



Public Agenda Briefing Forum

9 June 2026



RICH Values

We treat everyone with dignity, fairness, and kindness—valuing diverse perspectives, listening with empathy, and fostering an inclusive environment where all voices are heard and appreciated.

Respect

We act with honesty, transparency, and accountability—upholding ethical standards, taking responsibility for our actions, and consistently doing what is right, even when no one is watching.

Integrity

We build trust through empathy, honest feedback, and mutual support—creating a safe, respectful environment where people thrive and grow. We care enough to be candid, knowing that truth shared with compassion strengthens us all.

Care

We communicate truthfully and openly—building trust through transparency, owning our actions, and fostering a culture where integrity and authenticity guide every interaction.

Honesty

INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. **The Briefing Session will be held at the City of Kalamunda commencing at 6.30pm.**

Agenda Briefing Forums will provide the opportunity for Elected Members to be informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

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.

Webcasting Notice

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

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.

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums conducted by the City of Kalamunda:

- a. Public Agenda Briefing Forums will be open to the public matters of a confidential nature will not be presented. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b. Dates and times for Public Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c. The Chief Executive Officer will ensure timely written notice and an agenda for each Public Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d. Ordinarily, the Mayor is to be the Presiding Member at Public Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Public Agenda Briefing Forum from amongst themselves to preside at that Public Agenda Briefing Forum.
- e. Relevant employees of the City of Kalamunda will be available to make presentation or respond to questions on matters listed on the agenda for the Public Agenda Briefing Forum.
- f. All Elected Members will be given a fair and equal opportunity to participate in the Public Agenda Briefing Forum.
- g. The Presiding Member will ensure time is made available to allow for all matters of relevance to be covered.
- h. Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Public Agenda Briefing Forum. When disclosing an interest, the following is required:
 - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the *City's Code of Conduct*.
 - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
 - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i. Minutes shall be kept of all Public Agenda Briefing Forums. As no decisions are made at a Public Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council of the preceding forum.
- j. At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k. Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015 (City's Standing Orders)*.

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

Members of the public are invited to ask questions at Public Agenda Briefing Forums.

- a. Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c. Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d. Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e. Members of the public are encouraged to keep their questions brief to enable others who desire to ask a question to have the opportunity.
- f. Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h. Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i. The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
 - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j. Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k. Questions and any responses will be summarised and included in the minutes of the meeting.
- l. It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995 (WA) (LG Act)* or the *Freedom of Information Act 1992 (FOI Act)*.
- m. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

- a. Members of the public are invited to make statements at Briefing Forums.
- b. Statements made at a Briefing Forum must relate to a matter contained in the agenda.

- c. A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d. Public Statement Time will be limited to two (2) minutes per member of the public.
- e. Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f. Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g. Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City of Kalamunda employee.
- h. Where an Elected Member is of the opinion that a member of the public is make a statement at a Briefing Forum that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- i. A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j. Statements will be summarised and included in the notes of the Briefing Forum.

Questions in Writing

- a. Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b. The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c. Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d. The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e. The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f. Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g. A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h. Questions and any response will be summarised and included in the minutes of the meeting.
- i. It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise

the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

Members of the public may ask questions of clarification at Public Agenda Briefing Forums.

- a. Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c. The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d. Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e. The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f. Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matter 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*.)

3.2. 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.

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

Public questions will be allowed and received following the presentation of the report.

6. Public Statement Time

Public statements will be allowed and received following the presentation of the report.

7. Public Submissions Received in Writing

8. Petitions Received

9. Confidential Items Announced But Not Discussed

10. Reports to Council

10.1. Development Reports

10.1.1. Draft Local Planning Policy 33 - Future Forest

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

Previous Items	OCM 2025/108
Directorate	Development
Business Unit	Statutory Approvals
File Reference	3.009297
Applicant	
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Engagement Report [10.1.1.1 - 94 pages] 2. Schedule of Potential Modifications [10.1.1.2 - 17 pages] 3. LPP 33 Future Forrest V1 Track Changes [10.1.1.3 - 18 pages] 4. LPP 33 Future Forrest V1 [10.1.1.4 - 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
X 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 3.3- To develop and enhance the City’s economy.

Strategy 3.3.1 - Facilitate and support the success and growth of business.

EXECUTIVE SUMMARY

- 1) The purpose of this report is for Council to consider a revised Draft Local Planning Policy 33 – Future Forest (Policy) for adoption, and feedback received during the consultation period.
- 2) A Local Planning Policy which provides regulatory clarity within the planning framework on how the Administration will make regulatory decisions relating to the removal of trees as ‘development’ is of general benefit to landowners, regardless of the preferred balance of removal, retention, and offsets.

The Administration notes that there is not a requirement for any Local Government to have a Local Planning Policy dealing with the matter of trees.

- 3) The recommendation is for Council to adopt the draft Policy subject to modifications which respond to themes of feedback from the community and Councillors by providing policy settings that facilitate tree removal on residential land, and facilitate offsets for development sites.

BACKGROUND

- 4) The preparation of a local planning policy to protect trees on development sites was identified as a key initiative in the City’s strategic environmental framework, including the Kalamunda Clean and Green: Local Environment Strategy 2019 – 2029 (Clean and Green) and the Environmental Land Use Planning Strategy (2019) (ELUPS).
- 5) The strategy action resulted in the preparation and adoption of Local Planning Policy 33 – Tree Retention (revoked Policy) in December 2022. The revoked Policy was in effect as a planning instrument from January 2023 until it was revoked through a Notice of Motion at the Ordinary Council Meeting of February 2024, which took effect from 1 March 2024.
- 6) In the absence of a Local Planning Policy to guide its use of discretion in making planning delegated planning decisions, since 1 March 2024 the Administration has been dealing with reports of tree removal and development applications involving proposed tree removal on a case by case basis under the default planning framework known as the ‘deemed provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 7) A motion at the Annual Electors Meeting in February 2025 requested:

"That the Kalamunda City Council:

Instructs the CEO to immediately take action to adopt WALGA's Tree Retention Model Local Planning Policy (LPP), with the intent for the LPP to go to Council by 24 June 2025, and

Subsequently ensures the appropriate updates are made to the City's outdated relevant strategy documents"

In response to this motion, at its meeting of 25 February 2025 (OCM 2025/16), Council resolved to:

NOTE the motion.

NOT ADOPT the WA Local Government Association's Tree Retention Model Local Planning Policy.

REQUEST the Chief Executive Officer to prepare a Draft Tree Retention Policy for Councillor consideration by July 2025.

8) The reasons associated with this resolution were as follows:

"It is critical for a Local Planning Policy to be bespoke and reflect the planning nuances of the locality to which it applies. Policies are not one-size-fits-all, and measures that make sense for inner-city and highly-urban planning environments are not reflective of the planning constraints or opportunities of the City of Kalamunda.

The revoked Local Planning Policy 33 – Tree Retention (LPP33) was the result of a significant body of work and included input from individual community members and community/advisory groups.

It's important to learn from the implementation and revocation of LPP33. Any future policy should be drafted with consideration of the good (in the former Policy) that should be retained, and what can take the place of the policy provisions that were not consistent with community expectations.

The next step is to align Council's aspirations for a new policy, prior to the City drafting a policy for community and Council consideration."

9) The draft Policy was based on the abovementioned points, and key points made in the February 2024 Notice of Motion, which were:

"There have been reported instances of perverse outcomes to the Policy's implementation and application, particularly regarding the safety of City residents.

It is warranted to repeal the Policy, as the text of the Policy renders it inappropriate and inadequate in balancing the interest of ratepayers, alongside the interest of conservation of our natural assets..."

DETAILS AND ANALYSIS

10) *Learning from the revoked Local Planning Policy 33 – Tree Retention*

Prior to the February 2024 OCM revocation of the policy, Administration provided a pulse check presentation to Elected Members highlighting the implementation of the former Policy for the preceding 12 months and its impact on development in the City.

11) Noteworthy observations from assessment of applications with the revoked LPP include:

1. There was an estimated 4% increase in telephone enquiries.
2. Of 134 enquiries 56% were able to be exempted, while 37% (49) were advised a development application would be required.
3. 43 Applications received (6% of total Applications)
4. Of the 34 applications that were determined, 32 were approved, 2 refused.
5. Of the 32 approvals
6. 14 required no replanting
7. 15 required replanting
8. 3 required offset payments (\$600)

12) Noteworthy observations of dealing with tree removal which required approval (but not obtained) were:

1. 33 investigations into unapproved tree removal
2. 12 development applications were provided
3. The City prosecuted four landowners/companies resulting in approximately \$90,000 in fines from the Magistrates Court

13) What the numbers above don't capture is the practical realities for landowners, developers, contractors, and the Administration in applying a new planning standards.

14) *Landowners*

It was noted that as the Administration matured in its application of the revoked Policy, the landowners engaging with it had an improved experience. The Administration did encounter landowners that viewed proposed tree removal which was significant enough to be captured by the former Policy as their right as a landowner, and that the Policy had been unfairly applied.

- 15) Strong reactions were noted when a landowner was repeating historical pruning, and when a particular issue such as safety was obvious to them – but questioned by the Administration in accordance with the revoked Policy.
- 16) Strong reactions also occurred when a tree was observed to be healthy by Administration, but was reported to be unhealthy by the landowner, resulting in a request for a suitably qualified arborist to provide confirmation of the health status of the tree. This was particularly evident as a financial barrier, given the cost of tree removal could be a few thousand dollars, plus an arborist report of similar value, when compared to the future project such as paving or a new patio cost less than what it cost to gain approval.
- 17) The Administration was rebuffed with requests for a ‘common sense’ test from landowners, where the burden of the revoked Policy was perceived as disproportionate. A common occurrence was a lot with over 100 trees being required to seek approval to remove five trees. Given the lot would have expansive canopy cover far exceeding strategy targets, the revoked Policy regularly failed this landowner test of common sense. This example also demonstrated the difficulty in Kalamunda, with a diverse landscape – compared to local governments that are predominantly urban and canopy cover is uniformly low.
- 18) *Developers*
It was noted that developments such as industrial and commercial builds were able to navigate the revoked Policy requirements and were also able to negotiate balanced outcomes. These applications were typically prepared by experienced planning consultants with access to arborists and landscape advice. In contrast, this acknowledges that the experience for mum and dad developers inexperienced in the planning framework (but still developing) were likely to find the revoked Policy difficult to navigate.
- 19) *Contractors*
Administration had mixed experiences dealing with contractors, particularly in the tree lopping and earthworks fields. It was evident that the introduction of the Policy was a significant disruption to their normal process – not being used to asking for permission prior to vegetation removal. When encountering the application processes, these contractors often had difficulty navigating the policy and planning framework that was new to them.

