



# Ordinary Council Meeting

AGENDA

Tuesday 25 March 2025

**NOTICE OF MEETING**  
**ORDINARY COUNCIL MEETING**

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 25 March 2025 at 6.30pm.**



Anthony Vuleta  
**Chief Executive Officer**  
20 March 2025

**Acknowledgement of Traditional Owners**

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

**Emergency Procedures**

**Please view the position of Exits, Fire Extinguishers and Outdoor Assembly Area as displaced on the wall of the Council Chambers.**

**In case of an emergency follow the instructions given by City Staff.**

**Please remain at the assembly point until advised it is safe to leave.**

# Our Vision



## Connected Communities, Valuing Nature and Creating our Future Together

### Core Values

**Service:** We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

**Professionalism:** We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

**Quality:** We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

### Aspirational Values

**Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

**Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

**Innovation:** We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

**Our simple guiding principle will be to ensure everything we do will make the City of Kalamunda socially, environmentally and economically sustainable.**

[kalamunda.wa.gov.au](http://kalamunda.wa.gov.au)



## **Webcasting Notice**

Please note that tonight's meeting, other than the confidential sessions, are being live streamed and recorded.

All in attendance and those addressing Council should refrain from making offensive/defamatory statements as there may be legal implications.

Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

## INFORMATION FOR PUBLIC ATTENDANCE

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

### Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times.
4. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

### Deputations and Public Question Time

These sessions in the Council Meeting provides an opportunity for people to ask any question of the Council or speak publicly on any matter.

#### Public Question Time

Public Question Time session will be conducted in accordance with the provisions of the Local Government Act and the City's Standing Orders.

Where a member of the public raises a question during Public Question Time, a response will be provided where Councillors or staff have the necessary information at hand; if not, a reply will be provided at a later time. There is a limit of one question per speaker per meeting.

#### Deputations

All speakers are limited to ten minutes, with a one-minute warning given to speakers prior to the ten-minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

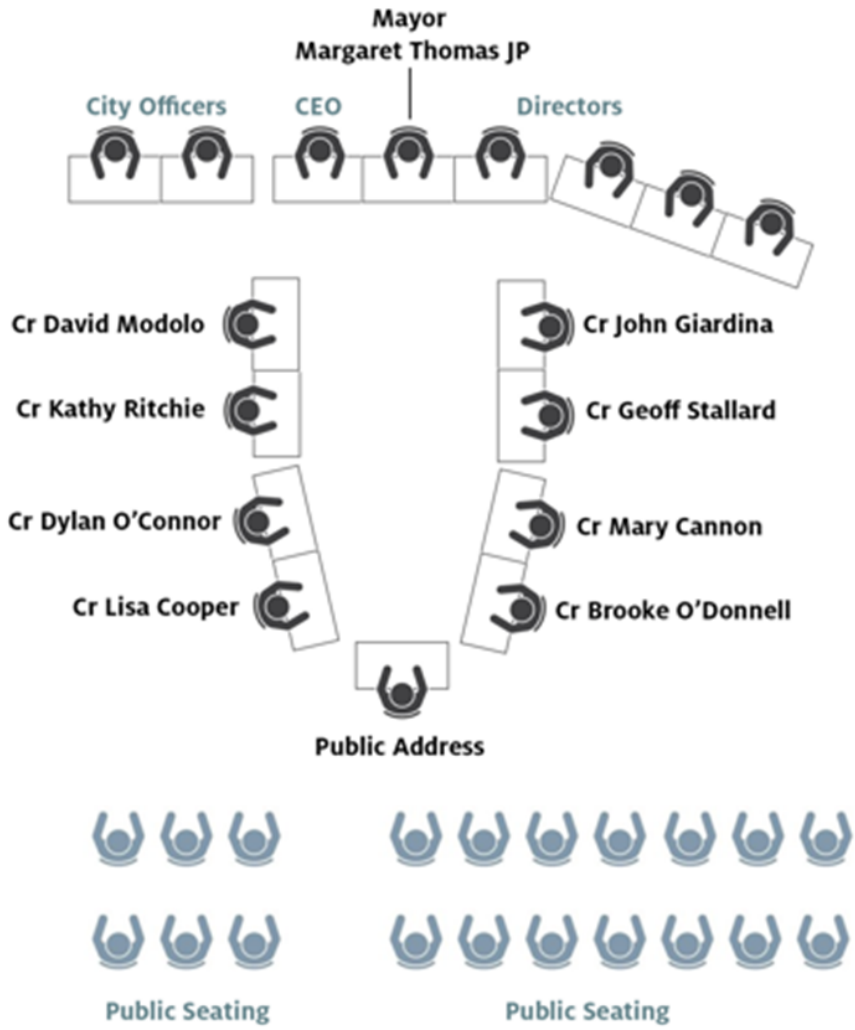
It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore, they are subject to the risk of defamation action if they make comments about individuals.

In the event that speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

Only the audio recording of the public address speakers will be heard on Council's webcast. Visual images of the speaker will not be captured as part of that webcast.

## Council Chambers Seating Plan



## Schedule of Agenda Briefing Forums a Council Meetings - 2025

Ordinary Meetings of Council (OCM) commence at 6:30pm.  
Public Agenda Briefing Forums (Agenda Briefing) commence at 6:30pm.

	Agenda Briefing	Ordinary Council
February	Tuesday 11	Tuesday 25
March	Tuesday 11	Tuesday 25
April	Tuesday 8	Tuesday 22
May	Tuesday 13	Tuesday 27
July	Tuesday 8	Tuesday 22
August	Tuesday 12	Tuesday 26
September	Tuesday 9	Tuesday 23
October	Tuesday 7	Tuesday 14
November	Tuesday 11	Tuesday 25
December	Tuesday 2	Tuesday 9



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1. **Official Opening**
2. **Attendance, Apologies and Leave of Absence Previously Approved**
3. **Public Question Time**

- 3.1. **Questions Taken on Notice at Previous Meeting**

3.1.1 Michael Ryan, High Wycombe (taken on notice 25 February 2025)

Q The Tribunal found the need to consider Stage 3, and its development to the "northeast of Sultana Road West", because of the proximity of the applicant's industry. Can we please have an explanation why the Tribunal transcript records that evidence given by the Shire said Stage 3 was to be developed for light industrial land use?

A. The State Administrative Tribunal (SAT) considered a range of evidence as part of ***Terra Spei PTY LTD (Applicant) and Shire of Kalamunda (Respondent) [2015] WASAT 134***. Paragraph 58 of the SAT decision makes reference to the Forrestfield/High Wycombe Industrial Area Design Guidelines (Design Guidelines), which, at the time referenced within its Vision / Statement of Intent for the future industrial area. The Design Guidelines had not at that time been updated to recognise the Urban land use direction being planned within the Forrestfield North District Structure Plan.

- 3.2. **Public Question Time**

*A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.*

4. **Petitions/Deputations**
5. **Applications for Leave of Absence**

6. **Confirmation of Minutes from Previous Meeting**

That the Minutes of the Ordinary Council Meeting held on 25 February 2025, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

*"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 25 February."*

**7. Announcements by the Member Presiding Without Discussion**

**8. Matters for Which the Meeting may be Closed**

- 8.1 Item 10.2.1 RFT 2433 Provision for General Cleaning Services - Award of Tender – **Confidential Attachment** - RFT 2433 Tender Evaluation

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

- 8.2 Item 10.6.2 Creditor Payments for the period ended 28 February 2025 – **Confidential Attachment**

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

**9. Disclosure of Interest**

**9.1. Disclosure of Financial and Proximity Interests**

- a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
- b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

**9.2. Disclosure of Interest Affecting Impartiality**

- a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

**10. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. DA24/0537 - 67 Setosa Drive Forrestfield - Tree removal (2x trees)**

*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA24/0537
Applicant	G Machingura
Owner	G Machingura
Attachments	<ol style="list-style-type: none"> <li>1. Plans [<b>10.1.1.1</b> - 1 page]</li> <li>2. Cover Letter [<b>10.1.1.2</b> - 1 page]</li> </ol>

**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
√ Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

## STRATEGIC PLANNING ALIGNMENT

### Priority 2: Kalamunda Clean and Green

**Objective 2.1** - To protect and enhance the environmental values of the City.

**Strategy 2.1.2** - Development and Implementation of the Urban Forest Strategy.

**Strategy 2.1.4** - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider a development application for the removal of 2x Trees at Lot 53 (No. 67) Setosa Drive, Forrestfield (the subject site).
2. The trees are both located within the front setback area of the site.
3. It is recommended Council refuse the application for the removal of 2x Trees at the subject site.

## BACKGROUND

### 4. Land Details:

Land Area:	479sqm
Local Planning Scheme Zone:	Residential R20
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



6. In 2022 the Western Australian Planning Commission (WAPC) approved a 4-lot freehold subdivision (WAPC Ref: 162031). As part of the subdivision approval the trees were required to be retained through conditions of subdivision approval and were subsequently retained through the subdivision clearance process.
7. In September 2023 the subject site received development approval for a Single House (Ref: DA23/0283). The approved plans noted the two trees on the subject site for retention. The trees were subsequently conditioned to be retained on the development approval.
8. In August 2023 the subject site received development refusal for the proposed removal of the two (2) trees on site (Ref: DA23/0301). Further information on the refusal is provided in the Details and Analysis section of this report.
9. In all three instances, the landowner/applicant had appeal rights through the State Administrative Tribunal (SAT) if they were not satisfied with the decisions made or any of the conditions imposed. Appeal rights exist for 28 days after the date of this letter. The landowner/applicant did not appeal the application(s) through SAT.

10. In December 2024, the City of Kalamunda (City) received another development application for the removal of the two trees on site. This Council report is for Council to consider this application and make a decision.

## **DETAILS AND ANALYSIS**

### **Subdivision**

11. Condition 7 of the WAPC approval for the 4-lot freehold subdivision (WAPC Ref: 162031) required:
- 'Prior to the commencement of subdivisional works, measures being undertaken to identify any vegetation on the site worthy of retention, including any potential habitat or foraging trees for threatened fauna species, and protection measures implemented to ensure such vegetation is not impacted by subdivisional works.'*
12. Through the subdivision process, the applicant engaged an Arborist to prepare an Arboricultural assessment of a total of 41x trees on the subject site (the parent lot being No. 302 Sultana Road East, Forrestfield).
13. The assessment considered the tree health, condition and useful life expectancy of each of the trees.
14. Tree 90 and Tree 92 within the tree survey were located on the site boundaries of No. 67 Setosa Drive.
15. Tree 90 is a *Eucalyptus grandis* tree, with a height of 15-20m, a width of 5-10m, with an average health and condition, semi-mature age glass and a useful life expectancy of 15-25 years.
16. Tree 92 is a *Eucalyptus sideroxylon* tree, with a height of 10-15m, a width of 5-10m, with a good health and condition, semi-mature age glass and a useful life expectancy of 25+ years.
17. As summarised from the Arborist report: both trees were considered to be medium retention value trees. Such trees have an estimated remaining life expectancy of 15–25 years. Trees with this retention value warrant minor design consideration in an attempt to allow for their retention or a suitable replanting scheme.
18. Both trees were retained through the subdivision clearance stage.

