

Case Note: Radha Soami Satsang Beas Australia and City of Swan

Place of worship in Swan Valley Planning Act 1995 and seriously entertained documents

In 2017 an application for development approval under both the *Metropolitan Region Scheme* (MRS) and the *City of Swan Local Planning Scheme No 17* (the Scheme) to use land located in Area B of the Swan Valley for a 'Place of Worship' was lodged. The Swan Valley Planning Committee recommended refusal and the City of Swan refused to approve the application on the basis that it was not consistent with the planning objectives for Area B of the *Swan Valley Planning Act 1995* (WA) (SVP Act).

In this circumstance, the Tribunal concluded that little weight could be given to the draft scheme amendment currently out for advertising, which would make 'Place of Worship' an 'x' use on the site. The Tribunal determined that the draft amendment was still being advertised and it was far from certain that it would ultimately be approved by the Western Australian Planning Commission and incorporated into the Scheme (12).

Further, the Tribunal considered in this circumstance there was no basis to refuse a proposed development that did not contemplate one of the objectives' encouraged land uses (71 & 73).

In Summary, the Tribunal determined that the proposed development met two of the objectives for the Swan Valley Rural Zone. The Tribunal determined that the correct and preferable decision was to approve the development application

The full judgement is available [here](#). More case notes available [here](#).