Frustration was often high as contractors had quoted commencement dates for projects that became difficult to meet due to needing to apply for an exemption or approval and obtain suitably qualified advice which was also expensive.
- 20) As the previous Policy was applied, an emerging narrative was the imbalance, or bias, towards tree retention even though the Policy referenced applying a balanced approach. The priority of tree retention was evident in the hierarchy of

mitigation which listed retention and avoidance strategies as preferred, prior to more balanced measures such as offset planting and offset payment.

21) Whilst the original intent may have been to achieve a balance, the real experience for those interacting with the revoked Policy was having to deal with tree retention first, before other solutions being tabled as options.

22) *Future Forest*

The new Future Forest Policy has been drafted from the learnings obtained through the implementation of the revoked Policy.

Key elements that led to difficult implementation have been addressed.

23) The Future Forest Policy is significantly reduced in its scope and application, to achieve a balance which is more consistent with the view expressed by Council and the landowners that had direct dealings with the revoked Policy.

24) Rather than dealing with a range of environmental aspirations, the Future Forest focus has narrowed to be a clear and precise planning instrument dealing with the matter of canopy cover.

25) The narrowing of scope enables the requirements and expectations of the Policy to be clearer. This has flowed into the drafting style and terminology – which uses more concise sentences and less environmental terms.

26) *Exemptions*

The scope of exemptions has broadened, particularly regarding land used only for residential purposes.

27) The Future Forest Policy is much less likely to catch ‘mum and dad’ landowners in its net – but is expected to still capture commercial and industrial developments.

APPLICABLE LAW

28) *Planning and Development Act 2005 (P&D Act 2005)*

The P&D Act 2005 is legislation that establishes Western Australia’s land use planning system and promotes the sustainable use and development of land in the State.

29) *Planning and Development (Local Planning Schemes) Regulations 2015*

Schedule 2, Part 2, cl.4 (3) “After the expiry of the period within which submissions may be made the local government must –

- a. review the proposed policy in light of any submissions made: and

- b. *resolve to-*
 - i. *proceed with the policy without modification; or*
 - ii. *proceed with the policy with modifications; or*
 - iii. *not to proceed with the policy.”*

Schedule 2, Part 2, cl.4 (3A) *“The local government must not resolve under subclause (3) to proceed with the policy if –*

- a. *the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*
- b. *under the R-Codes, the Commission’s approval is required for the policy; and*
- c. *the Commission has not approved the policy.”*

Schedule 2, Part 2, cl.5 (4) *“If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.”*

APPLICABLE POLICY

30) N/A

STAKEHOLDER ENGAGEMENT

- 31) Community consultation was undertaken in accordance with the requirements of Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The draft Local Planning Policy 33 – Future Forest was advertised for public comment from 29 August 2025 to 24 October 2025 for a period of 60 days. The advertising was carried out in the following manner:
1. Notification on the City’s website through the Engage platform;
 2. Marketing in the form of posters, business cards and flyers;
 3. Hardcopies of the draft Local Planning Policy were made available at City Administration offices and all libraries;
 4. Community pop-ups and library workshops in Kalamunda and Forrestfield shopping centres and libraries;
 5. Newspaper notice;
 6. Email communication with those subscribed to the City’s monthly email update (eNews) and the City’s Engage platform; and
 7. Direct email notification to those affected by the revoked tree retention policy.
- 32) Following completion of the advertising period, a total of 148 submissions were received on the engagement portal, with 79 submissions (53%) objecting, 51 submissions (34%) in support and 18 submissions (12%) providing comment only. The submissions raised 9 key themes on

concern, support and improvement. The below table summarises the key themes raised during the submissions period and the City's response.

Theme
<i>Lack of protection of mature trees</i>
<p>While there were some submissions of support on the draft Policy, which acknowledged the draft Policy provides a better balance between tree retention and replacement tree planting, majority of the submissions raised an issue with the lack of protection of mature trees on residential properties.</p> <p>Of note is that the submissions consider the draft Policy does not give sufficient weighting to the protection of mature/significant trees, and favours tree removal and replacement planting.</p> <p>The City considers the sole focus of the draft Policy is not on the removal of mature trees and planting new trees. The draft Policy looks to retain trees worthy of retention in the first instance, as per Clause 7.6 and 9.2 of the draft Policy which notes that the City may request development or lot reconfiguration to facilitate retaining trees worthy of retention.</p> <p>To address this concern, the intent of the Policy would need to be shifted away from exemptions and allow developers/landowners choose how to deal with tree retention and move towards less exemptions and less opportunity for developers/landowners to choose offsets and instead have a greater emphasis on retention. This would revert to the revoked Policy, with the focus being on tree retention.</p>
<i>Policy exemptions</i>
<p>The second leading theme of the submissions is the exemptions under Clause 6 of the draft Policy being too permissive, and in favour of landowners/developers to clear trees worthy of protection if one or more of the exemptions are met.</p> <p>Learnings from the previous revoked Policy saw an issue of imbalance, or bias, towards tree retention even though the Policy referenced applying a balanced approach. The priority of tree retention was evident in the hierarchy of mitigation which listed retention and avoidance strategies as preferred, prior to more balanced measures such as offset planting and offset payment. Thus, the residential exemptions have been prepared with regard to the learnings from the implementation of the revoked Policy, and assist in providing a balanced approach between tree retention and tree replacement planting to enhance canopy cover.</p>

Exemptions within a local government planning policy does not alleviate a landowner's responsibility under other legislation if planning to clear native vegetation.

Concerns that the exemptions are too broad and as worded, there could be potential misuse of the exemptions with no requirement for a technical opinion was also raised in the submissions. The exemptions have been scenario tested and are robust and clear enough for the Administration to apply effectively.

The extent of exemptions is ultimately at Council's discretion to set or adjust. Notwithstanding this, the Administration does acknowledge the potential for misuse of the residential exemptions and considers there is scope for the exemptions to be improved. Improvements could either be by reducing the extent of the exemptions or adding conditions to the exemptions to be more nuanced.

The suggestion of a flow chart is considered likely to be a helpful addition to the draft Policy, particularly as a quick reference guide in determining whether a tree meets the definition of a tree worthy of retention.

Replacement planting fee

These submissions raised an issue with the replacement planting fee capped at \$10,000 per site not adequately capturing the value of a tree worthy of retention being removed. The submissions note ambiguity on how the replacement fee has been calculated and whether the value of a tree worthy of retention being removed has been factored into the fee, such as age of the tree, species, amenity value, habitat value, canopy size.

The cap is based on the cost of replacement tree planting, including planting and maintenance. The loss of amenity or habitat value from removal is not factored in the cap. Amenity and canopy values can be quite high, and the proposed cap seeks to balance offset payments and is considered proportionate to the types of development, particularly in suburbs with more trees.

The Administration notes that it is difficult to set this number, but it is ultimately at Council's discretion to adopt a cap, nor not have a maximum contribution at all.

The Administration notes that further clarification on the contribution cap, to include maximum fee(s) on replaced trees depending on the

value of the tree proposed to be replaced (amenity/habitat value matrix), is an area the draft Policy could be improved.

The Administration also acknowledges some of the submissions suggesting the contribution cap be removed.

Value of replacement trees

Many of the submissions raised concerns with the value of the replaced tree not holding the same value as the mature tree being removed. These submissions also consider it will take many years for a replanted tree to establish and achieve the same canopy cover as the mature tree being removed.

In response to this theme, the City understands the concern regarding planting a new tree to not offer the same immediate impact as a mature tree. The draft Policy does not compare the replanting of a new tree to have the same immediate impact as the retention of a mature tree. The type of replacement tree will need to be to the satisfaction of the City, to ensure the type of tree species is appropriate for the site and its surrounding vegetation to assist with the canopy cover. This also means that the type of suitable tree species may change from one site to another.

The Administration has experience dealing with replanting and will typically identify a 'preferred replanting area' and if upon further investigation that location is not feasible, the replanting would occur in the nearest feasible location to achieve replacement canopy cover as close as possible to the original location of removed vegetation.

The draft Policy has a ratio of 2 new trees for every tree worthy of retention proposed to be removed (2:1 ratio). The suggestion for a greater ratio of replanting to provide a faster return to the replacement level of canopy is noted by the Administration.

Canopy cover target

These submissions questioned the exclusion of a canopy target from the draft Policy.

The draft Policy is aimed at providing a balance to tree removal on residential sites, thus does not set a canopy percentage target, as the Urban Forest Strategy targets require tree retention and replanting across both private and public land. The Administration notes that it is not the role of a Local Planning Policy to set a target, and a draft Policy alone is unlikely to achieve canopy targets. Targets are more appropriately applied through strategies and targets have been set through the City's Urban Forest Strategy, to achieve a canopy target of

30% by 2043. The draft Policy is limited to development and subdivision applications, which occur on private land. Thus, the draft Policy provides only part of the solution to the Council's canopy cover targets.

The reason setting targets at a strategy level is beneficial because there are many actions and mechanisms across a local government which can contribute to reaching a target.

There is capacity for greater incorporation of canopy targets, which would increase alignment with the City's Urban Forest Strategy. This could be in the form of a removal limit for any residential based exemptions.

Change in title

The City notes that some submissions are concerned with the change in title from the previous 'Tree Retention' to 'Future Forest'. The change in title was deliberately to move away from the Policy having a sole focus on tree retention, rather than achieving an appropriate balance.