**Development Application (DA23/0283)**

19. The approval issued for the Single House in September 2023 required the retention of the two trees within the front setback area.
20. The application sought variations to the open space requirements of Clause 5.1.4 – Open Space of the Residential Design Codes (Volume 1).
21. The retention of these trees was a key consideration during the assessment of the application to support variations to State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes).
22. The trees were subsequently conditioned to be retained on the development approval.
23. The landowner did not appeal the tree requirement on the plans through the SAT.

**Development Application (DA23/0301)**

24. A refusal was issued for the removal of two trees in August 2023.
25. The reasons for this refusal were as follows:
  1. In accordance with Clause 67 (p) of the Planning and Development (Local Planning Schemes) Regulations 2015, the development does not adequately consider the preservation of any trees on the land.
  2. The proposed development does not meet the objectives of the City of Kalamunda Local Planning Scheme No.3 because the tree removal will have a detrimental impact on the natural environment, diminish the amenity of the locality and does not preserve the trees on the land.
  3. The proposed development does not meet the objectives of the (then) City of Kalamunda Local Planning Policy 33 – Tree Retention in that it fails to:
    - a) Balance the protection of retained trees in the earliest possible stage.
    - b) Consider the protection of retained trees in the earliest possible stage.
    - c) Maintaining existing canopy for its environmental benefits.
    - d) Maintaining the amenity of the neighbourhood.
    - e) Apply the mitigation hierarchy in the design process.



26. The assessment highlighted that the tree removal was not warranted because the trees were considered 'trees worthy of retention' under LPP33 which was applicable at the time of the assessment and determination.

27. The justification provided for the tree removal did not meet any exemption for the removal of the trees.

The application did not appropriately demonstrate that:

- a) That the siting and design of the dwelling have considered the retention of the trees
- b) Tree protection methodologies have been considered as an alternative to removal.
- c) How the removal would enhance tree canopy

28. The landowner did not appeal the refusal through the SAT.

#### **APPLICABLE LAW**

29. *Planning and Development Act 2005*

30. *Planning and Development (Local Planning Schemes) Regulations 2015*

31. *City of Kalamunda Local Planning Scheme No. 3*

#### **APPLICABLE POLICY**

32. State Planning Policy 7.3 – Residential Design Codes (Volume 1)

#### **STAKEHOLDER ENGAGEMENT**

33. No stakeholder consultation was required for this application.

#### **FINANCIAL CONSIDERATIONS**

34. Should Council refuse the application, the applicant may exercise their rights to appeal the decision through the State Administrative Tribunal (SAT). In which case, the City would need to engage legal representation. The cost of SAT appeals varies based on the complexity of the matters in dispute.

#### **SUSTAINABILITY**

35. Trees provide essential canopy cover, which helps to cool the surrounding area by providing shade. The removal of the two trees will reduce canopy cover.

- 36. Trees provide habitats for various species of birds, insects, and fauna. The removal of the two trees will disrupt the local ecosystem and result in a loss of local biodiversity.
- 37. Trees provide shade and assist with a reduction in the temperature through the provision of shade. The removal of the two trees will increase the urban heat island effect.

**RISK MANAGEMENT**

38.

<b>Risk:</b> If the development application is approved by Council, it will result in the removal of trees, causing a loss of urban canopy and impacts on local biodiversity.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
It is recommended that the application be refused for the reasons outlined within the report.		

39.

<b>Risk:</b> Approval of the tree removal will undermine the integrity of the WAPC approval of the subdivision which required measures being undertaken to identify any vegetation on the site worthy of retention		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
It is recommended that the application be refused for the reasons outlined within the report in order not to undermine the WAPC approval of the subdivision.		

**CONCLUSION**

- 40. It is recommended Council refuse the application for the removal of 2x Trees at the subject site.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council in accordance with Clause 68 (2) (c) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REFUSE the development application for Tree Removal (2x trees) at Lot 53 (No. 67) Setosa Drive, Forrestfield, for the following reasons:


1. In accordance with Clause 67 (p) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not adequately consider the preservation of any trees on the land.
2. The proposed development fails to meet the objectives of the City of Kalamunda Local Planning Scheme No. 3 due to the detrimental impact of tree removal on the natural environment, local amenity, and tree preservation.

## 10.1.2. Commercial Vehicle Parking - Lot 11 (30) Valcan Road, Wattle Grove

***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.***

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA24/0327
Applicant	L J GITTOS
Owner	LJ & D A GITTOS
Attachments	<ol style="list-style-type: none"> <li>1. Commercial Vehicle 1 Details [<b>10.1.2.1</b> - 3 pages]</li> <li>2. Commercial Vehicle 2 Details [<b>10.1.2.2</b> - 3 pages]</li> <li>3. Cover Letter - Commercial Vehicle - Lot 11 (30) Valcan Road, Wattle Grove [<b>10.1.2.3</b> - 1 page]</li> <li>4. Site Plan - Lot 11 (30) Valcan Road, Wattle Grove [<b>10.1.2.4</b> - 1 page]</li> <li>5. Parking Location Plan - Lot 11 (30) Valcan Road, Wattle Grove [<b>10.1.2.5</b> - 1 page]</li> <li>6. Amended Parking Plan ( Rev 3) [<b>10.1.2.6</b> - 1 page]</li> <li>7. Submission Response Table - Lot 11 (30) Valcan Road, Wattle Grove [<b>10.1.2.7</b> - 12 pages]</li> <li>8. Deputation Clarification Attachment [<b>10.1.2.8</b> - 6 pages]</li> <li>9. Traffic Independent Review [<b>10.1.2.9</b> - 6 pages]</li> </ol>

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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 3: Kalamunda Develops

**Objective 3.1** - To plan for sustainable population growth.

**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider a Development Application for Commercial Vehicle Parking (CVP) for 2 vehicles at Lot 11 (No. 30) Valcan Road, Wattle Grove (the subject site) which came to the City's attention via a complaint.
2. The application was advertised for 14 days to adjoining landowners and occupiers most likely to be affected by the proposed CVP. During the consultation process, the City of Kalamunda (City) received a total number of thirteen (13) submissions comprising twelve (12) objections and one (1) submission indicating support.
3. There is a high number of objections to the proposal. The City considers, with the application of suitable planning conditions, the proposed CVP can be consistent with the planning framework, and thus capable of approval. It is recommended Council approve the application for the proposed Commercial Vehicle Parking for 2 vehicles at Lot 11 (No. 30) Valcan Road, Wattle Grove.

## BACKGROUND

4. **Land Details:**

Land Area:	15,607m <sup>2</sup>
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

5. **Locality Plan:**



6. The subject site is zoned 'Special Rural' under Local Planning Scheme No.3 (Scheme).

7. The site is bounded by rural sites and is within the proposed 'Wattle Grove South' Metropolitan Region Scheme Amendment area, as identified on the Crystal Brook concept plan.

8. The planning objectives of the 'Special Rural' zone are:

- a) To enable smaller lot subdivision to provide for uses compatible with rural development.
- b) To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.

For the purpose of the City's assessment, the objective that all elements of the proposal need to be measured against is objective (b) – to retain amenity and rural landscape.

The phrase 'orderly and proper planning' is commonly used in planning schemes and by planning consultants justifying a proposed development. To be consistent with 'orderly and proper planning' a proposal must be consistent with all elements of the relevant planning framework, or at least not inconsistent. This measure will change from one proposal to the next, with the consistency relating to the use of discretion so departures from the planning framework are only supported when there is good reason to do so.

**DETAILS AND ANALYSIS**

9. The landowner is seeking approval to operate Commercial Vehicle Parking for two vehicles on the subject site. The details of the application are summarised as follows:
- a) Parking of two commercial vehicles on site. Refer to Attachment 1 and 2.
  - b) The two vehicles are proposed to be located 150m behind the street boundary. Refer to Attachment 4 Parking Location Plan and Attachment 5 for the site plan.
  - c) No cleaning/washing, vehicle maintenance is proposed to occur on site, and there will be no staff.
  - d) A site plan (Attachment 5) has been provided which demonstrates a 20-metre by 55-metre parking area to the rear of the site.
  - e) Vehicle movement is proposed to operate between 8.00am and 5.00pm on weekdays with no operations proposed on weekends.
10. The proposal has been assessed against the City's Local Planning Policy 1 – Commercial Vehicle Parking (LPP1). A summary of the application's compliance with LPP1 are outlined in the table below.

**Table 1 – Assessment against LPP1**

<b>Provision</b>	<b>Proposed</b>	<b>Compliance</b>
The commercial vehicle to be parked on the property shall not exceed: <ul style="list-style-type: none"> <li>a) Rigid type – 11 metres in length, 2.5m in width and 4.3 metres in height (either laden or unladen).</li> <li>b) Articulated type – 17.5 metres in length, 2.5 metres in width and 4.3 metres in height (laden or unladen)</li> </ul>	Vehicles measure 11-metres in length, 3-metres in height and 9-metres in length, 2-metres in height.	Y
The commercial vehicle shall be parked entirely on the lot behind the front alignment of the dwelling, and preferably behind the rear alignment of the dwelling. If the vehicle is parked alongside the dwelling, then gates and/or fencing of a minimum height of 1.8m shall be erected to	Parking demonstrated to the rear of the subject site – behind rear alignment of the dwelling.	Y

satisfactorily screen the vehicle from the public realm.		
The commercial vehicle(s) must enter and leave the property in a forward gear, unless otherwise approved.	There is sufficient turning space at the front of the property to allow entering and exiting in a forward gear.	Y
Spray painting, panel beating and major servicing on the commercial vehicle will not be permitted on the lot. Maintenance is limited to oil and grease changes, changes of tyres (not repair of tyres), and other minor maintenance as approved.	Nil proposed – any operations addressed in this provision are to be dealt separately by compliance.	Y Capable of being a condition of approval to ensure compliance.
Washing of the commercial vehicle on the lot is limited to the use of water and mild detergent, and excluded the use of any solvents, degreasing substance, steam cleaning and any other processes.	No washing of vehicles proposed.	Y Capable of being a condition of approval to ensure compliance.
The commercial vehicle shall only be started and/or manoeuvred on the lot in such a manner and such times approved by the Council, being consistent with the provisions of the Environmental Protection (Noise) Regulations. Standard vehicle movement and start up times between 7.00am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays shall apply, unless otherwise approved.	Operating times proposed between 8am and 5pm on weekdays.	Y Capable of being a condition of approval to ensure compliance.
The idling times for start-up and cool down on the property shall be restricted to 5 minutes per day unless otherwise approved.	Capable of being a condition of approval to ensure compliance.	Y



Maintenance and cleaning of the commercial vehicle on a residential lot to be permitted only between 8.00am and 7.00pm Monday to Sunday, and 9.00am and 6.00pm Sunday, unless otherwise approved.	No maintenance on site proposed.	Y Capable of being a condition of approval to ensure compliance.
If a commercial vehicle owner, who has been granted approval to park a commercial vehicle on a lot, wishes to replace the vehicle with another commercial vehicle, a further application is required	Capable of being a condition of approval to ensure compliance.	Y
Council reserves the right to amend the conditions of an approval or to revoke an approval: a) As a result of a justified complaint being received; and/or b) Due to changes (or potential changes) of the lot's zoning	Capable of being a condition of approval to ensure compliance.	Y
The Local Government may give notice of an application for approval to park a commercial vehicle or require the applicant to give notice of the application in respect of any such notice, clauses 9.4.3 to 9.4.6 of Local Planning Scheme No.3 apply.	Advertised in accordance with Clause 67(2)(y), of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	Y

11. Commercial Vehicle Parking in a Special Rural Zone is an 'D' use meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval. This element of the report has been updated since the original February OCM. The proposal constitutes a 'standard' application as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* by virtue of advertising being required.
12. The submissions received are discussed in the stakeholder engagement section of this report and are also outlined verbatim in Attachment 6, with a response from the applicant provided.

