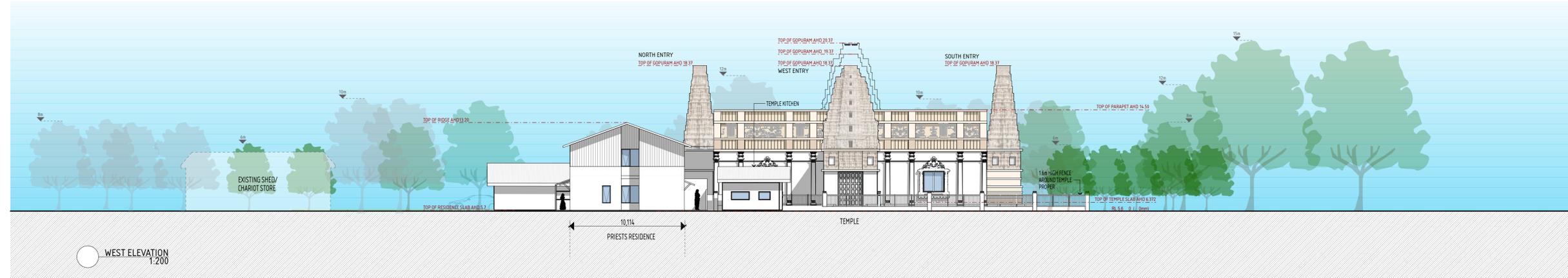
REFUSED
04-Aug-2022



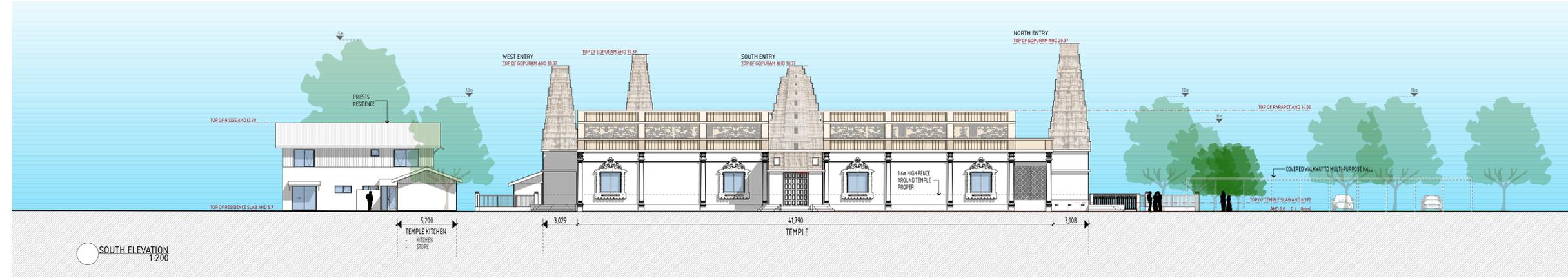
NORTH ELEVATION
1:200



EAST ELEVATION
1:200



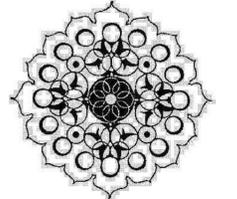
WEST ELEVATION
1:200



SOUTH ELEVATION
1:200

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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
TEMPLE ELEVATIONS

Scale :
Status: #Project Status

Drawing N^o

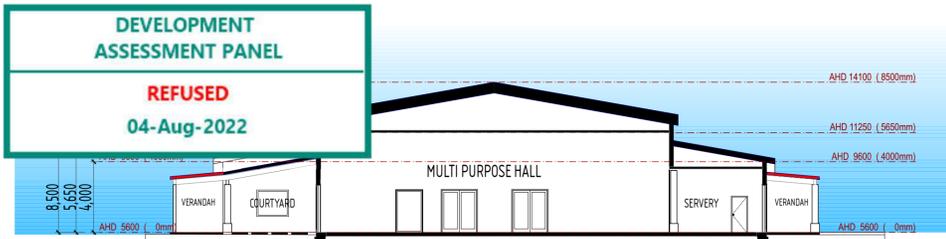
05

Date issued: Thursday, 9 June 2022
Time 2:27 pm Revision : 1

ELEVATIONS 1:200 (@ A1)

NOTE:
ALL EXISTING TREES ARE DEPICTED AND DRAWN TO SCALE IN CORRECT POSITION. NEW TREES NOT SHOWN

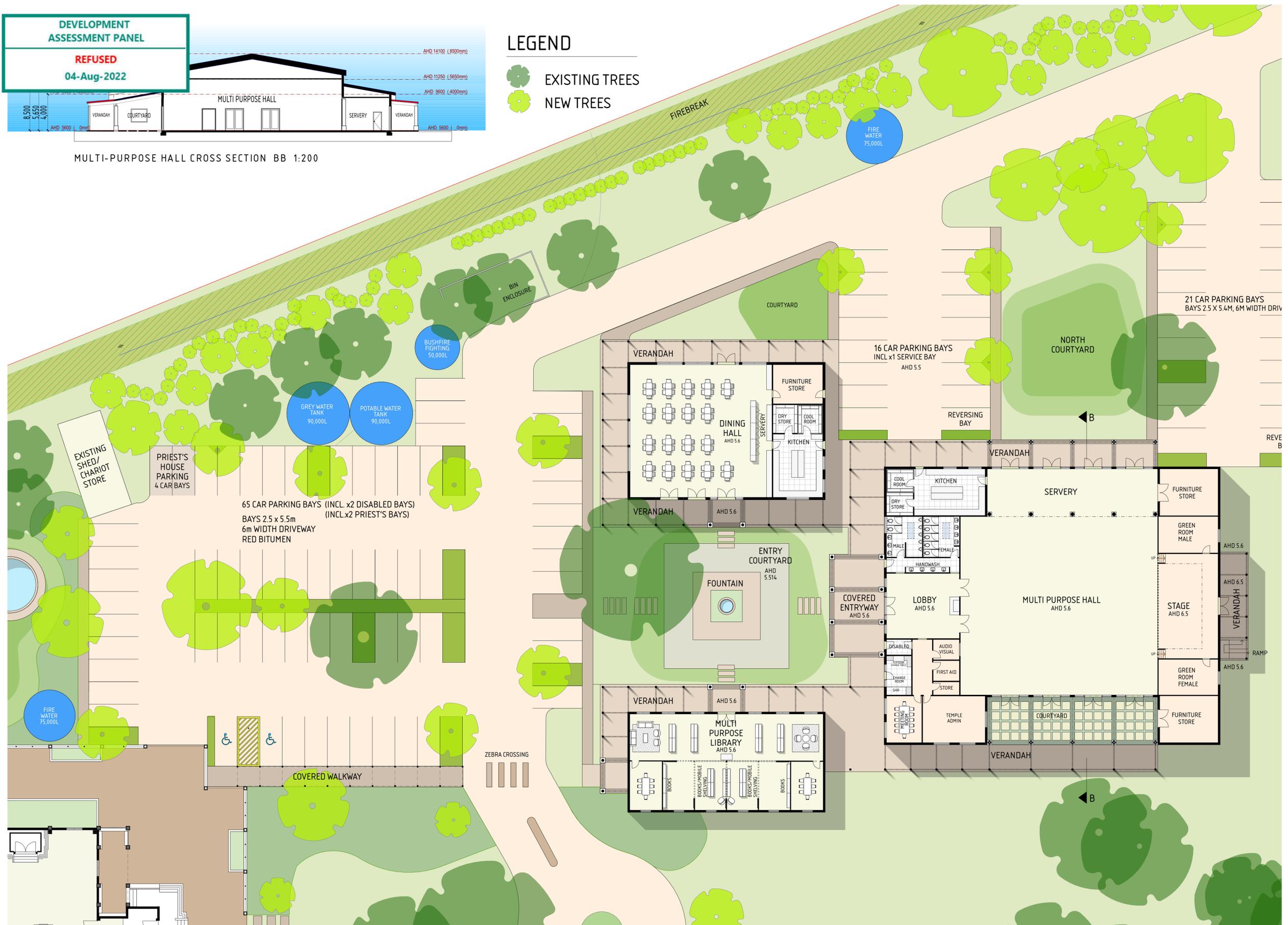




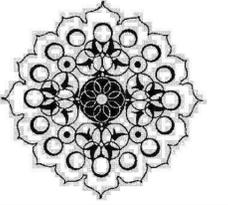
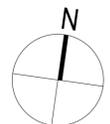
MULTI-PURPOSE HALL CROSS SECTION BB 1:200

LEGEND

- EXISTING TREES
- NEW TREES



MULTI-PURPOSE HALL, DINING + LIBRARY PLAN 1:200 (@ A1)



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REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

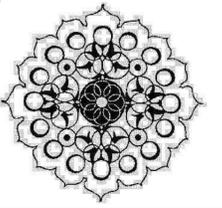
Drawing Title:
MULTI PURPOSE HALL, LIBRARY + DINING HALL GF PLAN

Scale :
Status: #Project Status

Drawing N^o

06

Date issued: Thursday, 9 June 2022
Time 2:27 pm Revision : 1



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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