Tree planting and maintenance on private land

As part of advertising of the draft Policy, the Administration asked the community for comments on whether the Administration should do more to encourage landowners to plant and maintain trees on private land, to meet the objectives of the draft Policy. Majority of the submissions consider there could be more done by the Administrative in this space.

The feedback from the submissions were around the provision of more grants to support landowners in maintaining large/mature trees, rate rebates/reductions, education programs to residents on tree retention, discounted price/vouchers for local fauna and verge planting program.

SAT Zorzi Decision WASAT77

These submissions consider the draft Policy is inconsistent to the findings of the State Administrative Tribunal (SAT) decision in Zorzi and Town of Cambridge [2025] WASAT 77, being that the removal of a tree with significant character and amenity value can constitute development and hence require development approval.

The City notes the SAT decision clarifies that trees are potentially considered as 'development' and does not make any requirements of planning decisions that aren't already in place. The SAT decision indicates that Local Governments would benefit from having clear policies in place, which would better inform landowners/developers of

<p>what level of tree removal constitutes as ‘development’. Both the former LPP33 and the current draft LPP33 achieve this planning purpose.</p>
<p><i>Western Australia Local Government Association (WALGA) tree retention policy model</i></p>
<p>Some of the submissions referred to the WALGA tree retention policy model and the City’s draft Policy should be based on this model.</p> <p>The Administration considers that the WALGA tree retention model policy is not fit for purpose given the model policy has greater emphasis on tree retention, similar to the threshold of protection by the revoked Policy. The draft Policy aims at providing a fair balance between tree retention and tree replanting to enable residential development.</p>

A schedule of submissions received during advertising and the City’s acknowledgement of key themes is attached to this report.

A schedule of potential modifications based on community feedback is attached to this report.

- 33) The Administration has attached a revised draft of the Policy which addresses some themes from community engagement.

Theme	Change
Contribution Cap	<p>Feedback on the cap is mixed, consideration of the amenity and character values of trees – not just their replacement value, is consistent with the objectives of the City’s Scheme.</p> <p>The contribution cap has been modified from maximum \$10,000, to maximum of \$50,000.</p>
Replacement/offset ratio	<p>Feedback on the rate of offset/replacement planting is mixed, however – if modified - does represent an opportunity to provide a proportionately increasing incentive not to remove trees.</p> <p>The replacement ratio has been modified to proportionately increase, as the number trees removed increases. The thresholds are based on the broad likelihood of a noticeable amenity/character impact through each band.</p>
Education	<p>There is broad support for additional education on the impact of tree removal and the benefits of</p>

	retention. Action 1.11 of the Urban Forest Strategy refers to the City developing an distributing educational material and programs to highlight the importance of trees in the urban environment and to inform of legal and approval obligations on impacts to trees on public and private land. The Administration notes that this will not affect the draft, but is added as a request of the CEO to ensure material is developed by the City.
Tree List	There is support for provision of a tree list to guide replacement planting. The Administration considers this to sit outside the draft, but it has been added as a CEO direction to establish a City of Kalamunda specific tree planting guide.
Flow Chart	There is support for a policy flow chart, however given the final version of the draft Policy is not known, it is recommended that the flow chart be added as an attachment as part of a future review of the draft Policy, if adopted.
Early Tree Tagging	<p>Feedback has been supportive of an emphasis on earlier tree tagging, to ensure trees for retention are clearly identifiable. If trees are identified through the subdivision they are usually numbered by arborists with a metal pin.</p> <p>The draft Policy has been amended to require tree tagging at the earliest point after a relevant approval has been issued.</p>
Ecological Impact Assessment	<p>Feedback notes the consideration of tree canopy only leaves the Policy narrow in its focus, and does not reflect the broader ecological value of trees.</p> <p>The draft Policy has been amended to introduce the requirement non-exempt development to provide a report on the ecological impact of that development, prior to that development application either being accepted, or being capable of determination.</p>
Wording changes	<ol style="list-style-type: none"> 1. Clause 6.1(a) updated to provide clarity on exemption status. 2. Clause 13.3 deleted in favour of normal compliance measures.

FINANCIAL CONSIDERATIONS

- 34) The draft Future Forest Policy contains provisions for a financial offset for clearing of trees worthy of retention and street trees. The City has two relevant fees in its Schedule of Fees and Charges - \$1000 for replacement planting, and \$2000 for a replacement street tree. The City would need to consider and update the former procedures and account to facilitate the accrual and expenditure of funds.
- 35) It is considered that the Future Forest Policy, or any like policy, can be effectively implemented provided that that function is specifically resourced. The impact is estimated to be up to 1.0 FTE.

SUSTAINABILITY

- 36) The Future Forest Policy emphasises the importance of tree canopy.

It is widely understood that trees help urban areas cool.

The draft Policy directly facilitates the replanting of trees, and the protection of policy-associated replanted trees from future removal.

RISK MANAGEMENT

37)	Risk: Council does not adopt draft Local Planning Policy 33 – Future Forest resulting in decisions on what tree removal does or doesn't require development approval being made on a case-by-case basis.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Provide sufficient information through normal planning processes to inform Council prior to making a decision on the draft Policy, inclusive of community feedback.		

CONCLUSION

- 38) The revised draft Local Planning Policy 33 – Future Forest provides a sound tool within the City's planning framework to guide exemptions, assessment, decisions, and recommendations on proposals that include the removal of trees on private land.
- 39) The revised draft Local Planning Policy 33 – Future Forest is a bespoke planning response fit for the challenges and opportunities which are unique to development within the City of Kalamunda.

- 40) The Administration recommends that the revised draft Local Planning Policy 33 – Future Forest be adopted by Council.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during the public advertising of draft Local Planning Policy 33 – Future Forest and the responses to those submissions attached to this report.
2. ADOPT Local Planning Policy 33 – Future Forest in accordance with Schedule 2, Part 2, Clause 4(3)(b)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. REQUEST the Chief Executive Officer to develop tree related education resources and tree planting guide to support Local Planning Policy 33 – Future Forest and the City's Urban Forest Strategy.

10.1.2. Development Application for Tree Removal - Lot 823 (No.16) Brenda Road, Maida Vale

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Statutory Approvals
File Reference	DA26/0165
Applicant	SARAVANA KUMAR GUNASEKARAN
Owner	SARAVANA KUMAR GUNASEKARAN & ANJANA ARUMUGHAM
Attachments	<ol style="list-style-type: none"> 1. Arboricultural Impact Assessment Report April 2026 [10.1.2.1 - 34 pages] 2. DA Cover Letter 10 April 2026 [10.1.2.2 - 2 pages] 3. Site Plan-16 Brenda [10.1.2.3 - 1 page] 4. Lot-170-(44)- Maida- Vale- Road- Maida- Vale- Bloom-Estate LDP [10.1.2.4 - 2 pages]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
X 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

Objective3.1: 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 the proposed removal of one (1) tree at Lot 823 (No.16) Brenda Road, Maida Vale.
2. The tree proposed to be removed is required to be retained via the Bloom Estate Local Development Plan, and therefore its removal requires a development application determination by Council.
3. Given the protection through the planning framework the Administration recommends Council refuse the application for tree removal.

BACKGROUND

4. **Land Details:**

Land Area:	400sqm
Local Planning Scheme Zone:	Residential
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



Figure 1

6. The subject site is zoned Urban under the Metropolitan Region Scheme (MRS) and Residential R12.5/R30 under the City of Kalamunda Local Planning Scheme No.3 (LPS3) and has a lot size of 400m².
7. In 2023 the Western Australian Planning Commission (WAPC) approved a 34-lot subdivision (WAPC Ref:163380) across the parent lot (formerly addressed as Lot 170

(No. 44) Maida Vale Road, Maida Vale). As part of the subdivision approval the WAPC imposed the following conditions on the subdivision approval:

Condition 2:

“A Local Development Plan being prepared and approved for the proposed lots that:

- a) Explains that the Local Development Plan has been prepared to fulfill a condition of subdivision approval with an objective of ensuring that dwellings are located with portions of the lots that would enable the retention of trees identified for protection;
- b) Identifies tree protection zones/ building exclusion zones for trees identified or protection within which buildings are generally to be excluded;”

Condition 4 of the WAPC approval for the 34-lot subdivision (WAPC Ref: 163380) 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”

- 8. Prior to subdivision approval being granted by the WAPC in 2023, the parent lot (formerly addressed as Lot 170 (No. 44) Maida Vale Road, Maida Vale) comprised of a single residential dwelling and ancillary structures, and featured a mix of retained vegetation. The aerial below dated September 2022 shows the extent of vegetation on the parent lot prior to commencement of subdivision works.



Figure 2 – Parent Lot Aerial (orange) and Subject Lot (yellow) showing pre-subdivision vegetation - 2022

9. Condition 2 of the WAPC subdivision approval required the developer to prepare a Local Development Plan (LDP) to guide the development and ensure appropriate measures are in place for tree retention on site. The applicant prepared an arborist report to demonstrate which trees were deemed as significant and were located within suitable locations on a lot to ensure a standard deemed to comply dwelling could still be facilitated. The LDP was subsequently approved by the City of Kalamunda on October 2024 achieving compliance with condition 2 of the WAPC approval.
10. For the preparation of LDP, the applicant engaged an arborist to prepare an arboriculture assessment and total of 186 trees being assessed and only 24 trees identified as to be retained as part of the LDP. This has been approved as part of the subdivision clearance process.