**APPLICABLE LAW**

- 13. *Planning and Development Act 2005*
- 14. *Planning and Development (Local Planning Schemes) Regulations 2015*
- 15. *Local Planning Scheme No.3*
- 16. *Environmental Protection (Noise) Regulations 1997*

**APPLICABLE POLICY**

- 17. *Local Planning Scheme No. 3*
- 18. *Local Planning Policy 1 – Commercial Vehicle Parking*
- 19. *Local Planning Policy 11 – Public Notification of Planning Proposals*

**STAKEHOLDER ENGAGEMENT**

20. The development application was advertised in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which included a letter being sent to all landowners and occupiers surrounding the subject site.

21. The City received 13 submissions in relation to the proposal. Twelve of these submissions were objections to proposal, and 1 submission was received in support of the proposal.

It is also noted that 7 of the above submissions received were not formally consulted during the consultation period as they were not considered to be within the appropriate advertising radius. Notwithstanding, these submissions have also been included for consideration.

22. The below table provides a summary of the key concerns raised by the adjoining landowners and occupiers and the City's comments in accordance with Clause 67(2)(y), of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Table 2 – Summary of submissions received and Officer comment**

Issues Raised	Officer Comment
<p><b>Street</b></p> <ul style="list-style-type: none"> <li>• Access</li> <li>• Street and property Security</li> <li>• Road capacity</li> <li>• Children and horse riding on road</li> </ul> <p><b>Site Constraints</b></p> <ul style="list-style-type: none"> <li>• Lacks the necessary infrastructure for</li> </ul>	<p>Valcan Road measures less than 1km in length, is quite straight in alignment and is of an appropriate width to allow for two-way access. The City clarifies that this reference to being a straight road refers to the road reserve, the City is aware that the road pavement meanders within the road reserve which has facilitated tree retention. The attached traffic peer review concludes that the meandering nature of</p>

<p>commercial vehicle access</p>	<p>the road, nor its hierarchy classification are an impediment to the application being considered for approval. The above comment has been updated since the February OCM.</p> <p>Planning cannot address any concerns regarding vehicle speeds along the road.</p> <p>As the lot measures over 15,000m<sup>2</sup> there is the necessary space on site to allow for commercial vehicle access and parking. As confirmed by the City's Developmental Engineering Team, as the vehicles measure less than 19m in length, they are of sufficient length for access to be supported on a road of this width.</p>
<p><b>Flora and Fauna</b></p> <ul style="list-style-type: none"> <li>• Soil contamination during vehicle washdown</li> <li>• Wildlife crossing/leaving site</li> </ul>	<p>The cover letter provided by the applicant with the application states there will be no vehicle washing on site, thus there is no expected soil contamination.</p> <p>30 Valcan Road is located in a sewerage sensitive area in terms of being within the Estuary Catchment on the Swan and Scott Coastal Plains.</p> <p>Pursuant to the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> detergents are classed as a Schedule 1 Material - Materials that must not be discharged into the environment.</p> <p><i>A person who, in the course of or in connection with a business or a commercial activity, causes or allows a material listed in Schedule 1 to be discharged into the environment commits an offence. Penalty: \$5000.</i></p> <p>If the applicant wishes to wash their own private vehicles on their own property that is different and accepted. The only acceptable way to wash <b>commercial vehicles</b> on the property will be to use a wash bay with a secondary treatment</p>

	<p>system that treats the water prior to disposal.”</p> <p>Managing wildlife impact is considered to fall outside the scope of this development application. No additional clearing of vegetation is proposed, thus the City has concluded that there is no impact on flora or fauna. The above comment has been updated since the February OCM.</p>
<p><b>Noise and Visual Impacts</b></p> <ul style="list-style-type: none"> <li>• Vehicle noise</li> <li>• Visual amenity</li> <li>• Lack of screening</li> </ul>	<p>As per LPP1, the commercial vehicle shall only be started and/or manoeuvred on the lot in such a manner and such times approved by the Council, being consistent with the provisions of the <i>Environmental Protection (Noise) Regulations</i>. Standard vehicle movement and start up times between 7.00am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays shall apply, unless otherwise approved. The idling times for start-up and cool down on the property shall be restricted to 5 minutes per day. Subsequently, both are proposed to be conditioned to ensure noise is managed, should the application be approved. As the proposed parking area is located to the rear of the property (behind the dwelling alignment), it is unlikely there will be an impact on visual amenity from the streetscape. To address visual amenity for adjoining properties and screening, there is potential to condition that the applicant must install permanent screening along the boundaries of the proposed parking area.</p>
<p><b>Compliance with LPP 1</b></p> <ul style="list-style-type: none"> <li>• Unable to measure compliance with LPP 1 post approval</li> <li>• Existing non-compliance</li> </ul>	<p>The City imposes a range of conditions relating to the proposal that are enforced to ensure compliance. Any action which is against the conditions imposed by the approval are dealt with accordingly by the City’s compliance team.</p>

	<p>Council in exercising its planning discretion on this application should not have regard to any existing non-compliance, as the Council must make a decision based on the planning merit of the proposal, as it has been presented by the applicant.</p> <p>Further comments have been provided in the City's response to deputations. The above comment has been updated since the February OCM.</p>
<p><b>Rates</b></p> <ul style="list-style-type: none"> <li>Operating commercial activity on a site which is more appropriately zoned with commercial operations would incur different rates</li> </ul>	<p>Council in exercising its planning discretion on this application should not have regard to any existing non-compliance, as the Council must make a decision based on the planning merit of the proposal, as it has been presented by the applicant.</p>

**FINANCIAL CONSIDERATIONS**

23. Should Council not support the officer recommendation to approve the application, the proponent may exercise their rights to appeal the decision through the State Administrative Tribunal (SAT). In which case, the City would need to engage legal representation.

23a. At February OCM Council resolved to defer this application to seek clarification of the traffic related comments raised in deputations.

As Officers confirmed at OCM that the proposal had been assessed by suitable qualified staff who concluded that the application was capable of approval, the City has sought an independent peer review of the application at a cost of \$5,445 (inc GST).

This report has also concluded that the proposed application is capable of support and is attached to this report.

**SUSTAINABILITY**

24. The commercial operations raised in submission responses may pose significant threats to the surrounding environment. These alleged operations are separate to the proposal and should be addressed by compliance following determination of this proposal.

**RISK MANAGEMENT**

25.

<b>Risk:</b> The proposal may impact on the amenity of the adjoining properties.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
The City to provide appropriate conditions of planning approval to ensure potential amenity impacts are managed and adhered to.		

26.

<b>Risk:</b> Additional commercial operations may occur following approval.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Further compliance action to follow to ensure operations are in line with conditions specified.		

**CONCLUSION**

27. Officers have concluded, having regard to the submissions received during the advertising period and assessment against the relevant elements of the planning framework, that subject to conditions which have the capacity to ensure ongoing compliance – the proposed development can be consistent with the planning framework and is capable of being approved.

It is recommended that Council approve the application for the proposed Commercial Vehicle Parking for 2 vehicles at Lot 11 (No. 30) Valcan Road, Wattle Grove.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council APPROVE the Development Application (DA24/0327) for the proposed Commercial Vehicle Parking for 2 vehicles at Lot 11 (No. 30) Valcan Road, Wattle Grove, subject to the below conditions and advice:

**Conditions:**

1. The commercial vehicle parking approved herein is personal to L J & D A Gittos and subject to Hino Table Top and Toyota Table Top Dyna with the registration 1EFT.818 and 1ESJ.793, respectively. The approval ceases to be valid upon the sale of the property, change of vehicle or lapse of vehicle registration.
2. The approved commercial vehicles must, at all times, be parked in the location shown on the approved plan to the satisfaction of the City of Kalamunda.
3. The maintenance and cleaning of the commercial vehicle(s) is only permitted between 8:00am and 7:00pm Monday to Saturday and between 9:00am and 6:00pm on Sunday and Public Holidays. Spray painting, panel beating, washing and major servicing of the commercial vehicle(s) is not permitted on-site.
4. The movement and start-up times of the commercial vehicle(s) is only permitted between 7:00am and 7:00pm Monday to Saturday and 9:00am to 5:00pm on Sundays and Public Holidays.
5. The idling time for the commercial vehicle(s) must not exceed five (5) minutes per day for start-up and cool down on the property.
6. The off-loading and storage of any commercial products on-site associated with the parking of the commercial vehicle(s) is not permitted.
7. Within 90 days of completion of the approval, permanent screening must be provided where annotated in red on plans. The permanent screening device must be at least 1.8 metres in height, permanently fixed, made of durable material, and maintained for the duration of the development.
8. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.

**Advice:**

- a) A new commercial vehicle application will be required where the sale of the property, change of vehicle or lapse of vehicle registration occurs.
  
- b) Regarding condition 7, the applicant is advised that installing a dividing fence along the lot boundaries is a sufficient screen.



**10.1.3. Proposed Scheme Amendment No 115 - Additional Use (Community Purpose) - Lot 35 777 Welshpool Road East, Wattle Grove**

*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/115
Applicant	CF Town Planning & Development
Owner	PU TI LIAN SHE SOCIETY PERTH INC
Attachments	1. Scheme Amendment Report [ <b>10.1.3.1</b> - 18 pages]