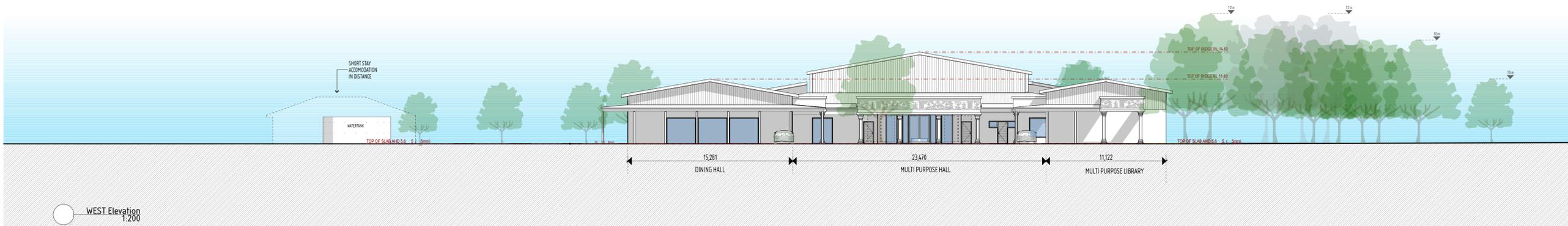
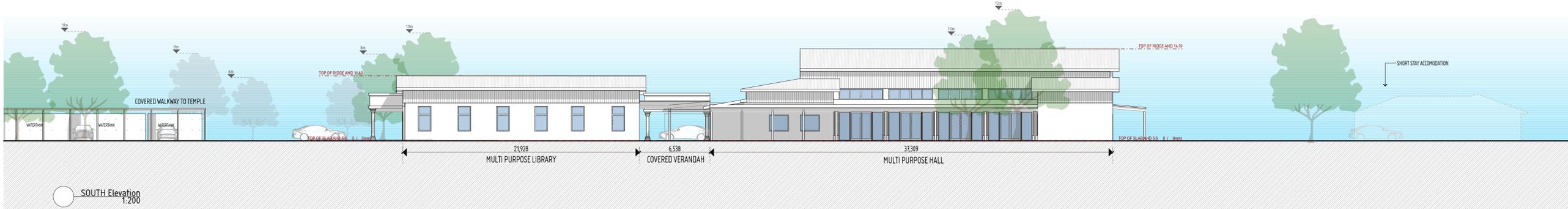
Drawing Title:
ELEVATIONS

Scale :
Status: #Project Status

Drawing N^o

07

Date issued: Thursday, 9 June 2022
Time 2:27 pm Revision : 1

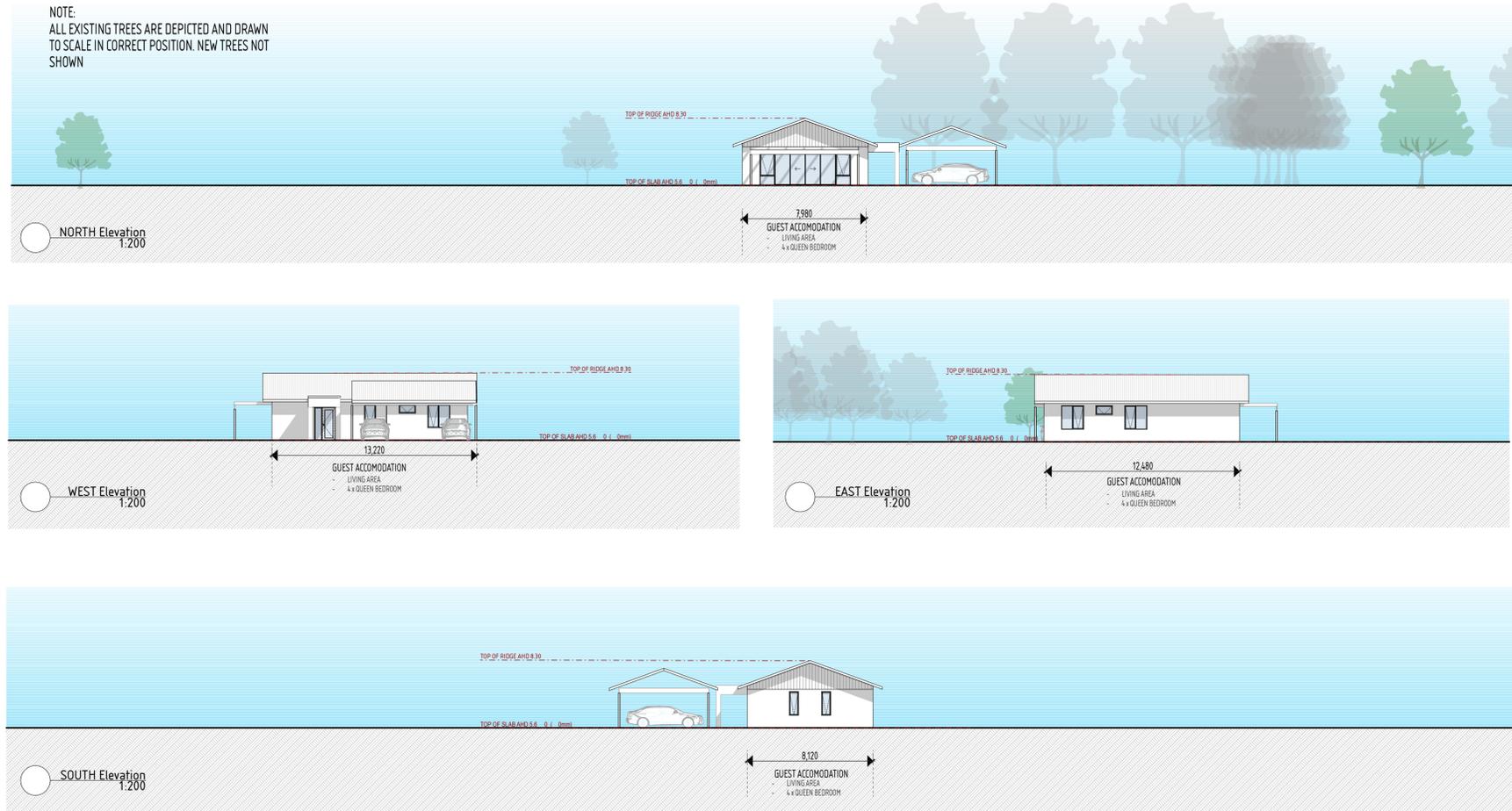


MULTI-PURPOSE HALL, DINING + LIBRARY ELEVATIONS 1:200 (@ A1)

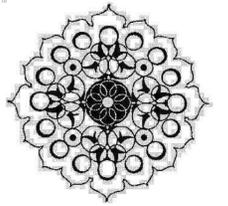
NOTE:
ALL EXISTING TREES ARE DEPICTED AND DRAWN TO SCALE IN CORRECT POSITION. NEW TREES NOT SHOWN



SCALE



GUEST ACCOMMODATION PLAN + ELEVATIONS 1:200 (@ A1)



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Revision	Description	Date
REV 0	DEVELOPMENT APPLICATION SUBMISSION	DEC 2021
REV 1	AMENDMENTS IN RESPONSE TO COUNCIL + PUBLIC QUERIES/COMMENTS	FEB 2022
REV 2	AMENDMENTS IN RESPONSE TO RESPONSIBLE AUTHORITY REPORT	MAY 2022
REV 3	AMENDMENTS IN RESPONSE TO MOJADAP	MAY 19 TH 2022
REV 4	AMENDMENTS IN RESPONSE TO DRP	MAY 31 ST 2022
REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
ACCOM PLANS + ELEVATIONS

Scale :
 Status: #Project Status

Drawing N^o

08

Date issued: Thursday, 9 June 2022
 Time 2:27 pm Revision : 1

DEVELOPMENT ASSESSMENT PANEL

REFUSED
04-Aug-2022

- i. Clearing / modification of vegetation.
- ii. regular removal of weeds and built up dead material (such as fallen branches, leaf litter etc).
- iii. Low pruning of trees (i.e. removal of branches less than 2 metres in height).
- iv. Application / re-application of ground surface cover (such as mulch or non-flammable materials as required.)
- v. Where grass is present, this should be regularly cut so that grass is maintained at or below 100mm in height.

GROUND COVERS (< 0.5m in height)
Will be kept 3m from windows or doors if >100mm in height

GRASS
Will be kept < 100mm in height

FUEL LOADS
Maintained at less than 2T per hectare

2 % OF CANOPY WITHIN APZ < 15%
APZ area 19,047 m²
Existing Tree Canopy Area 1,471 m²
Proposed New Canopy Area 751 m²
Total Tree Canopy Area at maturity 2,222 m²
% TOTAL Tree Canopy Cover (inside APZ) **11.7%** (of 15% permissible)

3 MANAGED UNDERSTORY
Existing tree canopy which intrudes into the APZ will fall under managed understory

4 SINGLE ROW HEDGE TO NORTHERN BOUNDARY
2 x zones of single row excluded, managed dense hedge (2m height) are located within the APZ to the northern boundary for the purposes of screening views into the property from adjoining neighbours and obscuring night-time car headlights

PLANTING WITHIN APZ

PROPOSED TREES (> 5m in height)
New tree canopies will not exceed 15% of APZ area at maturity
New tree canopies will be minimum 5m clear between each tree
Trunks will be kept at minimum 6m clearance from buildings
Branches at maturity will not reach or overhang buildings

PROPOSED SHRUBS (0.5m - 5m in height)
Will not be located under trees or within 3m of buildings
Will not be planted in clumps greater than 5m²
Clumps of shrubs will be 10m clear between each clump

PROPOSED HEDGE (2m in height)