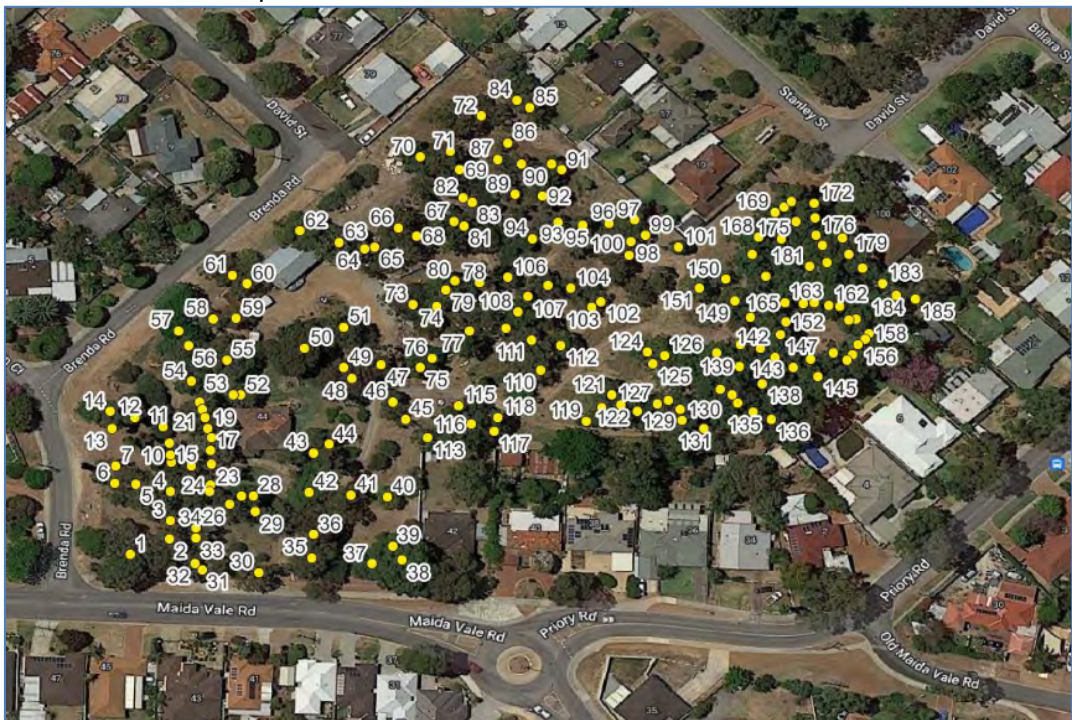


Figure 3: Arborist report (2022) indicating subject trees (186)

11. The subject site which is part of this development application - DA26/0165 (No. 16 Brenda Road) is a lot within the [Bloom Estate LDP](#) area and is subject to provisions of the LDP. Site has a tree to be retained with a Tree Protection Zone (TPZ) in accordance with the Arborist Report that was approved as part of the WAPC subdivision approval.



Figure 4 - Extract of LDP showing tree protection zone

12.

The LDP also has provisions which allow for a 10% development incursion into the Tree Protection Zone (TPZ) without a development application. Any incursion which exceeds 10% requires a development application and an individual arborist report to be prepared by a landowner/applicant which demonstrates that the tree can be retained and that development will not impact on the ongoing viability of the tree's health.

13.

The City has approved a number of development applications for single dwellings within the LDP area which have retained the trees on site as below. Most of these applications were required due to more than 10% encroachment to the TPZ.

- 10 Brenda Road, MAIDA VALE - DA25/0057- Retained 3 trees on site
- 14 BRENDA ROAD, MAIDA VALE -DA25/0287-2 trees TPZ encroachment
- 18 Brenda Road, MAIDA VALE - DA24/0497- 1 tree TPZ encroachment
- 88 DAVID STREET, MAIDA VALE- DA25/0184-2 trees retained.
- 90A DAVID STREET, MAIDA VALE - DA24/0508-2 trees retained.
- 92 DAVID STREET, MAIDA VALE - DA26/0160-4 trees retained
- 98 DAVID STREET, MAIDA VALE - DA25/0246 -2 trees retained
- 44 MAIDA VALE ROAD, MAIDA VALE - DA25/0237 -2 trees retained
- 2 BRENDA ROAD and 84 DAVID STREET - Houses designed avoiding TPZs- No DA required.

DETAILS AND ANALYSIS

14.

The development application seeks approval for the removal of one (1) tree within the Bloom Estate LDP area.

15. This Tree has been retained through the subdivision clearance stage.
16. The Administration notes that the landowner has also submitted a development application for a single house on the subject site that will be progressed separately pending a decision on this application for tree removal.
17. Under Clause 84C of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), the proposed single house meets the definition of 'prescribed single house development' meaning that the determination of the related single house application must be performed by the local government CEO or an authorised employee. The application to remove the tree can be determined by Council.
18. The applicant submitted the following information with the development application including:
 - A Site Plan – Attached (attachment no10.1.2.3)
 - Cover letter-Attached (attachment no10.1.2.2)
 - An arborist report prepared by Perth Arbor Services dated 17/162025 available at attachment (attachment no10.1.2.1)
 - Bloom Estate LDP – Attached (Attachment no10.1.2.4)
19. As part of the LDP, an Independent Arborist report was prepared which identified the tree that is the subject of this development application as a mature tree with good health condition, high priority for retention, life expectancy of more than 25 years.
20. It is noted that the adjoining property at Lot 824(No14) Brenda road and Lot 821 (No. 84) David Street, Maida Vale has an approval for a single houses and as noted on the LDP, the tree protection zone overlaps into these properties. (extract of LDP provided below).

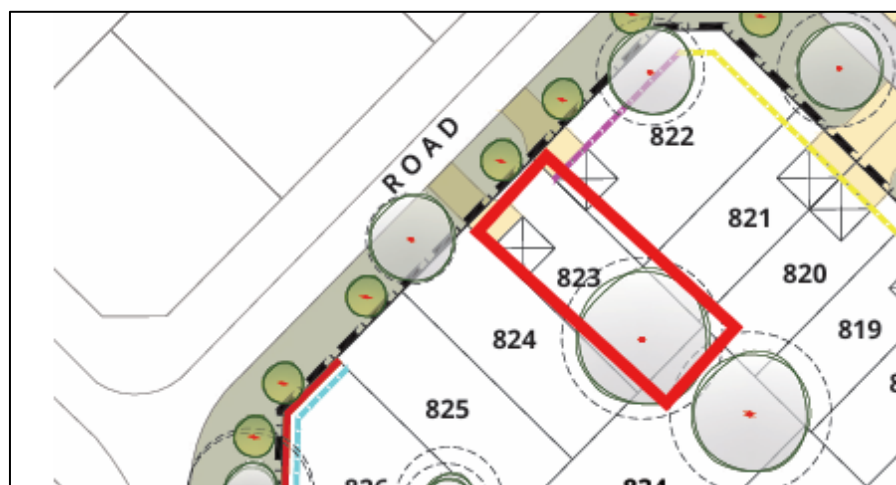


Figure 6 – Tree Protection Zone which overlaps adjoining properties

The adjoining dwelling at Lot 824(No14) Brenda Road required a development application due to proposing more than 10% incursion to the TPZ – the Administration was supportive of the application as it was a minor incursion of 12%. Condition 8 of that development approval was imposed to require a detailed Tree Protection Plan with protective fencing. It is noteworthy that landowner has already varied a standard house design to accommodate this tree. DA25/0287 approved on 21/10/2025) See below Figure 7 of the approval for TPZ encroachment.

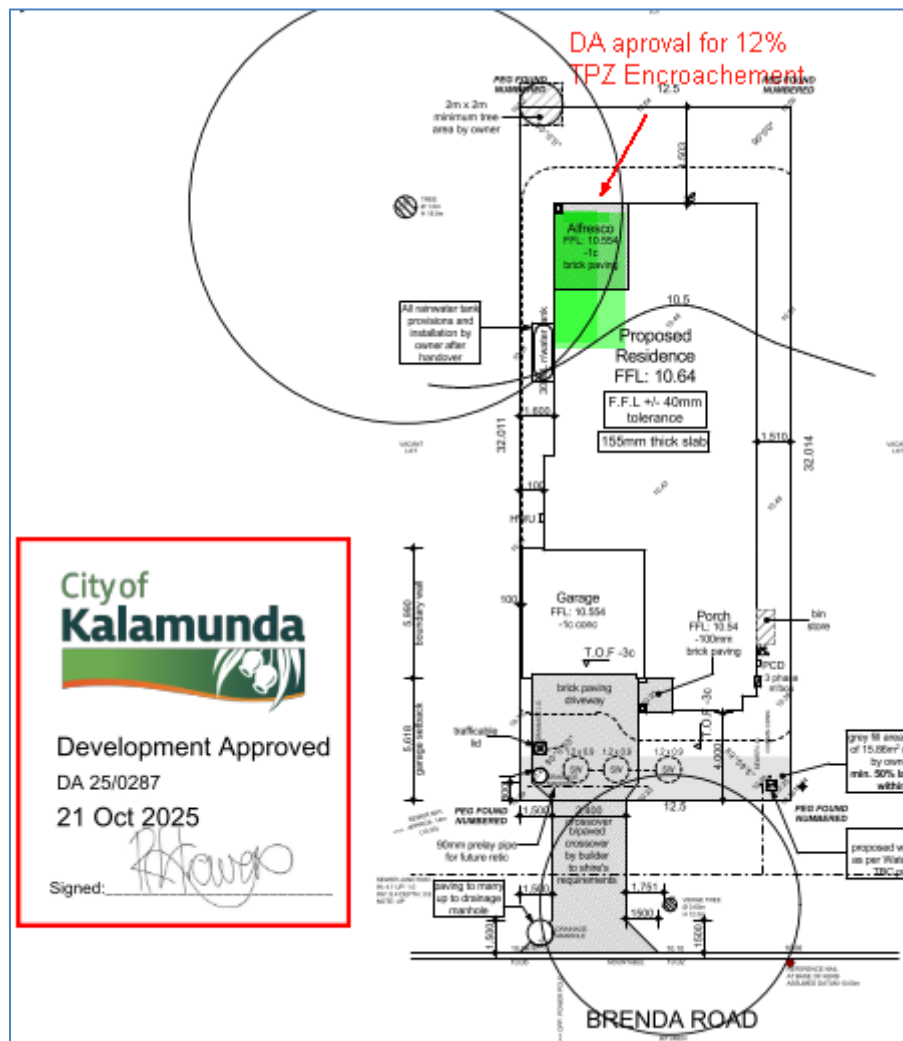


Figure 7: DA approval for TPZ encroachment at Lot 824(No14) Brenda Road

Adjoining Lot 821 (No. 84) David Street also ensured the house was designed to avoid more than 10% incursion to the TPZ.