**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
√ Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

**Priority 3: Kalamunda Develops**

**Objective 3.3** - To develop and enhance the City's economy.

**Strategy 3.3.1** - Facilitate and support the success and growth of businesses.

**Strategy 3.3.3** - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

## EXECUTIVE SUMMARY

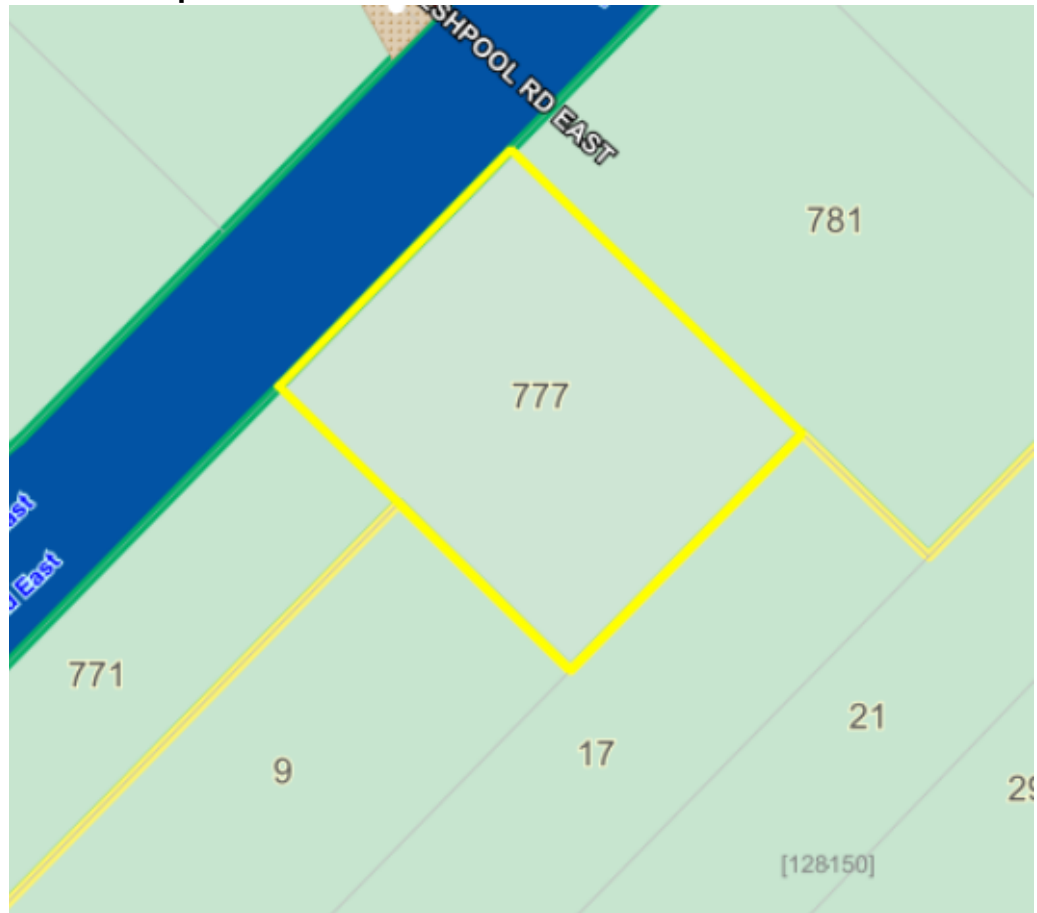
1. The purpose of this report is for Council to consider adopting Local Planning Scheme Amendment 115 (A115) for the purpose of public advertising.
2. The Scheme Amendment proposes to amend Local Planning Scheme No.3 to allow for an additional use (community purpose) to Lot 35 (777) Welshpool Road East, Wattle Grove.
3. It is recommended that Council resolve to adopt A115 for the purpose of public advertising.

## BACKGROUND

4. **Historic Details:**  
The site is zoned 'Rural Composite' under Local Planning Scheme No.3 (LPS 3) and has been historically used for rural/ residential purposes. The lot contains an existing two storey dwelling and incidental structures.
5. **Land Details:**

Metropolitan Region Scheme Zone	Rural
Local Planning Scheme Zone	Rural Composite
Land Area	10,000m <sup>2</sup> (one hectare)

6. **Scheme Map:**



7. **Locality Plan:**



8. The site is located within the North-East Sub Regional Framework (the framework) and is identified as 'urban expansion'. The intent of the framework is to provide areas for urban growth and expansion to accommodate a growing population. The City of Kalamunda (City) has prepared a Local Planning Strategy in response to the framework and has prepared a draft concept plan 'Wattle Grove South'. The concept plan identifies the site as 'Rural Landscape'.
9. The subject site is located along Welshpool Road East which is designated under the Metropolitan Region Scheme (MRS) as an Other Regional Road (ORR).
10. The subject site is bounded by a mixture of rural/residential land uses and a variety of commercial land use that include garden centre, place of worship, boarding kennels and reception centre.

### **DETAILS AND ANALYSIS**

11. The applicant is seeking to amend LPS 3 to include an additional use ('community purpose'). The proposed amendment will not alter the current zoning of 'Rural Composite' and 'Rural' under the LPS 3 and the MRS respectively.
12. LPS 3 sets out the objectives and land use permissibility for the 'Rural Composite' zone.
13. The objectives of the 'Rural Composite' zone are *to provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area.*
14. '**Community Purpose**' is defined in LPS 3 and means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
15. 'Community Purpose' is currently a 'x' use, meaning it is a prohibited land use within the 'Rural Composite Zoning'.
16. The additional use will facilitate the use of the land for a non-for-profit community organisation to provide moral and cultural education, social and recreational facilities and services for the benefit of the community.

17. The applicant has submitted indicative development plans and a proposal for a community purpose land use in support of the proposed scheme amendment. It is noted that a separate development application will be required to be submitted and assessed by the City should the scheme amendment be approved and gazetted.
18. The details of the proposal, as summarised in the applicants planning report, comprise the following hours of operation:

Day	Hours of Operation	Patron Numbers	Activity
Monday	Nil	Nil	Nil
Tuesday	Nil	Nil	Nil
Wednesday	Nil	Nil	Nil
Thursday	Nil	Nil	Nil
Friday	7pm – 9pm	30 Maximum	Meeting
Saturday	8am – 5pm	50 Maximum	Meeting, lectures & other activities
Sunday	8am – 5pm	50 Maximum	Meeting, lectures & other activities

The hours of operation and staff patronage numbers are required to be further assessed as part of a future development application.

19. Indicative development plans have been prepared in support of this scheme amendment and any future development application is to be lodged with the City. The plans are included within the amendment report (refer to attachment 10.1.7.1) and comprise the following key details:
- a) Various additions and alterations to the existing buildings on the land, including an auditorium area, patios, garage and bin store and storerooms;
  - b) Construction of (35 on site car parking bays;
  - c) Upgrade to external areas of the existing building, including façade upgrades and new portico and
  - d) new vehicular circulation areas.

20. **Noise**  
 As part of a future development application an Acoustic Assessment and Noise Management Plan is likely to be required to be submitted to address State Planning Policy 5.4 Road and Rail Noise. It is not considered necessary to be provided at the amendment stage.

21. **Bushfire**

The site is designated as bushfire prone under the Office of Bushfire Risk Management (OBRM) mapping system. To support the amendment, the applicant has provided a Bushfire Attack Level (BAL) Assessment and Bushfire Management (BMP) Plan. It should be noted the City will refer the bushfire documents to Department Fire and Emergency Services (DFES) for their comments.

22. **Traffic**

The applicant has provided a Transport Impact Statement (TIS) which will be assessed by the City's technical staff and the Department of Planning Lands and Heritage (DPLH). To ensure that traffic safety is maintained, a left in and left out only crossover will be conditioned as part of a future development proposal. The TIS provides recent crash history, swept paths, traffic volumes and the impact the development will pose on the wider road network.

**APPLICABLE LAW**

23. ***Planning and Development (Local Planning Schemes) Regulations 2015***

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires a resolution of local government to adopt or refuse to adopt an application to amend a local planning scheme, as well as justification for the type of amendment proposed (basic, standard or complex).

- a) Pursuant to Regulation 35, the proposal is considered a 'complex' amendment because it "... is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission"

**APPLICABLE POLICY**

24. State Planning Policy 3.7 Planning in Bushfire Prone Areas

25. State Planning Policy 5.4 Road and Rail Noise

26. State Planning Policy 7.0 Design of the Built Environment

27. Local Planning Policy 2 Advertising Signage

28. Local Planning Policy 11 Public Notification of Planning Proposals

29. Local Planning Policy 18 Requirements of Local Planning Scheme Amendments

## **STAKEHOLDER ENGAGEMENT**

30. Should Council resolve to initiate the scheme amendment, the proposal will be advertised to the community and relevant external agencies.

## **FINANCIAL CONSIDERATIONS**

31. All costs associated with the scheme amendment will be borne by the applicant. If required, the City may seek independent external advice on any technical matters in dispute at a cost to the City.

## **SUSTAINABILITY**

32. **Social**  
The proposed activities associated with A115 promote social interaction and a sense of belonging and inclusion which may be beneficial to the community.
33. In addition to the above, the organisation is not-for-profit and is run by volunteer members that donate their own time and money to assist others within the community.
34. **Economic**  
The use may attract visitors to the area and therefore an increased population can generate community benefits for local commercial centres by stimulating the economy.
35. **Environmental**  
The proposed use is consistent with the objectives of the 'Rural Composite' zone in that the existing on-site vegetation will be retained and undisturbed as part of any future development. Environmental impact would be assessed in any future development application on the land.

**RISK MANAGEMENT**

36.

<b>Risk:</b> Amenity impacts, the use will lead to increased traffic and noise.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
Through the public consultation period, residents will have the opportunity to provide a submission and can review the Transport Impact Statement on how future development will impact traffic volumes. In terms of noise, this can be addressed through an Acoustic Assessment and Noise Management Plan through a future development application stage.		

37.

<b>Risk:</b> Future use of the subject site might include uses not previously considered under the current amendment.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Ensure appropriate conditions are applied to the scheme amendment and future development application, which ensures the use of the site is consistent with the Community use definition. Any proposal contrary to the proposed community use would require further approval from the City, where potential amenity impacts can be fully considered.		

**CONCLUSION**

38. The proponent is seeking approval to allow an additional use (community purpose) on the subject site. The use has the potential to provide a community and economic benefit.
39. As part of the assessment, due regard to the draft 'Wattle Grove South' concept plan has been given, and the proposal will not prejudice future planning in the area. The proposal is consistent with the objectives of the 'Rural Composite' zone and is compatible with the surrounding commercial land uses.
40. Advertising of the amendment will provide the City the opportunity to fully consider the implications of this amendment and the impacts on the amenity of the locality.
41. Having due regard to the above, it is recommended that Council adopts A115 for the purpose of public advertising.



<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. ADOPT proposed Local Planning Scheme Amendment No.115 to Local Planning Scheme No.3 – Lot 35 (777) Welshpool Road East, Wattle Grove in accordance with Attachment 1, pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of public advertising.
  
2. CONSIDER proposed Local Planning Scheme Amendment No. 115 to Local Planning Scheme No.3 as a complex amendment under Clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason.
  - a) An amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission.
  
3. FORWARD proposed Scheme Amendment No.115 to Local Planning Scheme No.3 to the Environmental Protection Authority for comment pursuant to section 81 of the *Planning and Development Act 2005*.
  
4. ADVERTISE proposed Scheme Amendment No.115 to Local Planning Scheme No.3 for a period of 42 days pursuant to Regulation 47 (Standard)/Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Policy 11 – Public Notification of Planning Proposals and section 81 an 82 of the *Planning and Development Act 2005*.

**10.1.4. Scheme Amendment No.116 - Modification of density coding from R15 to R40 at Lots 1, 2, 47, 48, 100, 105 and 106 Reynolds Road, Forrestfield**

*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/116
Applicant	Taylor Burrell Barnett
Owner	Dawsons Garden World Trust and Water Corporation
Attachments	1. Scheme Amendment Report [ <b>10.1.4.1</b> - 21 pages]

**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
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**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

**Priority 3: Kalamunda Develops**

**Objective 3.3** - To develop and enhance the City's economy.

**Strategy 3.3.1** - Facilitate and support the success and growth of businesses.

**Strategy 3.3.3** - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider whether to adopt Amendment 116 (A116) to Local Planning Scheme 3 for the purpose of public advertising.
2. The Scheme Amendment proposes to amend Local Planning Scheme No. 3 (LPS3) to modify the existing density coding from 'Residential – R15' to 'Residential – R40' for Lots 1, 2, 47, 48, 100, 105, and 106 Reynolds Road, Forrestfield.
3. Council is recommended to adopt A116 for the purposes of public advertising.

## BACKGROUND

### 4. **Historic Details:**

Historically, the site has been utilised as a growing centre for Dawson's Garden World. The broader area has predominantly been residential since development commenced in the 1970s.