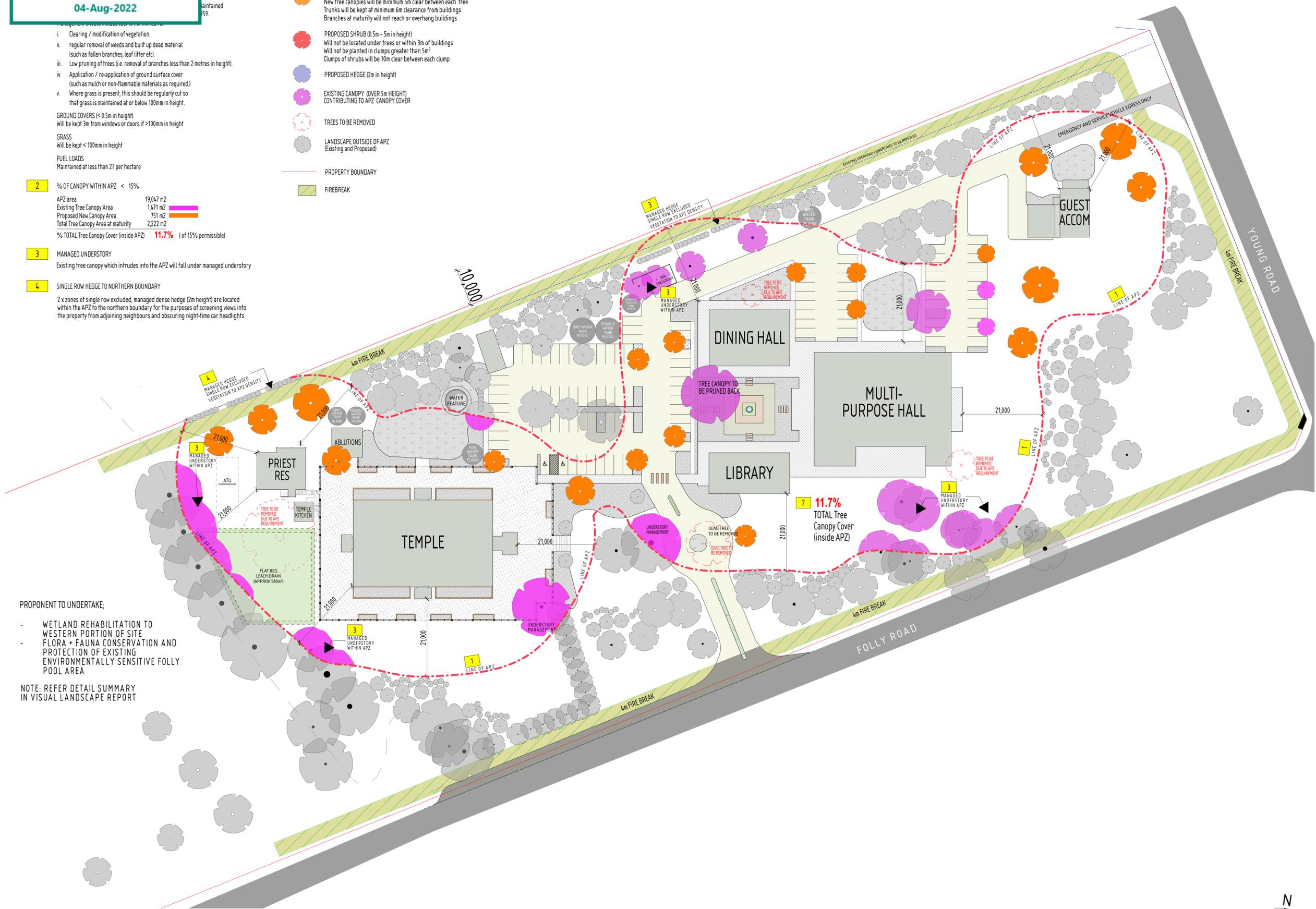
EXISTING CANOPY (OVER 5m HEIGHT) CONTRIBUTING TO APZ CANOPY COVER

TREES TO BE REMOVED

LANDSCAPE OUTSIDE OF APZ (Existing and Proposed)

PROPERTY BOUNDARY

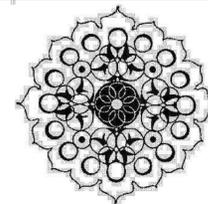
FIREBREAK



- PROPONENT TO UNDERTAKE:
- WETLAND REHABILITATION TO WESTERN PORTION OF SITE
 - FLORA + FAUNA CONSERVATION AND PROTECTION OF EXISTING ENVIRONMENTALLY SENSITIVE FOLLY POOL AREA

NOTE: REFER DETAIL SUMMARY IN VISUAL LANDSCAPE REPORT

BUSHFIRE APZ STRATEGY PLAN 1:500 (@ A1)



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REV 4	AMENDMENTS IN RESPONSE TO DRP	MAY 31 ST 2022
REV 5	RE-SUBMISSION TO COUNCIL	JUNE 10 TH 2022

Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
BUSHFIRE APZ STRATEGY PLAN

Scale :
Status: #Project Status

Drawing N^o

10

Date issued: Thursday, 9 June 2022
Time 2:28 pm Revision : 1

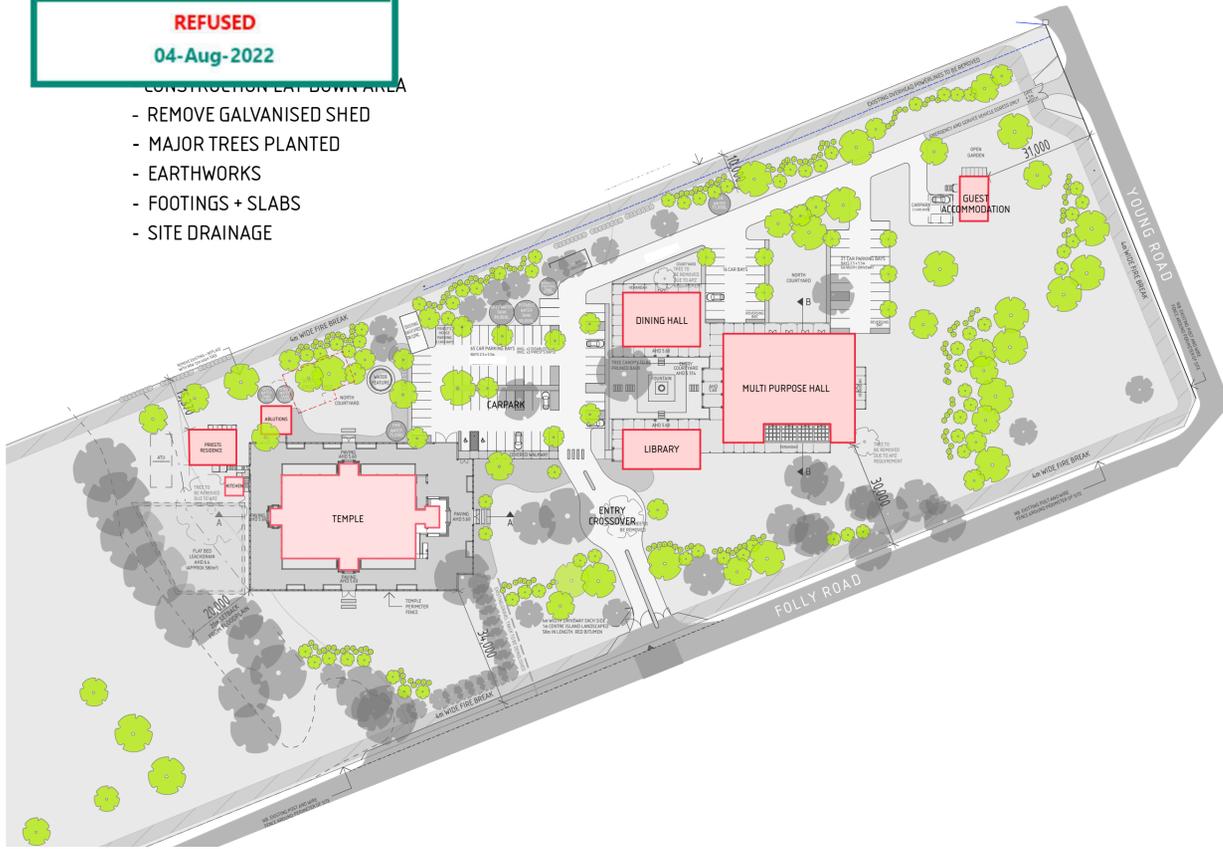


DEVELOPMENT ASSESSMENT PANEL

REFUSED

04-Aug-2022

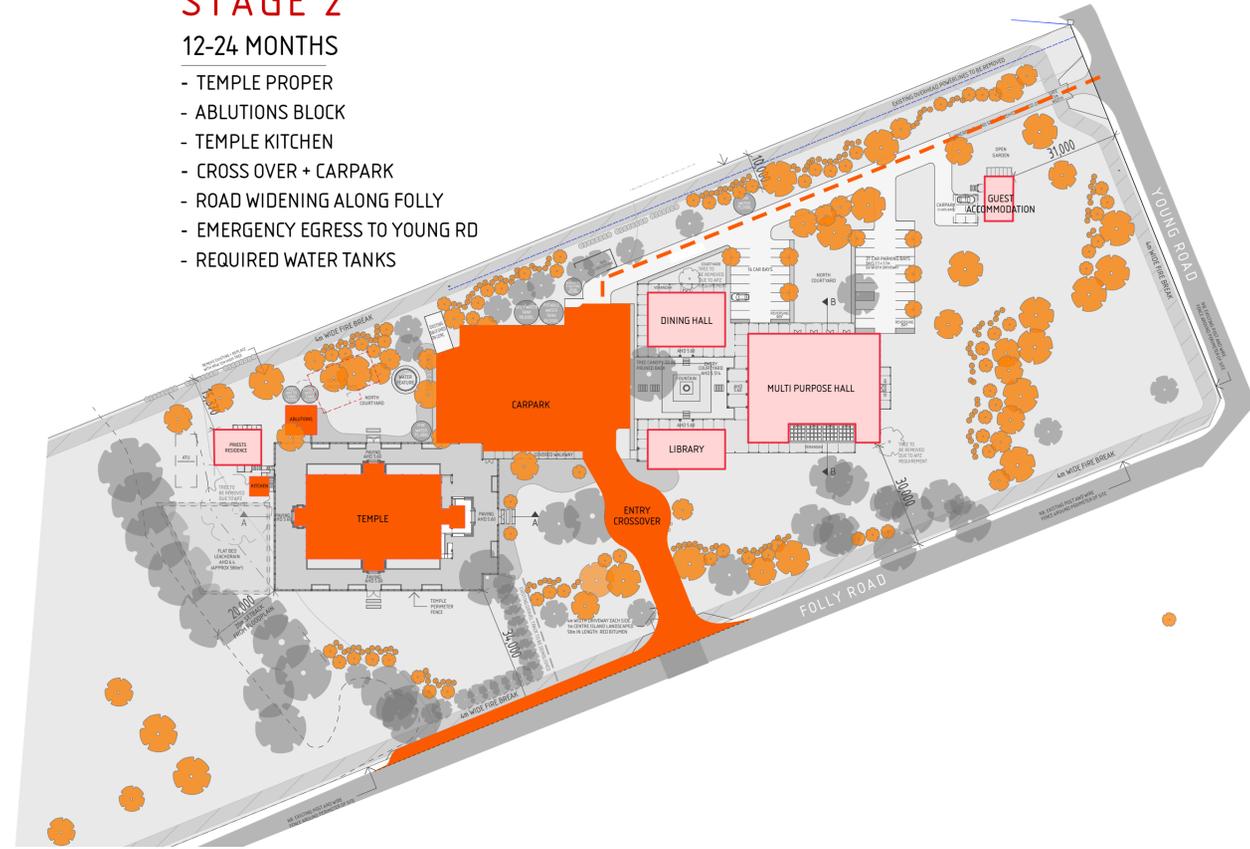
- CONSTRUCTION LAY-DOWN AREA
- REMOVE GALVANISED SHED
- MAJOR TREES PLANTED
- EARTHWORKS
- FOOTINGS + SLABS
- SITE DRAINAGE



STAGE 2

12-24 MONTHS

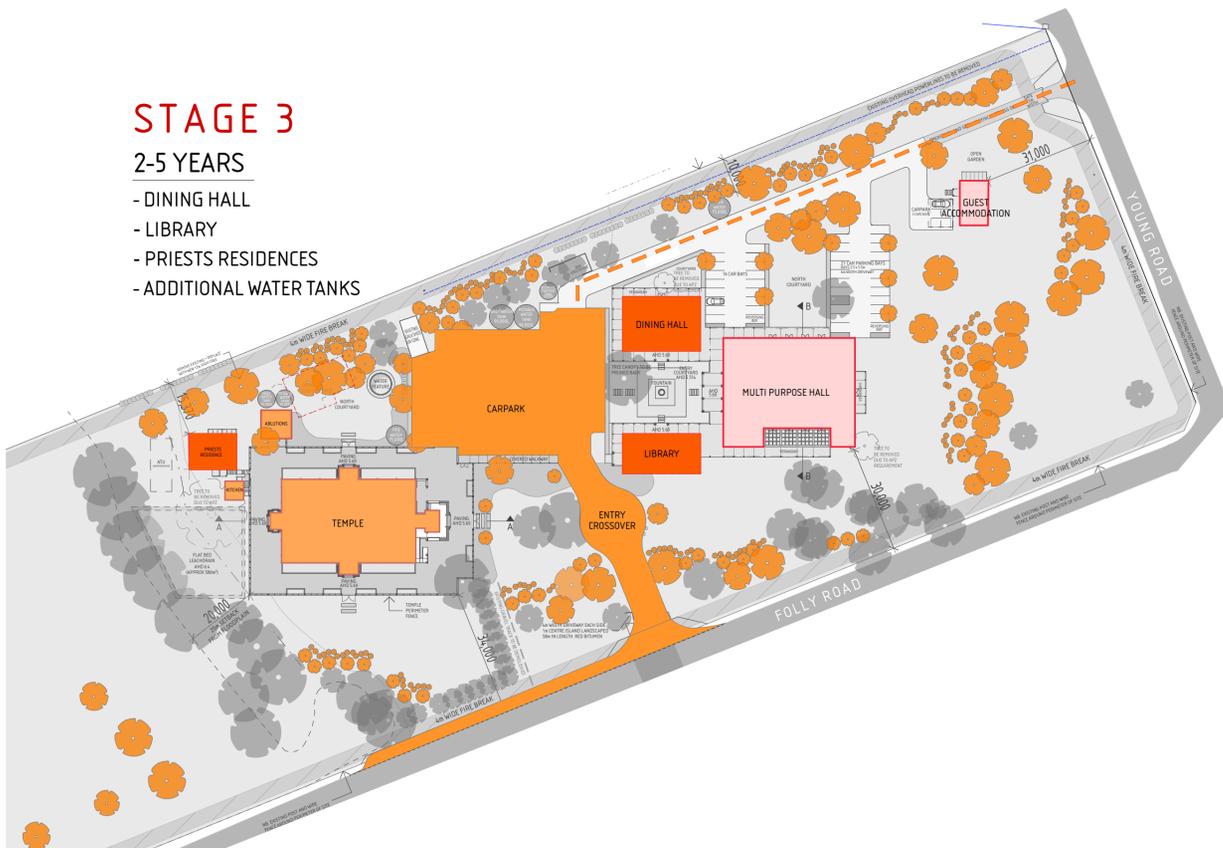
- TEMPLE PROPER
- ABLUTIONS BLOCK
- TEMPLE KITCHEN
- CROSS OVER + CARPARK
- ROAD WIDENING ALONG FOLLY
- EMERGENCY EGRESS TO YOUNG RD
- REQUIRED WATER TANKS



STAGE 3

2-5 YEARS

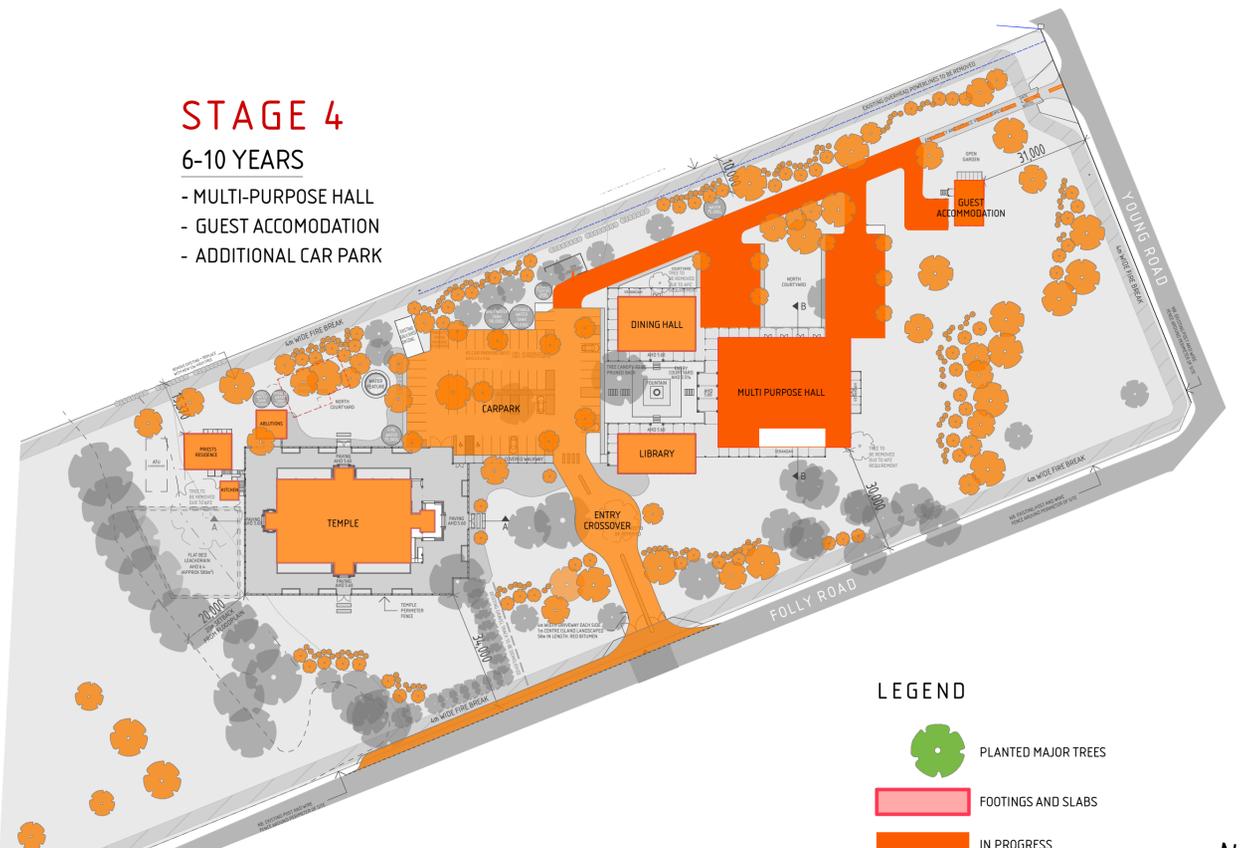
- DINING HALL
- LIBRARY
- PRIESTS RESIDENCES
- ADDITIONAL WATER TANKS



STAGE 4

6-10 YEARS

- MULTI-PURPOSE HALL
- GUEST ACCOMMODATION
- ADDITIONAL CAR PARK

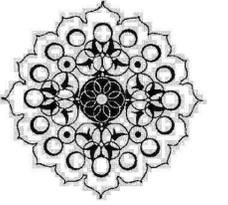


LEGEND

- PLANTED MAJOR TREES
- FOOTINGS AND SLABS
- IN PROGRESS
- COMPLETED WORKS
- DEMOLITION

archetype
| design studio |

architecture - interiors - feng shui
Level 12, 68 St Georges Terrace Perth WA 6000
Phone : (08) 9486 8866
email: studio@archetypedesign.com.au



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Project :
SRI BALAJI TEMPLE DEVELOPMENT

Site Address :
67 FOLLY ROAD, BALDIVIS

Client :
JAPA PTY LTD.