See below Figure 8 for already constructed dwellings with sufficient setback from the tree (TPZ) at 16 Brenda Road.



Figure 8: No.14 Brenda and No.84 David street Dwellings constructed while protecting the TPZ of 16 Brenda Road.

21. The tree protection zone has been managed during the development of the adjoining dwellings at Lot 824(No14) Brenda road and Lot 821(No.84 David Street, Maida Vale)
22. The Administration’s review of the application has concluded that it is not consistent with the planning framework.

The Bloom Estate Local Development Plan applies to the subject site and has clearly determined through the subdivision process that the tree proposed to be removed is a tree worthy of retention.

In addition to the consideration of the tree itself, adjoining development has occurred in a manner consistent with the LDP provisions, with the Administration demonstrating a practical case-by-case approach in instances where the tree protection zone needed to be encroached to facilitate the intended residential development.

Through the application of the LDP the amenity and character of the subdivision area has been maintained, specifically through the retention of trees.

Due to the requirement to retain and potentially design a new house with tree retention in mind being established prior to the new owners seeking development approval, the requirement to retain the tree is not a surprise.

The conditions of subdivision required a Local Development Plan to be in place to set build form standards and ensure that designing a house to fit the tree retention expectations of the new lot were clear. This establishes the expectation for a house design to make way for the tree, rather than the tree needing to be removed for the house design.

Notwithstanding this information, the application has been pursued with a house design that requires the tree to be removed.

APPLICABLE POLICY

23. The following are key elements of the planning framework which apply to the decision:-
- Bloom Estate Local Development Plan
 - State Planning Policy 7.3 – Residential Design Codes (Volume 1)

STAKEHOLDER ENGAGEMENT

24. Staff have conducted a site visit and reviewed the arborist information, raising concerns that:-
- Arborist report hasn't identified the tree species correctly;
 - Root mapping in the arborist report is very limited;
 - Structure Root Zone or Trench is unclear in the report.

Site visit also confirmed that tree is structurally stable, appeared to be healthy contrary to the arborist report. Pruning the tree to prevent branches overhanging would be the appropriate level of tree management, not complete removal.

25. The City's arborist advised that typically tuart trees have a good structure, and based on photos from the site visit the tree appears to be healthy. Confirmation the arborist report is not sufficient to conclude that tree removal is warranted.



Figure 9: Site Photo 1



Figure 10: Site Photo 2

FINANCIAL CONSIDERATIONS

26. 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

27. The proposal to remove the large retained tree will have localised impact on sustainability of the City by reducing shade from tree canopy, and removing a potential flora and fauna habitat.

Social implications

28. City has previously approved number of DAs to retain trees while encroaching into the Tree Protection zone in the Bloom Estate LDP area. Community that spends time, money and change their house design to accommodate trees in the LDP area will be discontented and Bloom Estate LDP provisions will be undermine among the community if tree removal got approved

Economic Implications

29. Nil

Environmental Implications

30. Trees provide habitats for various species of birds, insects, and fauna. The removal of the tree will disrupt the local ecosystem and result in a loss of local biodiversity.

- 31. Trees provide shade and assist with a reduction in the temperature through the provision of shade. Removal of the tree on this infill site (Bloom Estate) will increase the urban heat island effect.

RISK MANAGEMENT

32. **Risk:** Approval of the tree removal will be inconsistent with other planning decisions in the area which have resulted in tree retention.

Consequence	Likelihood	Rating
Low	Possible	Low
Action/Strategy		
This report demonstrates the inconsistency between the proposed development and the approved planning framework.		

Voting Requirements: Simple Majority

RECOMMENDATION

That Council

- 1. REFUSE the Development Application DA26/0165 for proposed Tree Removal at Lot 823 (No. 16) Brenda Road, Maida Vale, for the following reason:
 - 1. a) The proposed development is not consistent with the Bloom Estate Local Development Plan which identifies the subject tree to be retained.

10.1.3. Carmel Schoolhouse Project

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

Previous Items	Nil
Directorate	Development
Business Unit	Strategic Planning and Property
File Reference	
Applicant	Not applicable
Owner	State of Western Australia (DPLH)
Attachments	1. Attachment 1 - DRAFT City of Kalamunda Market Testing Procedure [10.1.3.1 - 6 pages]
Confidential Attachments	2. HLBC - Carmel Schoolhouse Project DRAFT V 1.1 PAB
	<u>Reason for Confidentiality:</u> "The price, or potential price, for the sale or purchase of property by local government and any information relating to the price or potential price [Act s. 5.23(4)(g), Admin Reg r.4a(a)]."

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 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

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.

Strategy 3.2.2 - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.

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 3.3.2 - Attract and enable new investment opportunities.

Priority 3: Kalamunda Develops

Objective 3.4 - To be recognised as a preferred tourism destination.

Strategy 3.4.1 - Facilitate, support, and promote, activities and places to visit.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

Strategy 4.2.2 - Increase advocacy activities and develop partnerships to support growth and reputation.

EXECUTIVE SUMMARY

1. The purpose of this report is to present Council with the findings of a High-Level Business Case (HLBC) (Confidential Attachment) that was completed for the Carmel Schoolhouse site, located at 101 Carmel Road, Carmel. The site is under consideration given that it is underutilised, has historical significance, and has potential to support future tourism and accommodation-related development.
2. The Carmel Schoolhouse Project has recently emerged as a response to a range of strategic needs and based on concepts previously considered by the City. As this site is a Crown land holding and has heritage significant structures and items located upon it, prior to the preparation of the HLBC,

the City has not investigated potential alternate uses through a commercial lens to date.

3. The City is proposing to activate the heritage-listed site at 101 Carmel Road, Carmel by inviting Expressions of Interest from community organisations and businesses to deliver a tourism or tourism-dependent use. At the same time, a Local Planning Scheme amendment will be progressed to enable tourism-related activities, creating the planning framework needed to attract investment and transform this historic property into a vibrant destination that preserves its heritage and benefits the local economy.

BACKGROUND

4. **Land Details:**

101 Carmel Road, Carmel (Lot 115, LR3116/471) (Reserve R8717)

Land Area:	20,256.0m ² (2.03ha)
Local Planning Scheme Zone:	Rural Conservation
Metropolitan Regional Scheme Zone:	Rural
Owner	State of Western Australia (DPLH)
Reserve Details	R8717
Conditions	To be used for its designated purpose of "Historic Site - School" only

5. **Locality Plan:**



6. **Site History**

- 1991 – 1992 Preliminary concepts considered for adaptive reuse of the schoolhouse into a café and camping grounds;
- May 1992 Scouts Association provided an exclusive licence over the site and buildings;
- Jun 2002 Scouts Association licence transitioned to a lease, expiring in June 2023 and currently on a holdover arrangement;
- Jul 2025 Site identified for renewed strategic investigation associated with tourism and heritage activation opportunities.

DETAILS AND ANALYSIS

7. **Approach**

A HLBC was prepared for the subject site and is contained as a Confidential Attachment. The HLBC was prepared by City officers with subject matter expertise provided by various external consultants.

8. An analysis-based desktop review has been completed to establish the potential Capital Expenditure (CAPEX) investments needed to deliver each of the options along with the potential financial and community benefit. The methodology involved defining the potential site constraints and opportunities including assessing market demand, demographic trends, and competing tourism accommodation.

9. The feasibility results of these options are predicated on a range of assumptions based on available information. Further interrogation of

these assumptions and detailed technical consultant inputs are required to further quantify these results, should the project be approved to proceed.

10. The outcomes of this project align with both State and City strategies through the delivery of increased tourism, tourism accommodation, and enhanced public open spaces for use by the local communities.

As demonstrated in the HLBC, the benefits of delivering this project will include:

- Reduce the City's reliance on rates income to maintain a Crown land holding, through delivery of a commercially viable camping / caravan site on an underutilised land parcel;
- Increased tourism opportunities for the City through providing a camping / caravan site within the LGA to draw travellers into the area;
- Increased tourism expenditure to the businesses of the Kalamunda LGA due to the increased tourism traffic the camping / caravan site will draw to the area; and
- Protection of the existing heritage significant site and buildings through increased maintenance scheme that can be afforded due to the increased income stream.

11. **Options**

Six (6) potential options have been considered that Council could endorse for implementation under different delivery methods. These include:

- 1) Option 1a: Do nothing – Maintain status quo – The site is retained in its present form and continues to be leased to the Scouts and/or Community groups.
- 2) Option 1b: Return the site to DPLH - The management order is extinguished, and the site is returned to Crown control and maintenance.
- 3) Option 2: Delivery of tearooms and gardens – Completing an adaptive reuse of the schoolhouse to become tearooms and delivering landscaping works to the external areas to provide gardens.
- 4) Option 3a: Delivery of camping grounds – The site is updated to facilitate a campground activity with the schoolhouse converted to an office / general store / museum space, with upgraded amenity blocks.
- 5) Option 3b: Delivery of a camping and caravan park – further to Option 3a, this would see the introduction of caravan parking spaces, larger amenities and kitchen blocks, playground, and other associated improvements. This option also requires a local planning scheme amendment to be completed.
- 6) Option 3c: Delivery of a camping and caravan park ready site (ground lease) – This option seeks to gain the Local Planning Scheme

amendment approval for tourism activities to be 'permitted with approval', along with running an EOI (Market Testing) campaign to seek proposals from the community and businesses alike for provision of tourism and tourism related opportunities.

12. **Key Findings**

The key findings for each of the options can be seen in the below summary:

Option 1a – Do nothing – Maintain status quo	
Pros	Heritage of site can be easily protected. Site maintains its Rural Conservation zoning.
Cons	On-going costs to maintain for the City. Risk that the Scouts Association will move, and the site will become vacant. Site is currently underutilised.