### 5. **Land Area:**

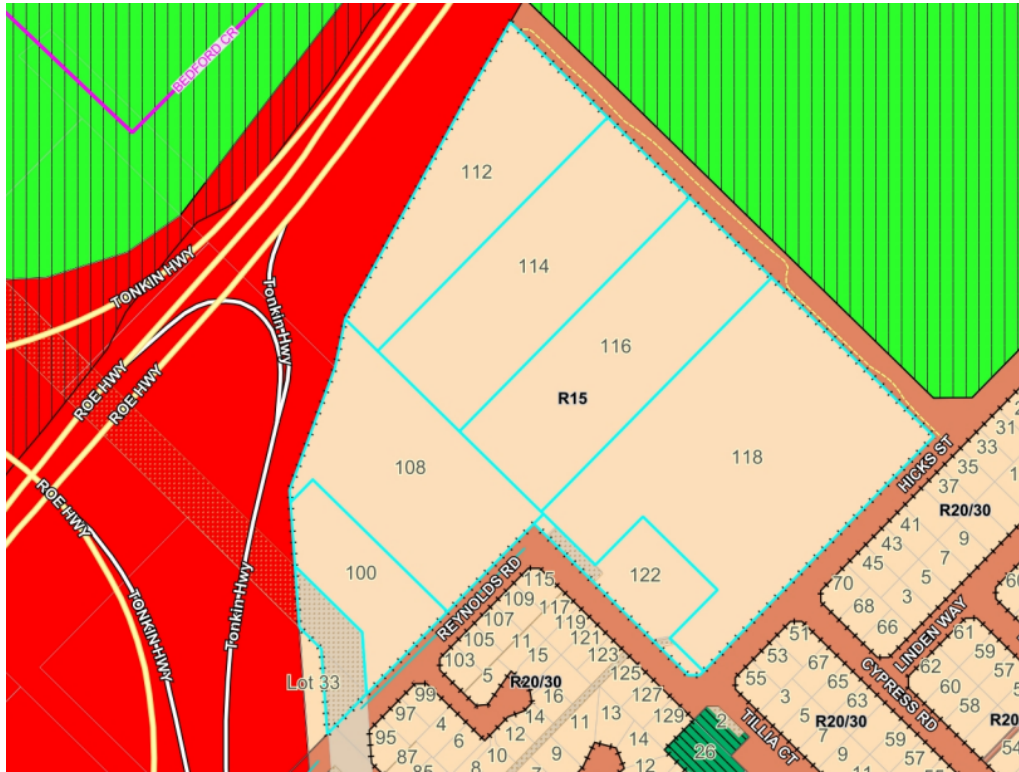
The total land area of the subject sites is provided within the table below:

Lot 1 Reynolds Road, Forrestfield	0.549ha
Lot 2 Reynolds Road, Forrestfield	3.674ha
Lot 47 Reynolds Road, Forrestfield	2.042ha
Lot 48 Reynolds Road, Forrestfield	2.044ha
Lot 100 Reynolds Road, Forrestfield	1.812ha
Lot 105 Reynolds Road, Forrestfield	0.757ha
Lot 106 Reynolds Road, Forrestfield	1.629ha
<b>TOTAL LAND AREA:</b>	12.507ha

6. **Land Details:**

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R15

7. **Zoning Plan:**



8. **Locality Plan:**



9. The subject sites are located east of the intersection of Roe and Tonkin Highways.
10. As demonstrated in the Zoning Plan, surrounding sites to the east have a dual density code of R20/30.
11. To the north-east of the subject site is Parks and Recreation Reservation, which encompasses Pioneer Park, and is also covered by a Bush Forever area (Site 440).
12. A portion of the site is impacted by a section of the Dampier Bunbury Natural Gas Pipeline, which is contained within an easement traversing the southern portion of Lot 100.
13. The subject site is relatively flat with a fall of approximately 2m across 160m from the northeast to the southwest.

## **DETAILS AND ANALYSIS**

14. The applicant is seeking to amend Local Planning Scheme No. 3 (LPS3) to modify the density coding of the subject sites from R15 to R40.
15. The subject site falls within the North-East Sub-regional Planning Framework and is identified as an 'Urban' area.
16. The proposed scheme amendment does not alter the use of the land from its current zoning under the Metropolitan Region Scheme (MRS). The proposal is consistent with the objectives of the Urban zone.
17. The proposed scheme amendment is consistent with the zone objectives for land zoned 'Residential' under LPS3. The zone objectives are:
  - a) To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
  - b) To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
  - c) To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
  - d) To encourage the retention of remnant vegetation.
18. The proposed increase in density to R40 aligns with state and local planning objectives, facilitating urban infill and housing diversity while addressing the increase in population in Forrestfield.
19. The proposed increase in density to R40 is considered acceptable in the context of the adjoining residential areas which provide for split density coding of R20/30 and R25/40.
20. **Residential Design Codes**

An increase in the density code from R15 to R40 will provide flexibility in street blocks to explore variety in width and depth of front-loaded lots to create a variety of housing options.
21. Lots at the R40 code would have a minimum and average lot size requirement of 180m<sup>2</sup> and 220m<sup>2</sup> respectively. However, it is likely that a future subdivision would provide a diversity in lot sizes.

22. A Local Development Plan (LDP) would be required to be prepared during the subdivision stage to guide future development.

23. **Bush Forever**

The subject site does not contain any bushland identified by State Planning Policy 2.8, however, is adjacent to a site designated as 'Bush Forever'. This site has been largely degraded with only a small portion of the site containing significant vegetation.

24. **Noise**

The site falls almost entirely within the road and rail noise buffer from Roe and Tonkin Highways to the north and west. The proposed scheme amendment does not seek to alter the current zoning of the land and therefore a noise assessment is not considered to be necessary at this stage.

25. **Bushfire**

A portion of the site is designated 'bushfire prone area' in the state Map of Bush Fire Prone Areas. However, a Bushfire Management Plan (BMP) is not necessary at the scheme amendment initiation stage.

26. **Water Supply and Sewerage**

The Water Corporation has confirmed that existing infrastructure can support the increased demand for water and increased flows that will be associated with increasing the density of dwellings on the sites.

27. **Gas Supply and Communications**

Gas and Communications infrastructure have the capacity to supply these services to dwellings with the R40 density coding.

## **APPLICABLE LAW**

28. ***Planning and Development (Local Planning Schemes) Regulations 2015***

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme, as well as justification for the type of amendment proposed (basic, standard, or complex).

29. Pursuant to Regulation 35, the proposal is considered to be a 'standard amendment' for the following reasons:

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve

- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission
- c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area

### **APPLICABLE POLICY**

- 30. State Planning Policy 2.8 – Bushland Policy for the Metropolitan Region
- 31. State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- 32. State Planning Policy 5.4 – Road and Rail Noise
- 33. State Planning Policy 7.0 – Design of the Built Environment
- 34. State Planning Policy 7.3 – Residential Design Codes
- 35. City of Kalamunda Local House Strategy
- 36. Local Planning Policy 2 – Advertising Signage
- 37. Local Planning Policy 11 – Public Notification of Planning Proposals
- 38. Local Planning Policy 18 – Requirements of Local Planning Scheme Amendments

### **STAKEHOLDER ENGAGEMENT**

- 39. Should council resolve to initiate the scheme amendment, the proposal will be advertised to the community and relevant external agencies.

### **FINANCIAL CONSIDERATIONS**

- 40. All costs associated with the processing of the Scheme amendment will be borne by the Applicant.

### **SUSTAINABILITY**

- 41. **Social**  
The proposed density change to a higher density will provide more housing options and result in more housing availability.
- 42. Higher density can lead to more vibrant communities, especially when provided with better access to amenities and services.
- 43. **Economic**  
The increase in density will accommodate an increased population which can generate economic benefits for local commercial centres by stimulating the economy.
- 44. **Environmental**  
The proposed density change to a higher density can lead to more efficient land use and resources whilst reducing urban sprawl.



- 45. Access to existing open space and the opportunity for additional open space to be provided as part of subdivision and development.
- 46. Favourable topography and soil conditions, leading to limited earthworks being required to facilitate development.
- 47. Sufficient access to existing public transport routes for future development on site to support the proposal.

**RISK MANAGEMENT**

48.

<b>Risk:</b> The increase in density of the subject site will lead to increased noise and traffic from future development.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Moderate
<b>Action/Strategy</b>		
Advertise the amendment to allow for public submissions to be made. Submissions will be assessed to determine if the increased noise and traffic impact is acceptable to landowners, taking into consideration the existing amenity and land use at the subject sites.		

49.

<b>Risk:</b> If the council resolves to refuse the initiation of the scheme amendment, the City's Objectives 3.1 (Strategy 3.1.1) and 3.3 (Strategies 3.3.1 and 3.3.3) are not addressed.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
High	Unlikely	Moderate
<b>Action/Strategy</b>		
Accept the scheme amendment and advertise for public submissions to be made.		

**CONCLUSION**

- 50. The applicant is seeking an amendment to the Scheme to modify the existing density coding from 'Residential – R15' to 'Residential – R40' for Lots 1, 2, 47, 48, 100, 105, and 106 Reynolds Road, Forrestfield.

51. The increase in density supports residential development that aligns with the City of Kalamunda's Local Housing Strategy and Local Planning Strategy. The increase in density will improve diversity and increase density to meet current and future population needs while ensuring compatibility with the surrounding residential character.
52. Advertising of the proposed amendment will provide the City of Kalamunda the opportunity to fully consider the implication of the proposed density change and determine the suitability of the subject site for future higher density development at the R40 coding.
53. Noting the above, it is recommended that Council adopts A116 for the purpose of public advertising.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

1. ADOPT proposed Local Planning Scheme Amendment No.116 to Local Planning Scheme No.3 pursuant to Section 75 of the *Planning and Development Act 2005* for the purpose of public advertising.
2. CONSIDER proposed Local Planning Scheme Amendment No.116 to Local Planning Scheme No.3 as a 'Standard Amendment' under Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
  - a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve
  - b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission
  - c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area
3. FORWARD proposed Scheme Amendment No.116 to Local Planning Scheme No.3 to the Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. FORWARD proposed Scheme Amendment No. 116 to Local Planning Scheme No. 3 to the Western Australian Planning Commission for comment pursuant to Regulation 46A (2)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4. ADVERTISE proposed Scheme Amendment No.116 to Local Planning Scheme No.3 for a period of 42 days pursuant to Regulation 47 (3) (Standard) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Policy 11 – Public Notification of Planning Proposals and sec 81 an 82 of the *Planning and Development Act 2005*.

**10.2. Asset Services Reports**

**10.2.1. RFT 2433 Provision for General Cleaning Services - Award of Tender**

*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

Previous Items	OCM 02/2022; OCM 139/2016
Directorate	Asset Services
Business Unit	Asset Maintenance
File Reference	AD-TEN-005
Applicant	N/A
Owner	City of Kalamunda

Attachments	Nil
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Confidential Attachment	<u>Reason for Confidentiality: Local Government Act 1995 s5.23 (c)</u> <i>"a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>
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**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
✓ Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 3: Kalamunda Develops

**Objective 3.2** - To connect community to key centres of activity, employment and quality amenities.

**Strategy 3.2.1** - Ensure existing assets are maintained to meet community expectations.

## EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council approval to award a tender seeking to engage a contractor for the Provision of General Cleaning Services (RFT 2433) throughout City owned and operated facilities and BBQs.
2. It is recommended Council accept the tender from OCE Corporate Cleaning ABN 082 965 964 based on the schedule of rates for an initial three-year period with the option to extend two one-year options at the City's discretion.