Drawing Title:
STAGING DIAGRAM

Scale :
Status: #Project Status

Drawing N^o

11

Date issued: Thursday, 9 June 2022
Time 2:28 pm Revision : 1

STAGING DIAGRAM



**LOT 53 (No.67) FOLLY ROAD, BALDIVIS -
PROPOSED PLACE OF WORSHIP (HINDU TEMPLE)**

**Form 1 – Responsible Authority Report
(Regulation 12)**

DAP Name:	Metro Outer Joint Development Assessment Panel	
Local Government Area:	City of Rockingham	
Applicant:	Archetype Design Studio	
Owner:	Ms A P Byers	
Value of Development:	\$5million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Rockingham	
Authorising Officer:	Mr Peter Ricci, Acting Director Planning and Development Services	
LG Reference:	DD020.2021.00000340.001	
DAP File No:	DAP/21/02148	
Application Received Date:	9 December 2021	
Report Due Date:	8 August 2022	
Application Statutory Process Timeframe:	+90 Days with Applicant's consent	
Attachment(s):	Attachment 1 Original Responsible Authority Report Attachment 2 Design Review Panel Meeting Notes Attachment 3 Additional Information and Amended Development Plans (Post Deferral) Attachment 4 Proposed Operating Hours	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A <input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

Refuse DAP Application reference DAP/21/02148 and the accompanying plans:

- Location Plan, Drawing No. 01, Revision 5, dated 10 June 2022;

- Site Plan: Total Lot, Drawing No. 02, Revision 5, dated 10 June 2022;
- Proposed Development East of Mid Tree Line, Drawing No.3, Revision 5, dated 10 June 2022;
- Temple Plan, Priests Quarters and Toilet Block, Drawing No.4, Revision 5, dated 10 June 2022;
- Elevations, Drawing No.5, Revision 5, dated 10 June 2022;
- Multi-Purpose Hall, Dining and Library Plan, Drawing No.6, Revision 5, dated 10 June 2022;
- Multi-Purpose Hall, Dining and Library Elevations, Drawing No.7, Revision 5, dated 10 June 2022;
- Guests Accommodation Plan and Elevations, Drawing No.8, Revision 5, dated 10 June 2022;
- Landscape Plan, Drawing No.9, Revision 5, dated 10 June 2022;
- Bushfire APZ Strategy, Drawing No. 10, Revision 5, dated 10 June 2022;
- Staging Diagram, Drawing No.11, Revision 5, dated 10 June 2022.

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the following reasons:

1. The proposed development is not consistent with the City of Rockingham Town Planning Scheme No.2 Objective of the Rural Zone (Clause 4.11.1), which is to preserve land for farming and foster semi-rural development which is sympathetic to the rural character of the area.
2. The proposed development is not consistent with the strategic intent for Planning Precinct 2A under the City of Rockingham Planning Policy 3.3.1 - Rural Land Strategy, as it has not been sufficiently demonstrated that the development will protect and enhance the visual character and amenity of the locality.
3. The intensity of the proposed development exceeds what could reasonably be expected within this rural locality, based on the range of activity proposed and number of people likely to attend the site.
4. The proposed development is considered to have an adverse impact on the rural character and amenity of the locality, due to the proposed scale and intensity of the use; visual impacts and the potential noise nuisance associated in particular with vehicles leaving events during evening and night time hours.
5. The proposed development is contrary to orderly and proper planning principles.

Background:



1. Location Map



2. Aerial Photograph of the Subject Site

Site Context

The subject land is located on the northern side of Folly Road, west of Young Road, in Baldavis and comprises of the following characteristics:

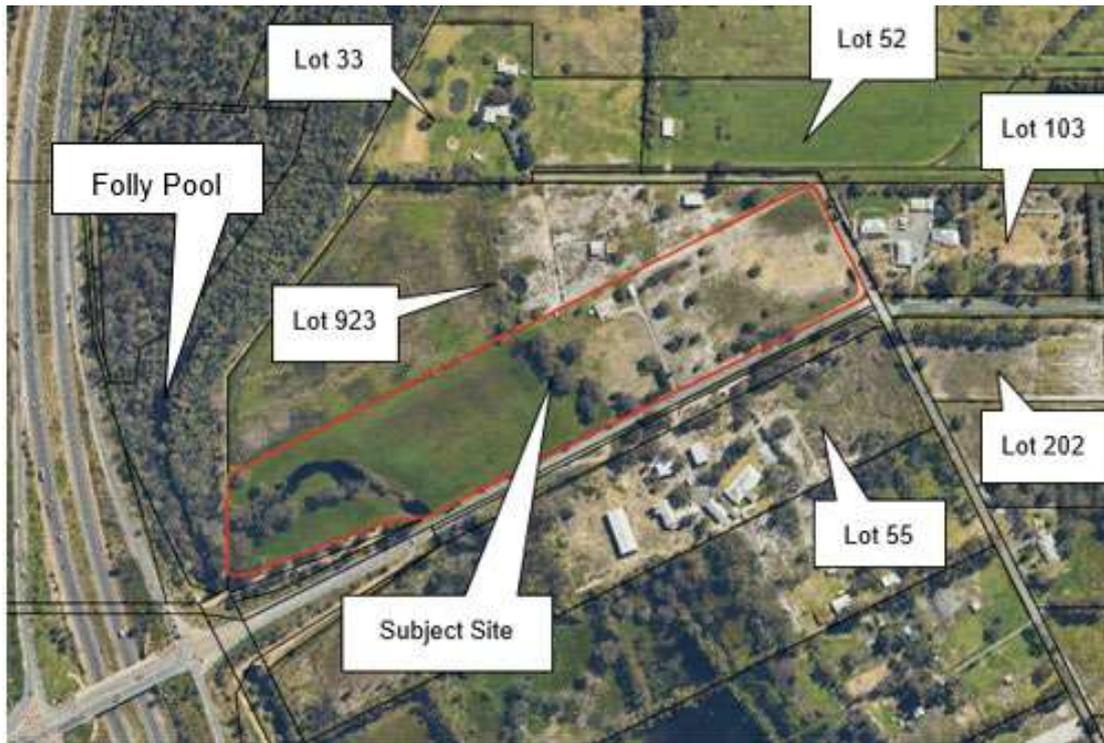
- Two (2) rural outbuildings that obtain vehicular access from the existing crossover on Folly Road;

- Predominantly in open grassland, with pockets of established trees located at the western end of the property and within the central-eastern portion of the site; and
- The land is generally flat and low lying, with the western portion (approximately 4ha) affected by the 1 in 100 year floodplain.

The surrounding locality comprises:

- Folly Pool to the west, which is a Conservation Category Wetland, beyond which lies the Kwinana Freeway (a 'Primary Regional Road'), and the Baldivis urban area further to the west. Elevated topography east of Folly Pool screens the subject site from the Kwinana Freeway and Baldivis urban area. Despite the proximity of the Freeway, the mature trees and wetland vegetation of Folly Pool reinforce the rural character at the western end of the site.
- North and east of the site on Young Road (Young Road is a cul-de-sac at this point which serves the following properties):
 - Lot 923 (No.547) Young Road comprises of 'unused' rural land with two rural sheds, however, currently contains no dwelling;
 - Lot 33 (No.574) Young Road contains a dwelling and rural sheds, and is used for keeping animals, including horses ('Rural Pursuit');
 - Lot 52 Young Road contains a rural shed and is used for grazing animals ('Agriculture - Extensive'); and
 - Lot 103 (No.151) Folly Road contains two dwellings and sheds.
- South-east of the site (south of Folly Road, east of Young Road) on Lot 202 (No.154) Folly Road a small citrus orchard and shed are located on the eastern portion. The western portion comprises open grassland and trees.
- A rural stockfeed business is situated opposite the site to the south on Lot 55 (No.66) Folly Road. Lot 55 contains a dwelling and six (6) rural sheds, with some approximately 6-8m high. Established trees substantially screen the buildings from public view, but some of the buildings can be seen looking east from the western end of Folly Road.
- In the hierarchy of the surrounding road network Folly Road is an 'Access Road'. Folly Road (between the Kwinana Freeway and Young Road) is also reserved as an 'Other Regional Road' (ORR) in the MRS. Despite this, there are no plans to upgrade Folly Road to an ORR standard. Further, there is a 'drainage lot' owned by the Water Corporation in the middle of the ORR reservation, which is also a constraint to road widening (the road reserve is only 10m wide adjoining the subject site).

Figure 3 depicts the properties referenced above.