Option 1b – Return the site to the Department of Planning, Lands and Heritage (DPLH)	
Pros	City removes responsibility of the site and its financial and management implications.
Cons	City loses control of a heritage asset from the LGA and may lose use / control of the land in the long-term. Reputational consequences for the City for not continuing to manage a local heritage asset.

Option 2 – Delivery of tearooms and gardens	
Pros	Adaptive re-use of the schoolhouse that can be enjoyed by the greater community. May generate a small financial return to the City.
Cons	Not located in an appropriate location for the business model. Limited exposure or 'draw' to location. Lack of parking and accessibility. May need significant investment to deliver option and ongoing financial assistance to keep operational.

Option 3a – Delivery of camping grounds	
Pros	Adaptive re-use of the schoolhouse that can be enjoyed by the greater community. May generate a revenue stream for the City.

	Strong strategic need for the City – increased tourism and accommodation options.
Cons	May be limited to the number of camp sites that can be delivered. May be impacted by bushfire compliance requirements. (i.e. closure over summer months – peak season). Securing appropriate approvals to deliver project. Amendment to be made to the Management Order

Option 3b – Delivery of a caravan park	
Pros	Adaptive reuse of the schoolhouse that can be enjoyed by the community. Generates a modest revenue stream for the City. Increased tourism and accommodation options for the City.
Cons	May be impacted by bushfire compliance requirements. Securing appropriate approvals and scheme amendment changes may be difficult. Feasibility results are based on estimations and concept designs only. May be limited in the number of campsites that can be delivered.

Option 3c – Delivery of a camping and caravan ready site (ground lease)	
Pros	Provides opportunity to go to market and explore options before making final decision. Provides an avenue to maintain the schoolhouse so it can be enjoyed by the community. Provides an opportunity for tourism & accommodation options for the City. Uses underperforming land asset.
Cons	Heritage and environmental constraints may be a roadblock. Current market may prevent commercial / community investment. Current land zoning may be restrictive.

13. **Preferred Option**

Option 3c is the preferred option and forms the basis of the Officer recommendation.

14. Option 3c, although not being in a position to provide an approximate revenue value for the City at this time, does estimate a low investment value. Further factors such as risk, reputation, and delivering on

community expectations need to be considered as part of the analysis, which in this case cements Option 3c as the preferred option.

The Officer considers that Option 3c provides an appropriate balance between commercial return and associated risk and represents a measured approach that may attract both market and community interest in delivering community and economic value. The option also enables consideration of appropriate commercial terms while ensuring the City retains strategic oversight and management of tenure arrangements for the site through commercial lease mechanisms.

15. **Next Steps**

To further progress Option 3c, the following initial actions are required:

- a) Seek Council endorsement of this HLBC for the purposes of satisfying the Local Government Act 1995 section 3.58 requirements.

16. Should Council resolve to proceed with Option 3c, the following activities will occur:

1. Officers to prepare an advocacy implementation plan as per Kalamunda Advocates, to support requests for funding from external parties that may assist with the delivery of this project;
2. Launch an EOI campaign (Market Testing Procedure) as per *Attachment 1*, seeking submissions from commercial and community groups with the intent of delivering tourism and tourist accommodation outcomes;
3. Commencement of the scheme amendment process to allow broader accommodation and tourism activities to be undertaken on the site (i.e. caravan park usage);
4. Commence engagement with DPLH regarding the amendment of the existing Management order to allow tourism and accommodation uses, along with leasing and licencing approvals;
5. Work collaboratively with the Scout Association regarding the future transition of the site, including tenure arrangements, vacating, and site handover requirements, should the project progress to a delivery phase;
6. Cease any further lease or licence agreements being entered into for the site until such time as the project has been completed; and
7. Understand available budgets and determine appropriate funding reserve.

APPLICABLE LAW

17. Local Government Act 1995
18. Local Government (Administration) Regulations 1996
19. Local Government (Functions & General) Regulations 1996
20. Land Administration Act 1997
21. Local Planning Scheme No. 3

APPLICABLE POLICY

22. State Planning Policy 3.0 – Urban Growth and Settlement
23. Directions 2031 and Beyond
24. State Planning Strategy 2050
25. North-East Sub Regional Planning Framework (2018)
26. Pickering Brook & Surrounds Sustainability and Tourism Strategy
27. Caravan Parks and Camping Grounds Regulations 1997

STAKEHOLDER ENGAGEMENT

28. Should Council support the Officer recommendations, formalised stakeholder engagement will be enacted as per the community and stakeholder engagement plan that will be developed as part of the next phase of this project.
29. The outcomes of the EOI process will be presented to Council at a future Ordinary Council Meeting, as part of the approval to proceed to the next phase of the project.

FINANCIAL CONSIDERATIONS

30. The business case has been formulated on the assumption that delivery of Option 3c will be an OPEX expenditure as no capital works will be completed and will be dependent on the project being funded via the appropriate reserve and/or grant funding or contributions from external parties.
31. Should Council resolve to progress the project to the next phase, the updated budget will be provided for future phases and incorporated through future budget deliberations for Council's adoption.
32. The anticipated financial returns of the project will be provided following the conclusion of the market testing campaign, where the preferred proponent has been identified and full costing activities have been evaluated. Ongoing revenues and anticipated costs will be included into the 10-year model against this asset. Ideally, the market testing process

will source a proposal that provides, at minimum, a cost neutral outcome for the City.

SUSTAINABILITY

33. Social Implications

Option 3c aims to provide the following social implications through:

- a) Additional supply of tourism accommodation options for the Kalamunda region,
- b) Heritage preservation of an existing asset that can be enjoyed by the community, and
- c) Enhancement of local amenity through:
 - i. Delivery of new development on mostly vacant land, and
 - ii. Removal of potential for anti-social behaviour and illegal dumping.

34. Economic Implications

Option 3c aims to provide the following economic implications through:

- a) Additional supply of tourist accommodation options in the Hills area near existing local businesses,
- b) Facilitation of investment, employment, and tourism increases to the local area, and
- c) Alignment with the City’s Strategies and Policies to improve the tourism economy for the LGA.

35. Environmental Implications

Option 3c aims to provide the following environmental implications through:

- a) Preserving the natural environment through low impact development across the site, ensuring high value vegetation is retained,
- b) Protections to the existing trees and spaces where Black Cockatoo nesting and foraging has been identified on the site, and
- c) Removal of potential for illegal dumping.

RISK MANAGEMENT

36.	Risk: Unable to secure approvals for the Local Planning Scheme amendment or update the reserve purpose and management order to include the tourism activities on the site.		
	Consequence	Likelihood	Rating
	Major	Possible	High

Action/Strategy
<p>Work with internal departments to ensure best practices are used.</p> <p>Leverage existing relationships with approval authorities to promote outcomes and benefits to the community for seeking approval.</p> <p>Ensure application covers all requirements of the process.</p>

37.

Risk: Lack of interest from community and/or local businesses during the EOI process.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
<p>Ensure EOI documentation is clear and provides all information relevant to the site to garner interest.</p> <p>Use positive marketing strategies to ensure all sectors are covered by EOI campaign using internal and external specialists to ensure a high-quality campaign targets the proper audiences.</p> <p>Ensure City's fallback position is a practical alternate should the EOI fail to secure any worthy proposals.</p>		

38.

Risk: Community discontent with development of a historic site and resistance to project.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
<p>Statutory compliance with public notice requirements of the Act.</p> <p>Develop a suitable Communications and Public Relations Plan.</p> <p>Engage all relevant stakeholders across the project lifecycle.</p>		

39.

Risk: Loss and/or damage to existing vegetation on site.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		

The City confirms site work plans, to ensure proper protections are put in place.

Site design is configured to ensure maximisation of existing flora and fauna across the site.

CONCLUSION

40. The HLBC prepared for the Carmel Schoolhouse site has confirmed that opportunities exist for the City to activate an underutilised Crown reserve land asset and potentially drive community, economic and revenue generation opportunities.
41. Of the options analysed, the Officer considers that Option 3c provides an appropriate balance between commercial return and associated risk and represents a measured approach that may attract both market and community interest in delivering community and economic value. The option also enables consideration of appropriate commercial terms while ensuring the City retains strategic oversight and management of tenure arrangements for the site through commercial lease mechanisms. Any revenue generated from the activity can be used to fund the operational costs of the site along with the ongoing repairs and maintenance activities required to restore the heritage assets. Additional revenue generation assists with supporting the City's long-term financial sustainability. Option 3c also allows the City to retain control over the outcomes for the site through commercial lease contracts.
42. The current decision point for Council is whether to proceed with the next phase of the project and endorse the seeking of approvals for the local planning scheme amendment, securing of potential funding through grant opportunities, and to launch and EOI process to solicit proposals from the community and businesses as to what options may be possible on the site.
43. A report will be presented to Council at a later date, following the conclusion of the EOI process. This will be to advise of any proposals received from the EOI process, and seeking a decision as to how best to proceed with the project.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSES the findings and recommendations of this High-Level Business Case;
2. REQUESTS the Chief Executive Officer:

- a) Prepares and actions an Advocacy Plan to pursue funding opportunities from Tourism WA, DPLH, and any other related bodies;
- b) Undertakes an expression of interest / market testing campaign for the site, seeking submissions from business and community groups with the intent of delivering tourism and/or tourist accommodation outcomes;
- c) Present a report to Council once compiled, to initiate the local planning scheme amendment to include tourism and tourist related activities on the site; and
- d) Request an amendment to the Management Order to include tourism purposes and the approval of leasing and licencing arrangements.