## BACKGROUND

3. The Contract Term on the previous provision of General Cleaning Services (RFT 2115) is due to expire in March 2025.
4. The City sought to engage a suitable Contractor or Contractors for the Provision of General Cleaning Services throughout City owned and operated facilities and assets. The services proposed primarily consists of general day to day cleaning to Community Facilities and City occupied facilities as well as all the BBQs in City parks and reserves.

## DETAILS AND ANALYSIS

5. The City issued RFT 2433 seeking to engage a contractor to provide General Cleaning Services for a three-year period, with two optional single year extensions at the City's discretion. Tenders closed on 15 January 2025, with ten tenders received by the closing date.
6. Tenders received by the closing date were from the following companies (in alphabetical order):
  - a) AD Facility Services
  - b) BrightMark Group Pty Ltd
  - c) Iconic Property Services Pty Ltd

- d) Jays Services International Pty Ltd
- e) JMD Facility Management
- f) OCE Corporate Cleaning
- g) Spick & Span Commercial Property Maintenance Pty Ltd
- h) The Trustee for Panich Family Trust T/A DMC Cleaning
- i) The Trustee for The Pickwick Cleaning Services Unit Trust
- j) Uniting Global Pty Ltd

7. An Evaluation Panel was convened of suitably qualified City officers to assess the tenders received.

8. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	20%
Tenderer's Resources	20%
Methodology	35%
Local Benefits	10%
WHS – Management Plan Manual	15%

9. The assessment outcome in ranked order is detailed in the following table below:

Tenderer	Qualitative Total Score (Weighted @ 100%)	Rank	Pass/Fail
BrightMark Group	69.00%	1	Pass
Iconic Property Services	63.00%	2	Pass
OCE Corporate	62.50%	3	Pass
DMC Cleaning	59.50%	4	Fail
Spick & Span	54.00%	5	Fail
Uniting Global	52.00%	6	Fail
AD Facility Services	50.00%	7	Fail
JDM Facility Management	37.00%	8	Fail
Pickwick Cleaning Services	33.50%	9	Fail
Jays Services	33.00%	10	Fail

This assessment demonstrates that three of the ten Tenderers exceeded the required QPM of 60%. No clarifications were sought by the Panel in relation to the qualitative assessment undertaken.

10. Three conforming tender submissions met the required QPM and was advanced to the price assessment stage of the evaluation process. Each tenderers price submission is outlined in the following table.

<b>Tenderer</b>	<b>Rank</b>
OCE Corporate	1
BrightMark Group	2
Iconic Property Services	3

11. The Tender Evaluation Report is provided as Confidential Attachment 1 to this report. This Attachment also assesses the anticipated costs for labour for the range of tasks anticipated by the City each year.
12. The recommended tender best satisfied the City's requirements in terms of:
- a) meeting or exceeding the qualitative assessment benchmark;
  - b) proven capacity and capability to undertake the work;
  - c) satisfying reference checks from previous clients;
  - d) satisfying independent financial reference checks of the proposed contractor; and
  - e) providing the best value for money outcome.
13. The contract term is proposed to be an initial three-year term with two further one-year extensions at the City's discretion. The schedule of rates will increase annually by CPI.

#### **APPLICABLE LAW**

14. Section 3.57 of *Local Government Act 1995*.  
Part 4 of the *Local Government (Functions and General) Regulations 1996*.

#### **APPLICABLE POLICY**

15. CEOD-CS51 – Purchasing, has been followed and complied with.

#### **FINANCIAL CONSIDERATIONS**

16. The use of General Cleaning Services under this contract, will form part of approved annual budgets in Building Maintenance.
17. OCE Corporate ranked 3<sup>rd</sup> in the Qualitative Criteria and provided the lowest conforming Schedule of Rates Tender Price. Considering both the Qualitative Criteria and assessment of price, the consensus of the Tender Panel is that OCE Corporate is the recommended Tenderer.

**SUSTAINABILITY**

18. Nil

**RISK MANAGEMENT**

19.

<b>Risk:</b> The Contractor fails to fulfil the requirements of the contract, leading to increased costs to the City through re-tendering.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Insignificant	Unlikely	Low
<b>Action/Strategy</b>		
a) Corporate scorecard confirms financial viability of contractor. b) Formal and detailed Qualitative criteria within Tender minimise risk. c) The contractor’s performance for the duration of the contract will be monitored and areas of improvement communicated accordingly.		

20.

<b>Risk:</b> Contractor unable to attend to urgent work in a timely manner which results in a safety risk.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Possible	High
<b>Action/Strategy</b>		
a) Embedding contractual mechanisms to ensure response to emergency situations has been agreed to. b) The capacity of the organisation to respond was assessed as part of the qualitative assessment.		

**CONCLUSION**

21. After evaluating all the submissions from the various suppliers and taking all the risks into consideration, it is believed that OCE Corporate Cleaning ABN 082 965 964 will be the best suitable supplier to provide the City with for General Cleaning Services. The City is satisfied that the recommended tenderer has the capability, capacity and experience to provide the City with the required services.



<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. ACCEPT the tender RFT 2433 – Provision of General Cleaning Services from OCE Corporate Cleaning ABN 082 965 964, as per the schedule of rates set out in Confidential Attachment 1 to this report for an initial three-year term with two further one-year extensions at the City of Kalamunda's discretion.
2. AUTHORISE a contract to be formed with the second most advantageous tenderer as identified in point 5.5 of the Tender Evaluation Report, in accordance with regulation 18(7) of the *Local Government (Functions and General) Regulations 1996*, in the event that Clause 2.25 of the Contract with the first most advantageous tenderer is enforced.

**10.3. Corporate Services Reports**

No reports presented.

**10.4. Community Services Reports**

No reports presented.

**10.5. Office of the CEO Reports**

No reports presented.

**10.6. Chief Executive Officer Reports**

**10.6.1. Monthly Financial Statements to 28 February 2025**

*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

Attachments	<ol style="list-style-type: none"> <li>Statement of Financial Activity for eight months ended 28 February 2025 [10.6.1.1 - 1 page]</li> <li>Statement of Net Current Funding Position as at 28 February 2025 [10.6.1.2 - 1 page]</li> <li>Statement of Financial Position as at 28 February 2025 [10.6.1.3 - 1 page]</li> <li>2024-25 Budget Amendment - OCM 25.03.2025 [10.6.1.4 - 2 pages]</li> </ol>
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**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
✓ Legislative	Includes adopting Local Laws, Town Planning Schemes, and Policies. When the Council determines a matter that directly

impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licenses, other permits or licenses issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

**Strategy 4.1.2** - Build an effective and efficient service-based organisation.

## EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statement for the period ended 28 February 2025.
2. The Statutory Financial Statement report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the mid-year reviewed budget 2024-25 adopted by Council on 25 February 2025.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the month of February 2025, which comprise:
  - a) Statement of Financial Activity by Nature
  - b) Net Current Funding Position, note to financial report; and
  - c) Statement of Financial Position.

## BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
5. The Statement of Financial Position (Attachment 3, incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 35 of the *Local Government (Financial Management) Regulations 1996*.

## **DETAILS AND ANALYSIS**

6. The Act requires the Council to adopt a percentage or value to be used in reporting variances against the Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

## **FINANCIAL COMMENTARY**

### **Draft Statement of Financial Activity by Nature and Type for eight months ended 28 February 2025.**

7. This Statement reveals a net result surplus of \$34,182,081 compared to the budget for the same period of \$24,755,615 resulting in a variance of \$9,426,466. The variance is largely due to an investing activities variance of \$4,148,944 and variance of \$2,684,260 & \$2,593,263 respectively from operating & financing activities.

### **Operating Revenue**

8. Total Revenue including rates is under budget by \$950,690. This is made up as follows:
- a) Rates generation is trending along the budget with a minor variance of \$67,190 mainly due to lower interims than currently budgeted.
  - a) Operating Grants, Subsidies and Contributions are also trending along the budget with a minor variance of \$109,235. The variance is mainly due to reimbursement of Workers Compensation and Insurance Claims.
  - b) Profit on asset disposal is under budget by \$1,062,071 as certain land parcels earmarked for sale have not yet been finalised. Approval was recently granted by Council to commence disposal which will hopefully be completed in the next few months. This is deemed a timing difference.
  - c) Fees and Charges are trending along the budget with minor over budget variance of \$106,679. The variance is attributable to the recovery of project management fees from Strategic Projects that is higher than budget by \$70,996.
  - d) Interest income is above budget by \$92,491 mainly due to higher interest earned on investments and reserves than budgeted.
  - e) Other Revenue is under budget by \$24,950, and the variance is mainly due to Environmental Health related compliance action collection which is lower than budget by \$19,150.
  - f) Ex-Gratia Rates Revenue is tracking lower than budget by \$104,884 due to a timing variance in relation to the Ex-Gratia Rates due from the Dampier Bunbury Gas Pipeline. The amount is normally received in March every year.

## **Operating Expenditure**

9. Total expenditure is under budget by \$2,912,461. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$545,637 which is due to minor delays in the recruitment of new and vacant positions across several business units.
  - b) Materials and Contracts are under budget by \$2,302,249. The variance is mainly due to the timing for waste services, building maintenance and infrastructure maintenance costs.
  - c) Utilities are tracking along the budget with a variance of \$16,670 that is below the variance reporting threshold.
  - d) Depreciation, although a non-cash cost, is tracking along the budget by minor variance of \$44,233.
  - e) Interest & Insurance expense are tracking along their respective budget amounts with minor variances of \$10,075 and \$6,872 below reportable variance threshold.
  - f) Other expenditure is under budget by \$58,539 mainly due to land acquisition costs of \$62,664 budgeted for Forrestfield Industrial Area Scheme which were unspent.

## **Investing Activities**

### **Non-operating Grants and Contributions**

10. The non-operating grants and contributions is over budget by \$232,280. This is mainly due to the timing difference of receipts of grants for capital works projects and project delivery.