3. Map of the Surrounding Locality

Details: Outline of Development Application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Rural
Local Planning Scheme	Town Planning Scheme No.2
Local Planning Scheme - Zone/Reserve	Rural
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	<u>'A' Discretionary</u> Place of Worship Reception Centre <u>'D' Discretionary</u> Residential Building <u>'IP' Incidental Use</u> Ancillary Accommodation
Lot Size:	7.4362ha
Existing Land Use:	N/A
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area

Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

Background

The history of this Development Application is outlined below:

- On 9 December 2021, an application seeking Development Approval was lodged with the City of Rockingham (City) for a proposed Place of Worship (Hindu Temple) on the subject land.
- The application was advertised for public comment between 7 January and 4 February 2022, during which 255 submissions were received, comprising of 183 submissions for, and 72 submissions against the proposal.
- The application was referred to the Ordinary meeting of Council on 26 April 2022, where it was resolved to adopt a Responsible Authority Report (RAR) recommending refusal of a Hindu Temple development on the subject land, for the following reasons (**Attachment 1**):

- "1. *The proposed development is not consistent with the City's Town Planning Scheme No.2 Objective of the Rural Zone (Clause 4.11.1), which is to preserve land for farming and foster semi-rural development which is sympathetic to the rural character of the area.*
2. *The proposed development is not consistent with the strategic intent for Planning Precinct 2A under the City of Rockingham Planning Policy 3.3.1 - Rural Land Strategy, as it has not been sufficiently demonstrated that the development will protect and enhance the visual character of the rural area.*
3. *The intensity of the proposed development exceeds what could reasonably be expected within this rural area, based on the number of people likely to attend the site.*
4. *The proposed development has not demonstrated that the existing or proposed landscaping treatments, intended to visually screen the development, can be retained in its entirety and maintain compliance with State Planning Policy 3.7 - Planning Bushfire Prone Areas.*
5. *The acoustic barrier required to mitigate noise on Lot 923 Young Road, Baldivis is considered to adversely impact visual amenity when viewed from land to the north of the site; Young Road adjoining the site to the east, and potentially from Folly Road to the south.*

6. *The proposed development includes 'Grouped Dwellings' which is a prohibited ('X') land use in the Rural zone, under the City's Town Planning Scheme No.2.*
 7. *The proposed development is contrary to orderly and proper planning principles."*
- On 3 May 2022, the Applicant submitted amended plans and additional information in an attempt to address the City's recommended reasons for refusal.
 - On 9 May 2022, at the meeting of the MOJDAP, determination of the application was deferred until 8 August 2022 for the following reasons:
"To enable further discussion with the City to consider the late information provided by the applicant and seek clarification concerning:
 1. *Landfill requirements for stormwater management and effluent disposal;*
 2. *Hours of operation as it affects environmental noise measures;*
 3. *Bushfire management requirements as they affect landscaping and screening;*
 4. *Housing accommodation proposed on site".*
 - On 16 May 2022, City Officers met with the Applicant and it's Consultant Team to discuss the reasons for deferral.
 - On the 19 May 2022, the Applicant submitted amended plans and additional information in an attempt to address the MOJDAP's reasons for deferral.
 - On 30 May 2022, while not a reason for deferral, the City presented the amended plans to the City's Design Review Panel (DRP) for comment (**Attachment 2**). The DRP meeting outcomes are discussed below in the Policy section of this Report.
 - On 13 June 2022, the Applicant submitted further amended plans and technical reports, which form the basis of this revised RAR to the MOJDAP (**Attachment 3**).

This Report focuses on the Applicant's amended application received on the 13 June 2022; addresses the previous concerns raised by the City (where relevant), and responds to the reasons for deferral by the MOJDAP. All other background information is contained in Attachment 1.

The following sections of the report are based on the application information, as amended.

Details

The amended application seeks Development Approval for buildings to be constructed and used for a Place of Worship, Reception Centre, Single Dwelling and Ancillary Accommodation.

Key elements include:

- A Hindu Temple building, with ancillary Chariot Store, Kitchen and Ablution buildings;
- A Priest's residence;
- A Multi-purpose Hall;
- A Dining Hall;
- A Library building;
- Ancillary Guests Accommodation Dwelling;
- A total of 105 on-site car parking bays; and
- 'Strategic' landscape plantings to screen the development from the public domain.

The Temple (and the ancillary buildings) are proposed to be used for daily prayer sessions. Following the prayer sessions, people in attendance move to the Multi-Purpose Hall to further develop and engage in the various practises of Hinduism.

The Dining Hall is proposed to operate during lunch and dinner on Fridays and the weekend to serve those wishing to stay for a meal after attending prayer sessions at the Temple.

The Multi-purpose Hall and the Dining Hall are also proposed to be used for cultural functions, including use during festival days. Weddings will also be held in the Multi-purpose Hall.

Prayer sessions are proposed to occur between 7am - 1pm and 5pm - 9pm daily.

The Library will hold a collection of religious texts and resources available for loan; be used for cultural learnings, the teaching of Sanskrit language, yoga classes (between 6pm - 7pm) and scripture classes (between 3pm - 6pm).

Hindu Festival days are proposed once a month, on average, between 7am - 1pm and 5pm - 9pm.

Weddings are proposed to occur six (6) times per year on average, on Saturdays and Sundays between 9am - 11pm (although the Architectural and Visual Landscape Report states Fridays as well). It is understood that weddings will not be held on that same days as Hindu festivals.

In order to maintain compliance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) when a dwelling is constructed in the future on the adjoining land at Lot 923 Young Road, the Applicant proposes to modify operating times of the Hindu festivals and weddings as follows:

- Hindu festivals: If held on Sundays and Public Holidays, will occur between 9am - 9pm.

- Weddings: To be held between 9am – 7pm on Saturdays only. No weddings are proposed on Sundays or public holidays.

Special Hindu Festivals

In order to better understand the frequency of the special Hindu festivals, on the 27 June 2022 the Applicant provided the following additional information at the City's request:

"The Hindu Festivals are spread throughout the year, and follow the lunar cycle, so they are not set dates throughout the year.

Generally they are distributed quite evenly.

The following is typical of the major festivals:

- *Pradosham* *January*
- *Sivaratri* *February*
- *Sri RamanaVani* *March/April*
- *Ugadi* *April*
- *Brahmostsavam* *June/July*
- *Ganesha Chaturti* *Aug/Sep*
- *Janmasthanami* *September*
- *Navarathri* *October*
- *Deepavali* *Oct/Nov.*

As you can see, there may be some overlap, so there may be some months where there are no festivals, and some where they occur and are observed in the same month.

Although some festivals may be observed over one night only eg Shivaratri, others such as Navaratri are traditionally observed in Hinduism over a period of 9 days.

In such circumstances, the Temple will select the most significant day (usually being either the first or last day), to be observed at the Temple.

Consequently, even if the Festivals last a week or so, they will only be celebrated on one day at the Temple.

Where possible, these observance days will be selected to spread out so they fall on weekends, and in the month where there are no other festivals".

This information was supplemented by additional information provided by the Applicant on 29 June 2022, that stated:

“Further to previous emails, please see attached a table depicting the Hindu Festival days to be observed by the Balaji Temple.

This was prepared by our clients and their Temple priests, and is more accurate than the more generic festival list that I prepared a few days ago”.

	Hindu Festivals	English Months	Expected crowd (numbers based on last 10 years statistics)
1	Sankranthi (Goda kalyanam)	January	125 - 150
2	Bhsima Ekadasi	February	75 - 100
3	Sri Rama Navami	April - May	300 -350
4	Ramanuja Tiru nakshatram	May	75
5	Ashada Purnima Guru Purnima	June - July	150
6	Sravana Bahula Astami (Krushnastami)	July - August	100 - 130
	Sravana Purnima Sri Lakshmi Hayagri:va	July - August	100 - 125
7	Sravana Sri Mahalakshmi Kumkumarchana	August	125 - 150
8	Aswija shukla (Vijaya) dasami/ Sri Srinivasa Kalyanam	August - September	300 - 350
9	Karthika Amavasya Deepavali	October - November	125
10	Marghasira Shukla Ekadasi - Gita jyanthi	December	100
11	Vaikunta Ekadasi	December - January	150
12	Temple consecration day Anniversary celebrations (3 to 5 days)...dates based on Temple consecration.		

What is evident is that:

- As the festivals are based on the lunar cycle, there is no uniformity or set dates throughout the year for these events;
- There are times when more than 1 festival may be held in a calendar month; and
- Numbers attending the festivals vary considerably between months.

Attachment 4 provides a summary of the proposed operating hours, as understood by the City, before and after a dwelling is constructed on Lot 923 Young Road.

The development is proposed to be constructed in stages, involving:

1. 0-12 months from approval:
 - Earthworks, slabs, drainage;
 - Major tree plantings.
2. 12-24 months:
 - Main Temple, Ablution and Kitchen buildings;
 - Vehicle access, main car park;
3. 2-5 years:
 - Dining hall;
 - Library building;
 - Priest residence.
4. 6-10 years:
 - Multi-purpose hall;
 - Guest accommodation;
 - Additional car parking.

The main changes (compared to the original application) are as follows, and for clarity are shown on the Amended Site Plan in Figure 4 further below:

- The 89m acoustic barrier proposed parallel to the eastern end of the northern boundary for noise mitigation is no longer proposed. Instead the Applicant intends to modify operating hours of the Hindu festivals and weddings to achieve acoustic compliance.
- Operating hours have increased for daily prayer sessions, Hindu festivals and weddings;
- The two Priest dwellings have been amalgamated into a single two (2) storey dwelling;
- The guest accommodation dwelling has been reduced in size;
- On-site car parking has reduced in bay numbers, with car bays shifted away from the northern boundary, and relocated to a new car park adjacent to the Multi-purpose hall;
- An effluent disposal field is proposed west of the Temple building;
- Additional landscape plantings are proposed outside of a designated 21m wide Asset Protection Zone (APZ) for bushfire mitigation, including along the northern boundary interface (refer to Figure 5 below); and
- The staging timeframe for constructing the Multi-Purpose Hall has been pushed back from 3-4 years to 6-10 years from Development Approval.