10.1.4. 15-21 Edney Road Land Asset Maximisation

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

Previous Items	OCM 2025/17; OCM29/2012; OCM138/2011; OCM199/2011
Directorate	Development Services
Business Unit	Strategic Planning and Property
File Reference	ED-03/015, ED-03/021
Applicant	N/A
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. Submissions Edney Rd [10.1.4.1 - 10 pages] 2. DRAFT City of Kalamunda Market Testing Procedure [10.1.4.2 - 6 pages]
Confidential Attachments	<ol style="list-style-type: none"> 3. Confidential Attachment Submissions Received 4. Business Case Confidential Edney Road 5. Confidential Attachment Addendum to Business Case 15 21 Edney Road 6. Valuation - V P 1572 High Wycombe Final

Reason for Confidentiality: *Information relating to the personal affairs of an individual [Act s. 5.23(4)(b)] The price, or potential price, for the sale or purchase of property by local government and any information relating to the price or potential price [Act s. 5.23(4)(g), Admin Reg r.4a(a)]*

TYPE OF REPORT

	Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
X	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 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilities and provides quality lifestyles choices.

Strategy 1.1.2 - Empower, support and engage all of the community.

Priority 1: Kalamunda Cares and Interacts

Objective 1.3 - To support the active participation of local communities.

Strategy 1.3.1 - Support local communities to connect, grow and shape the future of Kalamunda.

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 3.3.2 - Attract and enable new investment opportunities.

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:
 - a. Present Council with the outcomes of the statutory public notice undertaken for a Major Land Transaction Business Plan prepared by the City for the prospective subdivision and divestment of 15-21 Edney Road, High Wycombe (the Property); and
 - b. Seek Council's endorsement to undertake market testing through a 'Market Testing Procedure Strategic Land and Property Opportunities' for a proposed sale of the Property as a residential development opportunity, with any submissions or offers received to be presented to Council for future consideration.
2. A Major Land Transaction Business Plan was prepared pursuant to the resolution of Council at the Ordinary Council Meeting of 27 May 2025 and was advertised by statutory public notice. City Officers have refined the

business case having regard to factors such as preliminary consultation with state government agencies and technical input from City appointed consultants.

3. City Officers are recommending that Council market tests a proposed sale of the Property en globo and review the outcome, before a final decision is made as to sale and if applicable, development of the Property in terms of the Major Land Transaction Business Plan.
4. The Officer Recommendation also includes parameters for market testing a proposed sale of the Property en globo:
 - i. Endorse market testing approach by way of the 'Market Testing Procedure Strategic Land and Property Opportunities' in Attachment 10.1.3.2; and
 - ii. Authorise CEO to procure a real estate agent to market the Property;
 - iii. Require summary of submissions recommendation back to Council before decision on disposal or City development proceeds.

BACKGROUND

5. Land Details:

Address:	15 Edney Road, High Wycombe ("Lot 100") 21 Edney Road, High Wycombe ("Lot 200")
Land Area:	Lot 100 - 1,300m ² Lot 200 - 6,676m ² En Globo (Total) - 7,976m ²
Local Planning Scheme Zone:	Lot 100 - Residential R20/30 Lot 200 - Residential R40
Metropolitan Regional Scheme Zone:	Urban Adjoins Primary Regional Roads

6. Locality Plan:



7. **Related Decision:**
 At the Ordinary Council Meeting of 27 May 2025, Council resolved to support the further progression of land asset investigations for 15-21 Edney Road, High Wycombe based on Option 3C (Subdivision and divestment). This included requesting that City Officers fulfil the statutory obligations under Section 3.59 of the *Local Government Act 1995* by preparing a Major Land Transaction Business Plan and providing statewide public notice for a minimum period of 6 weeks.

DETAILS AND ANALYSIS

8. Consideration of the future of the Property either in terms of the proposed Major Land Transaction or an en globo sale would offer the opportunity for the Property to be developed consistent with its Residential zoning. There is no strategic or operational need for land to become public open space, and a residential development of the Property will have positive community outcomes primarily through creating additional supply of residential subdivisions in the local area. The Property offers the opportunity:
 - (a) for well located in-fill residential development in a sustainable location from a transportation perspective, with easy access to a bus stop within 500m and to the significant, recently upgraded major transportation hub at High Wycombe within 3km;

- (b) to meet critical housing needs in line with the City's Local Housing Strategy 2021 and State Government Housing initiatives, at a time of significant shortage of available residential land;
- (c) to offset loss of trees with planting of replacement trees along road verges.

9. **Tree Amenity**

The proposed 18 subdivision development of the Property includes measures to promote trees including:

- Encouraging the retention of trees through subdivision design and the proposed creation of a pocket park in an area with existing trees;
- Retention of the existing noise wall (which is in close proximity to existing trees), instead of replacement with a wholly new noise wall;
- Facilitating the creation of a cul-de-sac in the centre of the Property in a location with minimal existing trees. The proposed cul-de-sac will have approximately 120 metres of road frontage, with opportunity to plant verge trees to create an attractive leafy environment.
- Recognition that not all existing trees may be compatible with achieving the social benefits of residential development and replacement verge tree planting along 120m of new road frontage and 250m of existing road frontage (total length of road frontages approx. 370m). If an average of 1 new verge tree per residential subdivision is provided for, this could yield 18 new trees. With maturity, a 20-year-old marri tree is estimated to have a diameter of 10 metres (providing 78 meters of tree canopy). 18 new trees of a similar size would therefore provide at maturity an estimated total of 1404 square metres of tree canopy.

10. **Roe Highway Noise Impact**

The Property adjoins Roe Highway, which is a Major Arterial Road under State Planning Policy 5.4. Accordingly, a Transport Noise Assessment (TNA) is required to demonstrate the extent of noise impact on new development and required measures to mitigate the noise impact to an acceptable level.

The TNA has been prepared by a professional acoustic consultant and includes the following conclusions:

Retain Existing Noise Wall (3.5m-4m High) on Roe Highway Boundary

All 18 residential subdivisions will be suitable for development, subject to:

- A second storey is not recommended for 9 (nine) of the residential subdivisions closest to Roe Highway;
- Quiet house packages for some of the residential subdivisions.

New 5m High Noise Wall on Roe Highway Boundary

All 18 residential subdivisions will be suitable for development, subject to quiet house packages for some of the residential subdivisions.

The TNA also confirms that in either scenario, the construction of dwellings on the proposed 18 subdivisions are expected to provide some shielding of noise to the ground floor of existing nearby residences.

Retaining the existing noise wall is expected to:

1. Allow residential development to proceed on all proposed 18 residential subdivisions;
2. Realise significant cost savings compared to demolishing the noise wall and reconstructing a new, 5m high noise wall;
3. Avoid loss of amenity to the surrounding area during the interval between demolition of the existing noise wall, ground works for the new noise wall and erection of a new noise wall.

Utilities & Geotechnical

11. The professional civil engineering consultancy appointed by the City has prepared a detailed level of design of the utility network and site works (i.e. retaining walls and finished ground levels). This detailed work has been used to refine the business case.

APPLICABLE LAW

12. *Local Government Act 1995* – Sections 1.7, 3.58 and 3.59.
Local Government (Administration) Regulations 1996 – Regulations 3A and 3B.
Local Government (Functions & General) Regulations 1996 – Regulations 8A, 9, 10 and 30.

The requirements of the Act and Regulations for providing statutory public notice of a proposed Major Land Transaction have been fulfilled, as outlined in the 'External Referrals' section of this report.

13. At this time, the City is not seeking to proceed with the proposed Major Land Transaction for development of the Property by the City into 18 residential subdivisions for a future sale by the City. The submissions received in response to the statutory public notice have however been reported in the interests of transparency.
14. The recommendation to undertake market testing by way of the non-binding procedure proposed does not require compliance at this time with Section 3.58 or 3.59 of the Local Government Act 1995. Depending on next steps, for example, the outcome of the proposed market testing and a subsequent Council decision, consideration will need to be given to compliance with Sections 3.58 and if applicable, close out of compliance with Section 3.59 of the Local Government Act 1995.
15. In the event that the City is to proceed with the Major Land Transaction, Council must consider the content of any submissions received and grant its approval by absolute majority. Should the Major Land Transaction be implemented and the land is legally subdivided, compliance with Section 3.58 of the Act will be required prior to the sale of any newly created lots.
16. *Local Planning Scheme No. 3*

The proposal is in compliance with the zoning and residential coding of the land under Local Planning Scheme No. 3.
17. *Land Administration Act 1997 – Sections 41, 46 and 58*
Should Council support the unconstructed portion of Edney Road between Berle Way and Kalamunda Road being formally closed and re-classified as Crown Reserve, City Officers will need to initiate separate processes under the Land Administration Act 1997. This will involve making a specific request to the Minister for Lands, which first requires public consultation with affected landowners and utility agencies, and a subsequent decision of Council.

APPLICABLE POLICY

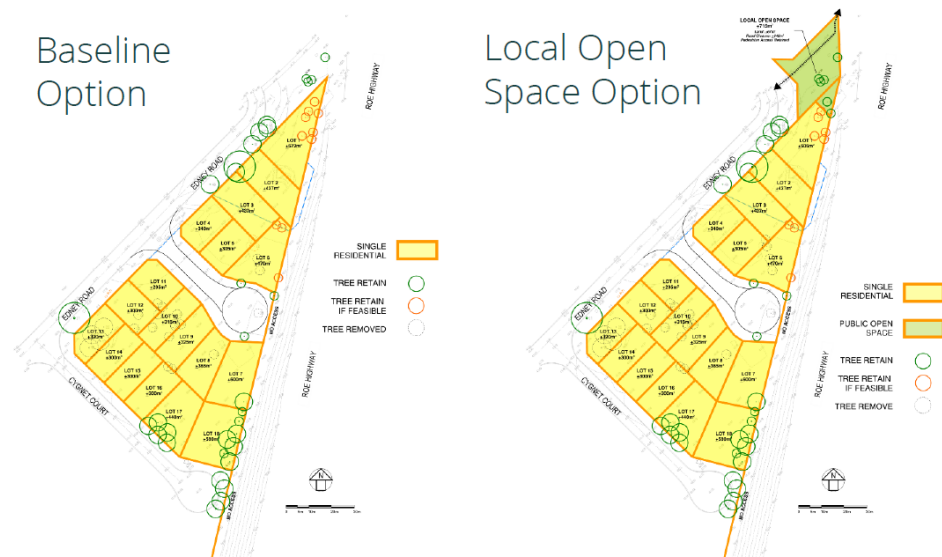
18. There are no new or additional policy implications to those discussed in the previous report to Council at the 27 May 2025 Ordinary Council Meeting.