## **Capital Expenditure**

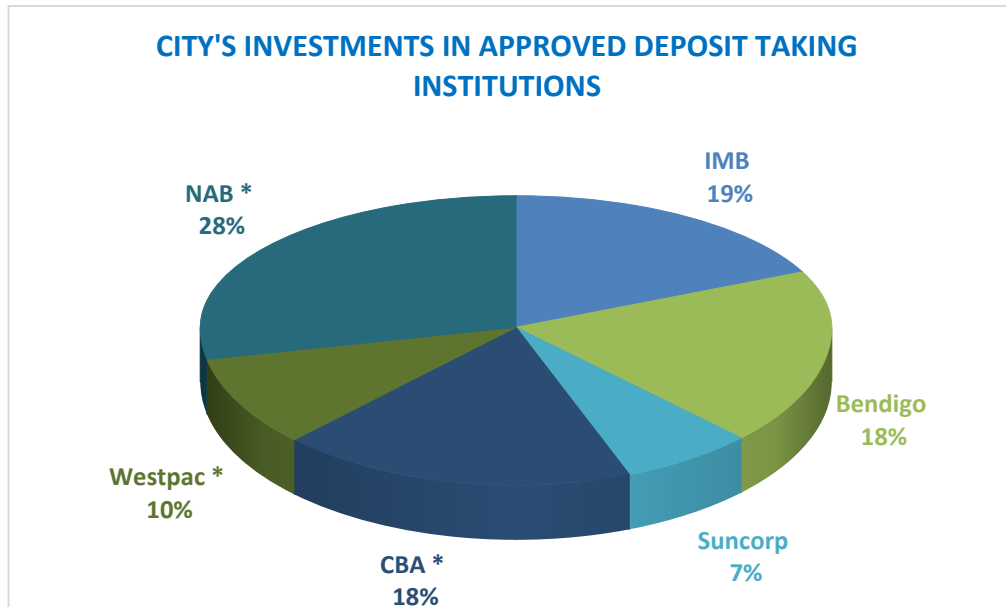
11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets is under budget by \$3,916,663. The City is working through some large projects which are in various stages in the tender process

## **Financing Activities**

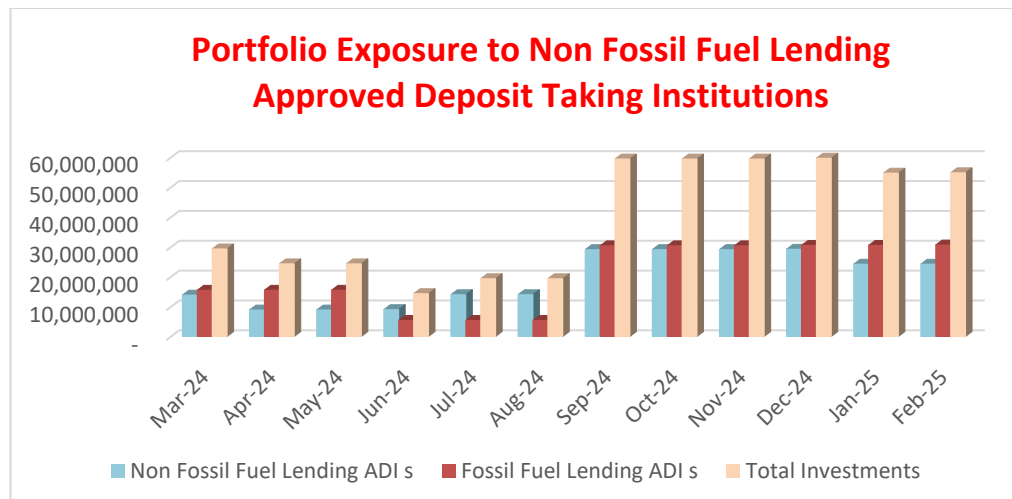
12. The amounts attributable to financing activities show a variance from budget by \$2,593,263 which is mainly due to the timing difference of reserve transfers that are usually transacted towards the year end.

### Statement of Net Current Funding Position as of 28 February 2025

- 13. The commentary on the net current funding position is based on a comparison of February 2025 to the February 2024 actuals.
- 14. Net Current Assets (Current Assets less Current Liabilities) total \$61.5 million as compared to \$53.1 million for the previous year. The restricted cash position is \$31.7 million which is higher than the previous year's balance of \$24.7 million. The transfers from Reserves normally occur in the later part of year once the bulk of the Capital Works programme has been delivered for the financial year.
- 15. The following graph indicates the financial institutions where the City has investments as of 28 February 2025. Investments yields are between 4%-5.5% depending on length of deposits. The Reserve Bank of Australia finally reducing the cash rate to 4.1% in February will have an adverse effect on investment income in the outer months.



\*Financial Institutions with Investments in the Fossil Fuel Industry



16. Rates debtors are currently \$3.7 million, further details are contained in the Rates Report to Council.
17. Sundry debtors have increased from \$154,281 to \$357,801 of which \$191,552 consist of current debt due within 30 days. Details are contained in the Debtors and Creditors February Report to Council.
18. Receivables Other represent \$2.9 million including:
  - a) Emergency Service Levy receivables \$0.7 million.
  - b) Receivables Sanitation \$0.8 million.
19. Provisions for annual and long service leave have slightly increased by \$94,868 from \$4.28 million to \$4.37 million when compared to the previous year.

### Proposed Budget Amendments

20. Attachment 4 lists a range of budget amendments which are proposed due to operational reasons.

The net impact of the budget amendments is a \$127,967 increase in the closing surplus position.

- a) 2025.03-1 – Project 3548 – Falls Road – Lesmurdie – Embayed Parking – project is in re-design and marked as a carry over to 2025-26 financial year.
- b) 2025.03-2 - Household Refuse – Purchases – The City has received an additional grant for the purpose.
- c) 2025.03-3 – Project 9523 - Walliston Transfer Station – Headstand and Community Reuse Shop – project has been placed on hold awaiting a licence amendment.

- d) 2025.03-4 – Mundaring Weir – Minor Corrective Works required in line with Main Roads recommendations.
- e) 2025.03-5 – Minor Infrastructure Improvements – budget increase to allow for replenishment of the budget amount available.
- f) 2025.03-6 – R2R additional grant received for various roads allowed for.
- g) 2025.03- 7 – Project 9607 – Ray Owen Pavillion Roof Replacement – Budget amount increased to allow for higher costs required to complete urgent roof repairs.

### **APPLICABLE LAW**

21. *The Local Government Act 1995 s6.8 and the Local Government (Financial Management) Regulations 1996 s34 and s35.*

### **APPLICABLE POLICY**

22. Nil.

### **STAKEHOLDER ENGAGEMENT**

#### **Internal Referrals**

23. The City's executive and management monitor and review the underlying business unit reports which form the consolidated results presented in this report.

#### **External Referrals**

24. As noted in point 21 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

### **FINANCIAL CONSIDERATIONS**

25. The City's financial position continues to be closely monitored to ensure it is operating sustainably and to allow for future capacity.

### **SUSTAINABILITY**

#### **Social Implications**

26. Nil.

#### **Economic Implications**

27. Nil.



**Environmental Implications**

28. Nil.

**RISK MANAGEMENT**

29.

<b>Risk:</b> Over-spending the budget.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department.		

30.

<b>Risk:</b> Non-compliance with Financial Regulations		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action / Strategy</b>		
The financial report is scrutinised by the City to ensure that all statutory requirements are met. Internal Audit reviews to ensure compliance with Financial Regulations. External Audit confirms compliance.		

**CONCLUSION**

31. The City's Financial Statement as of 28 February 2025 reflect the 2023-24 audited opening surplus position.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council

1. RECEIVE the Monthly Statutory Financial Statement for the month of February 2025 which comprises:
  - a) Statement of Financial Activity (Nature or Type) (Attachment 1).
  - b) Statement of Net Current Funding Position, note to financial report. (Attachment 2).
  - c) Statement of Financial Position (Attachment 3).
2. Pursuant to section 6.8(1)c of the *Local Government Act 1995* AUTHORISE amendment to the 2024-25 Budget as detailed in Attachment 4.

## 10.6.2. Debtors and Creditors Reports for the month of February 2025

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Creditor Payments for the Period ended 28 February 2025 - Public [<b>10.6.2.1</b> - 14 pages]</li> <li>2. Summary of Debtors for the month of February 2025 [<b>10.6.2.2</b> - 2 pages]</li> <li>3. Summary of Creditors for month of February 2025 [<b>10.6.2.3</b> - 1 page]</li> </ol>
Confidential Attachments	<ol style="list-style-type: none"> <li>1. Creditor Payments for the period ended 28 February 2025 – (Confidential)</li> </ol>

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

### TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g., accepting tenders, adopting plans and budgets)
Information	For Council to note
√ Legislative	Includes adopting Local Laws, Town Planning Schemes, and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licenses, other permits or licenses issued under other Legislation, or matters that could be subject to appeal to the State Administrative Tribunal

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

## EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with details of payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of February 2025.
2. The report provides details of payments made from the Municipal and Trust Fund Accounts for the month.

There are no details for purchasing cards transactions this month as there has been a delay in acquittals processed this month. These transactions will be reported in next months report.

3. It is recommended that Council receive the list of:
  - a) payments made from the Municipal and Trust Fund Accounts for the month of February 2025

The above list is in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A); and

- b) the outstanding debtors and creditors report for the month of February 2025.

## BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Funds must occur monthly.
6. Effective from 1 September 2023 under *Local Government (Financial Management) Regulations 1996* (Regulation 13A)  
If a local government has authorised an employee to use a credit, debit or other purchasing card a list of payments made using the card must be prepared each month showing the following information for each payment made since the last list was prepared.
  - a) The payee's name

- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the payment.

**DETAILS AND ANALYSIS**

**Debtors**

- 7. Sundry debtors as of 28 February was \$357,800.71. This includes \$191,552 of current debts and \$1,754, unallocated credits (excess or overpayments).
- 8. Invoices over 30 days total \$14,097, debts of significance:
  - a) Department of Education, \$10,543, KPAC shared cost reimbursement.
- 9. Invoices over 60 days total \$33,981, debts of significance:
  - a) Municipal Workcare, \$27,496 workers compensation claims.
- 10. Invoices over 90 days total \$119,926, debts of significance:
  - a) Municipal Workcare, \$90,043 workers compensation claims;
  - b) N-Com Pty Ltd, \$15,490, lease fees;
  - c) Private Citizen, \$5,315, fire hazard reduction burn; and
  - d) Kalamunda Chamber of Commerce, \$3,335, reserve hire.

**Creditors**

- 11. Payments totalling \$7,816,030.57 were made during the month of February 2025. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
- 12. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Lavan Legal (Trust Account)	Remaining balance for the purchase of land acquisition	3,116,613.00
Asphaltech Pty Ltd	Road materials for works completed at various locations in High Wycombe	727,620.41
Australian Taxation Office	PAYG Tax Payments	502,903.36
Aware Super Pty Ltd	Superannuation Contributions	228,284.69

Dowsing Group Pty Ltd	Supply & lay concrete pathways, maintenance & miscellaneous works at various locations	187,024.48
Resource Recovery Group	Waste & recycling disposal services fees	181,289.03
Synergy	Power charges	172,705.50
Christou Design Group Pty Ltd	Design services for High Wycombe Community Hub and allowance for design fee variations as per council decision 63/2024 and progress payment	146,706.76
Merger Contracting P/L T/As J&M Asphalt	Supply and laying of minor asphalt at various locations	128,159.89
Catalytic IT	IT hardware - Network switch replacement	115,337.00
Carabiner Architects Pty Ltd	Design services for Hartfield Park Master Plan stage 2 for January 2025	114,919.67
Beaver Tree Services	General tree services / under powerlines pruning for various locations	111,308.40
Belgravia Health & Leisure Group Pty Ltd	Management of the Kalamunda Water Park - operating deficit & subsidy - Oct to Dec 2024	106,712.68
AE Hoskins Building Services	Building maintenance services/repairs at various locations including progress claim #5 works at Ray Owen stadium seating	101,588.86
Contraflow	Traffic management for various locations	93,639.62
Eastern Metropolitan Regional Council (EMRC)	Domestic / waste charges - Red Hill Tip - mattress & timber disposal fees	86,968.89
City of Cockburn	Provision of Waste Disposal Services from the weekly residential collection	70,493.29
OCE Corporate Pty Ltd - Office cleaning experts	Cleaning services / consumables for various locations	66,249.10
Landscape and Maintenance Solutions	Residential verge, passive & active reserves mowing services	63,182.06

These payments total \$6,321,706.69 and represent 81% of all payments for the month.