The Applicant submitted the following revised reports and plans in support of the amended application:

- Architectural Plans (Archetype Design Studio, Rev 5, 10 June 2022);
- Architectural and Visual Landscape Report (Archetype Design Studio, Version 4, dated 13 June 2022);
- Transport Impact Assessment (Shawmac, Rev D, dated 10 June 2022);
- Acoustic Report (Marshall Day Acoustics, Revision 5, dated 28 June 2022);
- Site and Soil Investigation Report (Waterinsight; Rev 4, June 2022);
- Bushfire Management Plan (Envision, Version 5, dated 11 June 2022); and
- Development Application Report (Peter Webb Associates, Version 11, dated 13 June 2021).



4. Amended Site Plan

Legislation and Policy:

Legislation

- Planning and Development Act 2005
- Metropolitan Region Scheme
- Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)
- Town Planning Scheme No.2 (TPS2)
- Environmental Protection (Noise) Regulations 1997

State Government Policies

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)
- State Planning Policy 7.0 – *Design of the Built Environment* (SPP7.0)
- Government Sewerage Policy (September 2019)

Local Policies

- Planning Policy 3.1.1 - Rural Land Strategy (PP3.1.1)

Consultation:

Public Consultation

The amended proposal has not been advertised for public comment as it is considered that the submissions received to date are still of relevance to the Local Government.

Of the 255 submissions that were received, 72 objected or raised concerns.

The public submissions objecting (refer **Attachment 1**) raised the following 'broad' concerns:

- That the proposal will adversely affect the surrounding rural character and amenity in terms of traffic generation, visual and noise impact;
- The impact on Lot 923 (547) Young Road given the location of the proposed car parking, proposed buildings and intensity of use;
- The appropriateness of the built form in a rural context; and
- The environmental impact of the development on ground and surface water resources, wetlands and habitats for flora and fauna.

Outstanding concerns expressed by submitters, as they relate to the amended application are discussed below.

Referrals/consultation with Government/Service Agencies

The responses that were received on the original application form part of **Attachment 1**.

Any issues raised have either been resolved, or were of an 'information only' nature. As such, no further consultation occurred with the consulted agencies.

Design Review Panel Advice

On 30 May 2022, amended plans were presented to the City's Design Review Panel ('DRP') for consideration, to provide independent feedback on site planning and layout of the development.

Specifically, the purpose was primarily aimed to gauge the views of the DRP with respect to how the development compliments the key 'Design Principles' contained in SPP7.0 relevant to this proposal. **Attachment 2** contains the DRP meeting notes in full, however, in summary, the DRP considered that:

- Noise and glare attenuation to the north was the 'weakest' part of the application. The interface with the northern property needed to be well resolved.
- The location of car parking near the northern boundary was also not favoured, and it was suggested that it should be relocated.
- The building design, bulk and scale was considered appropriate, having considered the locational context of the site.
- The Temple is a necessarily distinctive building, the visual impact of which is ameliorated by the retained trees.
- Design of the secular buildings is appropriate to the local context.
- The landscaping strategy was generally supported. Additional landscaping was also suggested around the Library and Hall buildings; in the car parks and along the northern property boundary.

The DRP is an independent forum used by the City to offer an assessment of a proposal against SPP7.0. The Principles in SPP7.0 cut across a number of design related disciplines, with some more aligned to architecture and urban design, whilst others have a broader planning connotation.

The DRP, which comprised two Architects and a Landscape Architect, concluded that the 'design is supported', on the basis that it was viewed that the proposal complied with the relevant Design Principles of SPP7.0.

Swan Valley Planning

Not Applicable

Planning Assessment:

The proposal has been assessed against the requirements of all relevant Legislation; the Scheme, State and Local Planning Policies, as previously outlined in the Legislation and Policy section of this Report. The following matters have been identified as key considerations for the determination of this application:

Environmental Protection (Noise) Regulations 1997 (Noise Regulations)

A concern of the City with the original Development Application related to an 89m long acoustic barrier, which was recommended by the Applicant's consultant to mitigate noise and achieve acoustic compliance. Without the barrier, aspects of noise from the Hindu festivals and weddings would not comply with the Noise Regulations when a dwelling gets constructed on the adjoining property to the north (Lot 923 Young Road).

The City considered that an 89m long noise barrier would adversely impact the rural amenity, as it would not be a form of rural fencing expected in the 'Rural' zone; this formed a reason for recommending refusal from April 2022.

In order to achieve compliance with the Noise Regulations, the Applicant has amended the proposed operating hours for the Hindu festivals and weddings upon a dwelling being constructed on Lot 923 Young Road (**Attachment 4**). It is also noted that the amended Application increases the duration of morning Prayer and Festival sessions, as well as weddings, which have been extended to operate between 9am - 11pm on weekend days.

The Acoustic Report considers the application, if managed correctly, can comply with the Noise Regulations where an operational noise management plan is adopted by the operator.

The City considers it is possible to achieve compliance with the Noise Regulations in the manner proposed, that avoids the need for an acoustic barrier.

The City considers, however, that managing noise compliance could be difficult for this development, as in order to achieve compliance, activities will need to be managed carefully to ensure that occupancy numbers are not exceeded; that traffic noise from the proposed activities does not generate a nuisance for neighbours, and ensure that no cars arrive in the car parks prior 7am in time for prayer sessions while night time hours are still in force.

As discussed, however, under the heading of Rural Land Strategy, there will be traffic noise generated that is exempted under the Noise Regulations, and will not be capable of enforcement, which is of concern to the City due to the potential impact on the amenity of the surrounding properties.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

An amended Bushfire Management Plan (BMP) was submitted that depicts a 21m wide APZ around habitable buildings, while a Bushfire Attack Level (BAL) contour plan demonstrates that BAL-29 will not be exceeded post-development.

Within the BMP, an APZ Strategy Plan indicates how vegetation within and outside of the APZ can be planted and managed to mitigate bushfire risk and maximise screening of the development.

The revised application complies with SPP3.7.

As such, Reason No.4 of the City's previous reason for refusal no longer applies, when considered with the landscaping proposed.

State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)

As mentioned earlier, on 30 May 2022 amended plans were presented to the City's DRP for consideration, to provide independent feedback and to gauge the views of the DRP with respect to how the development compliments the key 'Design Principles' contained in SPP7.0 relevant to this proposal.

The DRP concluded that the 'design is supported', on the basis that it was viewed that the proposal complied with the relevant Design Principles of SPP7.0 (**Attachment 2**).

SPP7.0 is one of several considerations to which the decision maker is required to give due regard (but is not bound by), pursuant to Clause 67 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and section 77 of the *Planning and Development Act 2005*.

From a planning perspective, the City's assessment of the proposed development differs from the DRP, in respect to Design Principle 1 - *Context and Character*, which states that "*Good design responds to and enhances the distinctive characteristics of the local area, contributing to a sense of place*".

Taking account of the proposed scale, intensity and impact of development, it is the City's view that the Application will adversely impact the existing rural character and amenity of the locality. As such, the proposal does not enhance the distinctive characteristics of the local area, or contribute positively to a sense of place. This matter is further discussed below.

The City's assessment of the Application also differs from the DRP in respect to Design Principle 3 - *Built Form and Scale*, which states that "*Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between the existing built form and the intended future character of the local area*".

The scale of the proposed built form has predominantly been justified by the Applicant on the basis on the scale of the buildings on Lot 55 Folly Road. The City notes, however, that the scale of the proposed development significantly exceeds the scale of development on Lot 55 Folly Road (refer to Figure 9). Furthermore, the character of the proposed use is not consistent with the character of the use of Lot 55 (a rural business), or with the intended future character of the area, as expressed in the Rural zone objective.

Government Sewerage Policy (September 2019)

An updated Site and Soil Report has been provided which identifies that the area required to dispose of treated effluent is:

- 3,360m², if sub-surface irrigation is proposed; or
- 580m² (within a 20m x 29m footprint) where flat bed leach drains are proposed.

The Report recommends the latter, in order to minimise spatial requirements and to enable the waste water system to be screened from surrounding view.

To achieve 1.5m separation between the base of the leach drain and the maximum groundwater level, the Report indicates, based on the observed groundwater and surface levels, approximately 730mm of fill will be required. The City notes that by allowing for soil cover, a total fill extent can be expected of approximately 1m.

The City acknowledges the visual benefit to locating the effluent disposal area west of the Temple building, where the impact of fill on the landform can be mitigated through the screening provided by the buildings and surrounding vegetation. The matter of fill is considered to be adequately resolved.

Local Planning Policies

PP3.1.1 Rural Land Strategy (RLS)

The RLS considers the City's rural land in terms of 'Policy Areas' which are further divided into 'Planning Precincts'. The subject land is situated in Policy Area 2 - Baldivis East, which is described as:

"The Baldivis (east) precinct is located on the eastern side of the Kwinana Freeway generally between Mundijong Road to the north and Karnup Road to the south, extending eastward to the municipal boundary. The precinct is predominantly zoned Rural, with some Special Rural zoned land in the vicinity of Doghill Road".

The City previously raised concerns in respect to the following provisions of the RLS:

- *"That building construction to BAL-29 be required to limit clearing associated with the bushfire risk mitigations";*

As noted previously, the amended BMP depicts a reduced 21m wide APZ around buildings. The refined APZ allows for an improved post-development landscaping outcome, which is the intent of this provision.

- *"All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment the surrounding landscape elements and be sited away from focal points and located where screening vegetation or landform can be utilised."*

As mentioned above, the City's DRP generally supported the application in respect to the design of the built form, and the amended APZ and landscape strategy have resulted in an improved vegetation screening outcome that is more consistent with the above policy provision.