## **Payroll**

13. Salaries are paid in fortnightly cycles. A total of \$1,637,951.70 was paid in net salaries for the month of February 2025.
14. Details are provided in Confidential Attachment 1 after the creditors' payment listing.

## **Trust Account Payments**

15. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
  - a) CELL 9 Trust;
  - b) Public Open Space funds,
  - c) NBN Tower Pickering Brook Trust
16. There were no payments made from the Trust Accounts in the month of February 2025.

## **APPLICABLE LAW**

17. Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996*.
18. Regulation 13 & 13A of the *Local Government (Financial Management) Regulations 1996*.

## **APPLICABLE POLICY**

19. Debt Collection Policy CEO Direction 5.5.
20. Register of Delegations from Council to CEO.

## **STAKEHOLDER ENGAGEMENT**

### **Internal Referrals**

21. Various business units are engaged to resolve outstanding debtors and creditors as required.

### **External Referrals**

22. Debt collection matters are referred to the City's appointed debt collection agency when required.

**FINANCIAL CONSIDERATIONS**

23. The City will continue to closely manage debtors and creditors to ensure optimal cash flow management.

**SUSTAINABILITY**

24. Nil.

**RISK MANAGEMENT**

**Debtors**

25.

<b>Risk:</b> The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Insignificant	Possible	Low
<b>Action/Strategy</b>		
Ensure debt collections are rigorously managed.		

**Creditors**

26.

<b>Risk:</b> Adverse credit ratings due to the City defaulting on the creditor.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Insignificant	Possible	Low
<b>Action/Strategy</b>		
Ensure all disputes are resolved in a timely manner.		

**CONCLUSION**

27. Creditor payments are within the normal trend range.



<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. RECEIVE the monthly lists of payments made from the Municipal Accounts for the month February 2025 (Confidential Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors and creditors reports (Attachments 1-3) for the month of February 2025.

### 10.6.3. Rates Debtors Report for the Period Ended 28 February 2025

***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.***

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	Nil

#### **TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
√ Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

#### **STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

#### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

**Strategy 4.1.2** - Build an effective and efficient service-based organisation.

**EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of rates recovery actions.
2. The City of Kalamunda (City) levied rates for 2024/2025 on 16 July 2024. The amount collectable (excluding deferred rates balance of \$1,154,803) as of 28 February 2025 was \$49,518,331. This balance includes, initial billing, interims and the brought forward balance from 2023/24. Collections to date stand at \$46,043,932.

**BACKGROUND**

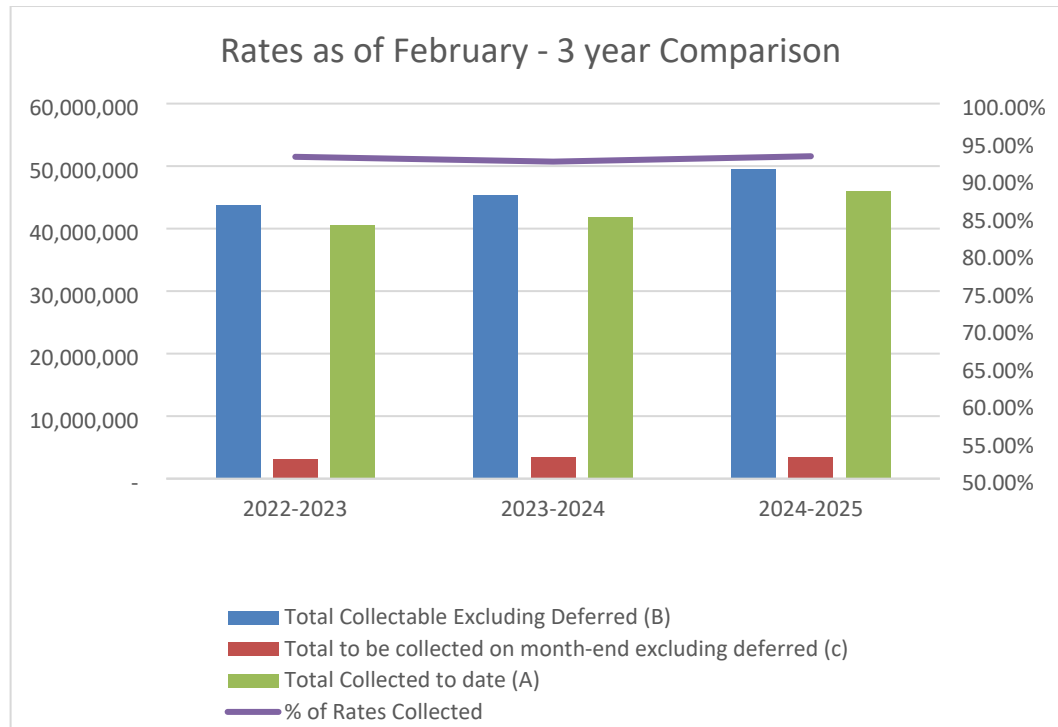
3. Rate Notices were issued on 16 July 2024 with the following payment options available:

Options	Payment Dates			
Full payment	20 August 2024			
Two instalments	20 August 2024	24 January 2025		
Four instalments	20 August 2024	22 October 2024	24 January 2025	25 February 2025

**DETAILS AND ANALYSIS**

4. A total of 24,024 notices were issued on 16 July 2024. This consisted of 20,072 mailed rates notices, and 3,509 of eRates notices (12% take-up saving more than \$5,600 in postage and printing).
5. As of 28 February 2025, rates Levied and collectable for the 2024/2025 Financial Year total is \$49,518,331 (excluding deferred rates), with collections standing at \$46,043,932. With the 1<sup>st</sup> instalment, which was due on 20 August 2024 now completed, the City has identified all properties in default, that is, they have not paid in full, selected an instalment option or entered into a payment arrangement with the City. Debt collections activity has commenced from September 2024 with reminder notices sent out. Phone/sms campaign will be initiated in March 2025 on all debts over \$1,000.
6. The above collection of \$46,043,932 represents a collection rate of 92.98% which is slightly better than the previous year of 92.26%. For reference, below is a chart comparing the February collection rates for the last three years.

7.



8.

From the above chart the following observations are made:

- a) The quantum of collectable and collected rates is higher in 2024/25 than previous years because the base amount is higher each year.
- b) It is noted the amount collected is back to 2022/23 year end levels and slightly improved. The City now has a stable Rates Team with seasoned professionals who are actively managing the debt outstanding.
- c) The % collectable at 28 February 2025 is 7.02% which will be a point of focus for the Rates Team to work towards. In this regard, work is being done to review and update the City’s collection and hardship policies and procedures. The City has reviewed and performed market testing on its contractual obligations with the City’s debt collection agency with no changes needed prior to going legal on defaults identified.
- d) The City sent out “final demand notices” in February 2025 which will be followed up with General Procedure Claims in March 2025. There are approximately 306 properties who are in default (see further details in point 10, below).

9.

The interim rating has commenced for 2024/2025. To 28 February 2025 \$443,356 has been raised for the interim rating Revenue.

10. The first instalment due date was 20 August 2024. The following observations should be noted:
- a) A total of 13,717 properties representing 57% of the total number of rateable properties were noted to have paid in full or were in credit.
  - b) A total of 9,764 ratepayers have taken up an instalment option or have entered into a payment arrangement. This is an increase of 1% from 2023/2024 where 9,657 chose an instalment option or a payment arrangement.
  - c) The balance of properties who have not paid in full or not chosen to pay by instalments or have not entered into a payment arrangement, are technically regarded as “in default”. There are 306 properties in this category representing 1.27% of the total number of rateable properties. The City has sent out “final demand notices” in February which will be followed by a call/SMS campaign in March 2025.

The following table showing Properties choosing to pay by instalments or payment arrangements:

Option	Description	2025/25 Number	2023/24 Number
Option 2 on Rates Notice	Two instalments	1,803	1,732
Option 3 on Rates Notice	Four instalments	6,695	6,880
Direct Debit	Pay by direct debit	1,067	941
Payment Arrangement	Pay by payment Arrangement	199	104
<b>Total</b>	<b>Ratepayers on payment options</b>	<b>9,764</b>	<b>9,657</b>

11. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 1 Feb 2025 to 28 Feb 2025, there was a total of 484 calls, equating to 18.56 hours of call time.

**APPLICABLE LAW**

12. The City collects its rates debts in accordance with the *Local Government Act 1995* Division 6 – Rates and Service Charges under the requirements of Subdivision 5 – Recovery of unpaid rates and service charges.

**APPLICABLE POLICY**

13. The City's rates collection procedures are in accordance with the Debt Collection Policy CEO Direction 5.5.

## **STAKEHOLDER ENGAGEMENT**

### **Internal Referrals**

14. The City's Governance Unit has been briefed on the debt collection process.

### **External Referrals**

15. The higher-level debt collection actions will be undertaken by an external collection agency.

## **FINANCIAL CONSIDERATIONS**

16. The early raising of rates in July allows the City's operations to commence operations without delays improving cashflow, in addition to earning additional interest income.

## **SUSTAINABILITY**

### **Social Implications**

17. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.
18. The City has "a smarter way to pay" direct debit option to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A "Smarter Way to Pay" allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, helping to reduce their financial burden.

### **Economic Implications**

19. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the City.

### **Environmental Implications**

20. The increase in the take up of eRates, as a system of Rate Notice delivery, will contribute to lower carbon emissions due to a reduction in printing and postage.

**RISK MANAGEMENT**

21.

<b>Risk:</b> Failure to collect outstanding rates and charges leading to cashflow issues within the current year.		
<b>Consequence</b>	<b>Consequence</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Ensure debt collections are rigorously maintained.		

**CONCLUSION**

22. The current year collection rate is slightly higher at 92.98% compared to 92.26% last year. The City continues to effectively implement its rate collection strategy.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council RECEIVE the Rates Debtors Report for the Period ending 28 February 2025.

**10.7. Audit & Risk Committee**

**10.7.1. Audit & Risk Committee Recommendations**

**RECOMMENDATION**

That Council adopt the Committee Recommendations of the Audit & Risk Committee held on 18 March 2025 en bloc.

**10.7.2. Item 9.3.1. Internal Audit Plan 2024-2027**

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council ENDORSE the Revised Strategic Internal Audit Plan for 2024 to 2027  
(Confidential Attachment 1).

**10.7.3. Item 9.3.2. Internal Audit Report February 2025 - Procure to Pay**

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council RECEIVE the details of the Internal Audit Reviews for the Procurement to Pay Cycle as presented in Confidential Attachment 1.

**10.7.4. Item 9.6.1. 2024 Compliance Audit Return**

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council ADOPTS the Compliance Audit Return for the year ending 31 December 2024 (Attachment 1).

**11. Motions of Which Previous Notice has been Given**

**12. Questions by Members Without Notice**

**13. Questions by Members of Which Due Notice has been Given**

**14. Urgent Business Approved by the Presiding Member or by Decision**



- 15. Meeting Closed to the Public**
- 16. Tabled Documents**  
Public Agenda Briefing Forum - Notes - 11 March 2025
- 17. Closure**