Notwithstanding, the City is concerned that even with the screening provided by the existing trees and proposed landscaping, the buildings will still be visible, as:

- Despite the landscape plantings proposed (as shown on the revised Landscape Plan along the northern property interface with Lot 923 Young Road), the proposed development setbacks limit the amount, and therefore the effectiveness of screening the development from views from the north, which is from where the impact is considered to be greatest. When a dwelling is built on Lot 923 Young Road in the future, it could potentially be constructed up 10m from the common boundary, as due to flooding, the building envelope is restricted to the eastern portion of this land, similar to the building envelope on the subject land.



6. Building Envelopes on Lot 923 Young Rd and Lot 53 Folly Rd

The Applicant provided the following montages depicting the visual impact of the development when viewed from Lot 923 Young Road once the proposed landscape plantings have reached maturity.





VIEW SHED DIAGRAM

7. View Shed Montages

The images above present the views of the development from a dwelling set back 10m from the northern boundary of the subject site.

The following photographs were taken by City staff from the same location for realistic context and comparison:





8. Photographs of Northern Boundary from Lot 923 Young Road

The photographs suggest the close proximity of the boundary (depicted by the fence line) and the visually open nature of the landscape at present, and provide a more accurate understanding of the minimal separation between the development and a future dwelling.

As the Applicants' montages show, the Dining Hall and Multi-Purpose Hall can be seen from this viewpoint, which are set back within the site approximately 22m and 45m respectively.

Despite the proposed screening, activity on the site will be clearly discernible.

- Proposed tree plantings will need to reach a height of at least 15m for the Temple 'Goporam's' to be screened, which would take some time. Until then, the Goporam's will be visible above the tree line.
- The eastern (main) Goporam will be illuminated at night. The extent of illumination is not what would typically be expected on a Rural context, and as such, is considered to impact the visual character of the surrounding area.
- In the event that the established trees are removed due to health or safety, it will take time for the screening effect they provided to be replaced. Furthermore, it would be difficult to enforce suitable replacement tree plantings in such a scenario.

The Strategic Intent for Planning Precinct 2A, includes:

"To protect and enhance visual character and amenity".

The potential impact of the development on the existing rural character, and consequently, the amenity of the locality was a key issue raised in submissions opposing the application, and is an ongoing concern for the City. Amenity is defined to mean “*all those factors which combine to form the character of an area and include the present and future amenity*”.

In order to establish what the impact is on the rural character, it is important to define the locality.

The locality surrounding the subject site is either Rural or Special Rural zoned land, and land reserved for Parks and Recreation under the MRS and TPS2.

Properties within the locality were previously described under the heading Site Context, and were depicted on the map in Figure 3.

Despite the location of the subject land on the fringe of the Rural zone, the existing character of the locality is distinctly rural. The physical characteristics of the locality engender a sense of rural serenity, which is not unduly compromised by traffic noise from the freeway or by vehicles using Folly Road. The future character can be expected to change over time as land is developed in accordance with the current Rural zoning. Reasonable expectations of change can be gained by reference to the TPS2 Zoning Table, which identifies potentially permissible land uses.

It is considered the application will change the existing and intended future rural character due to:

- Traffic Noise: Increase traffic volumes coming and going from the site at different times for daily prayer sessions, monthly Hindu festivals and bi-monthly weddings, in addition to the residential traffic generated by the proposed dwellings and any service vehicles. It is considered that the noise from car movements accessing the carparks (Noting the entrance, driveway and car park areas would be deemed a ‘road’ under the Noise Regulations) and on Folly Road may cause a nuisance for nearby properties, from cars attending and leaving the site, particularly in the evening and night for the weddings (where all guests’ cars (ie 100+) arrive and depart at a similar time), or in the mornings if vehicles arrive prior to the commencement of 7am prayer sessions.

If noise complaints are received by the City, it would be difficult to enforce due to certain noise emissions such as engine noise, idling and braking being exempt under *Environmental Protection (Noise) Regulations 1997* where operating on a road. The associated traffic movements are considered out of context for the area, and will have an adverse impact on the amenity of the immediate area.

- Scale: The application proposes a number of buildings of a significant scale, which gives rise to concerns about the intensity of the development, which is linked to the total number of persons residing on the site and visiting the site on a daily basis.

The proposal exceeds the scale that can be expected of traditional and permissible uses in the ‘Rural’ zone. The application involves nine buildings that will be used for the predominant use (Place of Worship) and the various incidental uses (Reception Centre, Residential Building, and Ancillary Accommodation).

The Applicant has attempted to justify the scale of proposed development on the basis of the scale of the existing rural buildings on Lot 55 Folly Road. It is noted that (contrary to what the Applicant's density plan shows) the scale of the proposed development on the subject site significantly exceeds the scale of the built form on Lot 55 Folly Road (refer to Figure 9 below). The issue of scale needs to account for the 'character' of the uses being compared - in this case comparing a rural business land use to what effectively amounts to a Hindu temple and cultural centre.

Overall, the intensity of the proposed development exceeds what could reasonably be expected within the area, based on the number of people that will visit the site and the frequency of such. The hours of operation and the number of persons attending activities on the site will ensure that the amenity impacts are unacceptable.



9. Building Areas on Lot 53 and Lot 55 Folly Road

- Visual Impact: The visual impact of development is discussed above.
- Proposed Land Use Intensity. In a cumulative context, the proposed land use is not considered compatible with the surrounding rural properties as the application involves the continuous massing of people on the site; a range of activity and operating hours at a proposed level of intensity that fluctuates over time, from:
 - Daily Prayers: Worshippers attending twice daily prayer sessions, seven days a week. During weekdays up to 100 people can be expected to attend the site across the two prayer sessions, while up to 300 people can be expected across two sessions on weekend days.

- Hindu Festivals: In addition to daily prayer sessions, Hindu festivals will be held on average once a month. Up to 325 people can be expected to attend the site across two sessions on a weekday, and up to 450 if held on weekend days.
- Weddings: Weddings will be held every second month, which will combine with the daily prayer sessions and any Hindu festivals held in the same month to significantly increase activity on the site. Up to 400 people may attend weddings.
- Priest Dwelling: The Priest's and their families (up to 12 people) who will live on the site.
- Guest Accommodation: Visiting guests (up to 8 people at a time) to staying in the Ancillary Accommodation dwelling.
- Yoga classes twice a week (20 people); and
- The general movement of people and vehicles (including caterers and service vehicles) onto, around and off the site.

The intensity of the proposed use involves an overall level of activity on the site that is considerably beyond what can reasonably be expected in a Rural zone.

Further, the proposal involves a range of ancillary buildings and activities that are beyond what could be reasonably be expected for a 'Place of Worship'.

The application is therefore not considered consistent with the above strategic intent of the City's RLS.

As such, the City's reasons No.2 and 3 for recommending refusal in April 2022 remain unchanged.

Town Planning Scheme No.2 (TPS2)

The objective for the Rural zone is to preserve land for farming and foster semi-rural development, which is sympathetic to the particular characteristics of the area in which it is located.

The character, scale and intensity of the proposed development cumulatively, being a Hindu temple and in essence, a community centre, is not considered to constitute the reasonable expectations of 'semi-rural' development in a Rural zone under TPS2.

As discussed in relation to the Rural Land Strategy, the scale and intensity of the proposed development is such that granting Development Approval would likely adversely impact the existing rural character of the area. As such, the application is not considered consistent with the Rural zone objective of TPS2.

Permissibility

Based on the information provided, the City has interpreted the proposed land uses as follows:

- The Temple (and ancillary buildings including the Temple Kitchen, Ablution building, Library and Dining Hall) is interpreted under TPS2 as a 'Place of Worship' (the predominant use of the land). A Place of Worship is a use that is not permitted in a 'Rural' zone, unless discretion has been exercised by granting Development Approval after advertising the proposal for public comment ('A' use).
- The Priest's dwelling is interpreted as a 'Residential Building' (Incidental use), which is a use that is not permitted unless the responsible authority has exercised its discretion by granting Development Approval ('D' use).

A 'Residential Building' means:

"A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *Temporality by two or more persons; or*
- *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school".*

The City is satisfied that the re-designed Priest's dwelling is not a 'grouped dwelling' and therefore Reason No.6 of the refusal recommendation no longer applies.

- As the Multi-Purpose Hall will be used for weddings, it is interpreted as a 'Reception Centre', which is also an 'A' use (Incidental use).
- The guest accommodation dwelling is interpreted as Ancillary Accommodation, which is an 'IP' use in the rural zone, being incidental to the predominant use (Incidental use).

All of the above land uses are discretionary uses under TPS2.

Parking

The proposal includes 105 car parking spaces which complies with the car parking requirements of TPS2, based on the rates required for a 'Place of Worship', 'Reception Centre', and the R-Codes (103 required).

Setbacks

TPS2 requires all development to be set back 30m from Folly Road and Young Road and 10m from other boundaries. The building setbacks comply.

Comments

The proposed development as submitted was advertised for public comment, and valid planning objections were received from various surrounding landowners regarding impacts on the rural amenity.

Amended plans and reports were submitted that addressed some of the concerns of the City; some of the City's recommended reasons for refusal and the following reasons the MOJDAP deferred the decision making:

- *"Landfill requirements for stormwater management and effluent disposal:*
- *Hours of operation as it affects environmental noise measures:*
- *Bushfire management requirements as they affect landscaping and screening:*
- *Housing accommodation proposed on site."*

The amended application has been considered against the relevant planning framework, and although some of the previously reported matters have been addressed, the City maintains its concerns that the proposal is not a compatible use.

Due to the intensity and scale proposed, the development is considered likely to adversely impact the rural character and amenity of the locality, which is in direct conflict with the City's RLS, and the objective for the Rural zone outlined in TPS2.

Conclusion

It is recommended that the application is refused accordingly. The proposed development is considered to be contrary to ordinary and proper planning principles having due regard to the local planning framework.