STAKEHOLDER ENGAGEMENT

19. **Statutory Public Notice**
Pursuant to Part 4a and 4b of the Council Resolution and the requirements of Section 3.59 of the *Local Government Act 1995*, the statutory public notice

period commenced on Friday 25 July 2025 and concluded on Monday 8 September 2025. Further details are in the 'External Referrals' section of this report.

20. Town Officers included two options as part of the public notice to gauge the level of community interest in the establishment of the pocket park.



21. A total of nine (9) public submissions were received. In summary:
- Four (4) submissions stated that they 'Support' the proposal.
 - Three (3) submissions stated that they 'Do Not Support' the proposal.
 - Two (2) submissions stated 'Comment Only' and provided comments about specific aspects of the proposal.

Two (2) of the nine (9) submissions were received after the closing date and have been accepted for presentation in this report.

22. **Officer Assessment of Submissions**

Attachment 10.1.3.1 contains the submissions received (with personal information deleted) and City Officers' assessment of each individual submission.

Confidential Attachment 10.2.1 contains the submissions received in full.

23. **Internal Referrals**

Internal service area advice confirmed the capability to proceed with the recommended approach and highlighted opportunities such as increasing tree canopy through development processes.

24. **External Referrals**

The statutory public notice period commenced on Friday 25 July 2025 and concluded on Monday 8 September 2025. The following mediums were used, which exceeds the minimum requirements of the *Local Government Act 1995*:

- A dedicated project page on the City's Engage website.
- Two (2) A1 signs erected at the Property.
- Letters mailed to landowners and residents in the immediate vicinity of the Property (34 letters in total), which included FAQs.
- A notice in the Public Notices section of the City's main website.
- A notice displayed on the Public Noticeboards at the City's Administration Building, Kalamunda Library, Forresterfield Library, High Wycombe Library and Lesmurdie Library.
- Print advertisements in The West Australian and The Echo newspaper (both on Friday 25 July 2025).

The outcomes of the statutory public notice are outlined in the Stakeholder Engagement section of this report.

State Agencies

During the Public Notice period, City Officers also undertook separate consultation with the Department of Planning, Lands & Heritage and Main Roads WA to gain technical feedback on the proposal. Feedback received has been used to refine the proposal and business case.

FINANCIAL CONSIDERATIONS

25. The proposed market testing of a potential sale of the Property will require engagement of a professional real estate agent to undertake marketing of the Property as a residential development opportunity. Marketing costs are anticipated to be in the order of up to \$20,000 (subject to procurement) and can be accommodated within existing operating budgets.
26. The Business Case together with an updated Business Case are provided at confidential attachments 10.2.2 and 10.2.3

SUSTAINABILITY

27. A residential development of the Property is an opportunity to achieve the following social implications:
- a. Additional supply of housing stock (18 residential lots) in the High Wycombe area, at a time of widely reported shortages in the availability of residential development lots.

- b. Local Public Open Space improvements with the completion of the streetscape to support vibrant, functional, attractive and safe environment for current and future residents.
- c. Enhancement of local amenity through:
 - i. Delivery of new development on vacant land.
 - ii. Removal of potential for anti-social behaviour and illegal dumping.
- d. Provision of housing stock in a sustainable location from a transportation perspective, noting that the Property is located within 500m of a bus stop connecting to the High Wycombe Station (a major transportation hub within 3km of the Property and features an 8-bay bus interchange, 184 secure bicycle parking bays and 1200 parking bays and provides a 20 minute commute to the Perth CBD and two minute commute to Perth airport).

28. A residential development of the Property, if implemented, is expected to have the following economic implications:

- a. Additional supply of housing stock (18 residential lots) in the High Wycombe area near major employment centres.
- b. Facilitation of capital investment, employment and urban renewal in the local area.
- c. Alignment with the State Government’s strategic urban planning objectives around new housing supply within existing urban areas to meet Perth’s projected population growth.

29. A residential development of the Property, if implemented, will have the following environmental implications:

- a. Removal of some existing trees, with opportunity to offset removal by planting new trees;
- b. Retention of some existing trees.
- c. Removal of potential for illegal dumping.

RISK MANAGEMENT

30.	Risk: Potential softening of real estate market, resulting in lower land value and reduced sale proceeds.		
	Consequence	Likelihood	Rating
	Possible	Significant	Medium
	Action/Strategy		
	Market test a proposed en globo sale of Property and realisation of proceeds without time frames associated with developing civil infrastructure to subdivide and sell.		

Risk: Community discontent with development / divestment of Property		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
Statutory compliance with public notice requirements of the Act.		
Develop suitable public relations and communications plan		

Risk: Loss and / or damage to existing vegetation on the Property.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
Include market testing criteria for sale and development to preserve existing trees and replace trees that are not feasible to be retained.		
Manage expectations correctly, including acceptance that residential development of the Property will involve multiple stakeholders (eg construction of services, a cul-de-sac road, retaining walls and new homes) and is likely to cause some loss of trees, which can be offset through planting new trees.		

CONCLUSION

- 31. Pursuant to Council’s decision at the May 2025 Ordinary Council Meeting, Officers have continued with the necessary steps to progress the proposed subdivision and divestment of 15-21 Edney Road, High Wycombe by providing statewide public notice of the associated Major Land Transaction Business Plan in accordance with the Local Government Act 1995.
- 32. No substantive matters were raised in the public submissions that should prevent sale and development of the Property for residential purposes either in terms of disposal of the Property for development by a private residential developer, or development and sale by the City in terms of the Major Land Transaction.
- 33. A number of enquiries have been received by the City from parties interested in purchasing and developing the Property. There is a critical shortage of available land for residential development to meet social need for homes.

34. It may be considered prudent for the City to market test the returns that can be gained by the City from an en globo sale of Property in its current form and evaluate the responses against the City's business case for a development by the City of the Property for sale by the City in terms of the proposed Major Land Transaction. The proposed market testing will be on a non-binding basis, that does not commit the City to accepting any offer to purchase the Property.
35. Valuation advice has been obtained and is contained in confidential attachment 10.2.4.
36. There is also the option that the City applies to the WAPC for conditional subdivision approval for the proposed subdivision layout (statutory timeframe is 90 days) and markets the Property with the benefit of such a conditional subdivision approval, without implementing such an approval. This would:
- Obtain the legal permission to be able to progress subdivision works and create the new lots;
 - Establish known approval conditions and the associated technical requirements for delivering the subdivision, which gives a higher level of confidence in the overall financial feasibility.

Submitting a subdivision application to the WAPC does not obligate the City to proceed with implementation should the business case be negatively impacted by market/economic conditions, cost escalations or unforeseen technical constraints.

37. There is also the option that concurrent with the subdivision application, the City initiates the relevant processes under the Land Administration Act 1997 to close the portion of Edney Road between Berle Way and Kalamunda Road and have it re-classified as Crown Reserve. While related to the subdivision, this matter will be dealt with separately and follow the process under the Land Administration Act 1997. If this is to be pursued, a separate report to Council will be required in due course.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTES the content of the nine (9) public submissions on the proposed Major Land Transaction Business Plan for 15-21 Edney Road, High Wycombe that were received in response to the statewide public notice and the responses in relation to the nine (9) public submissions received.
2. REQUESTS the Chief Executive Officer to:
 - a) Proceed with market testing a proposed sale of the 15-21 Edney Road as per the 'Market Testing Procedure Strategic Land and Property Opportunities' in Attachment 10.1.3.2;
 - b) Require summary of submissions recommendation back to Council before proceeding with a decision on disposal or City development in accordance with the Major Land Transaction Business Plan referred to in 1 above.

10.2. Infrastructure Reports


10.2.1. Main Roads WA Black Spot Submission 2027/2028

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

Previous Items	OCM 238/2021; OCM 115/2022
Directorate	Infrastructure
Business Unit	Asset Planning
File Reference	4.00011768
Applicant	N/A
Owner	N/A

Attachments	1. Berkshire & Dawson RBT - CONCEPT DESIGN - rev C [10.2.1.1 - 1 page]
	2. Hale & Morrison Rd RA B- Concept design [10.2.1.2 - 1 page]

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 1: Kalamunda Cares and Interacts

Objective 1.2 - *To provide a safe and healthy environment for community to enjoy.*

Strategy - 1.2.1 *Facilitate a safe community environment.*

Priority 3: Kalamunda Develops

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

Strategy 3.2.3 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

EXECUTIVE SUMMARY

1. This report seeks Council's endorsement to submit three project applications for the 2027/28 Black Spot Program and to obtain support for allocating municipal funding in 2027/28 and 2028/29 to support their design and delivery.

2. The projects proposed for Black Spot Program are:

- **Upgrade of Existing Roundabout at Berkshire Rd and Dawson Ave and Apricot St:** Design and construct in 2027/28. Estimated total cost is \$344,607.
- **Upgrade of Existing Roundabout at Hale Rd and Morrison Rd Reynolds Rd:** Design in 2027/28 and construct in 2028/29. Estimated total cost is \$383,583.
- **Installation of Safety Barrier on Welshpool Road East (SLK 1.39–3.95):** Design in 2027/28 and construct in 2028/29. Estimated total cost is \$2,600,000.

Projects align with the City of Kalamunda's (City) strategic transport planning objectives and will contribute to improved road safety and network efficiency.

3. The proposed projects target two high-risk roundabout locations that have collectively recorded 20 crashes over the past five years. Approximately 50% of these incidents were of high severity, highlighting a significant safety concern.

Another, high-risk location on Welshpool Road East (SLK 1.39–3.95) records a total of 13 crashes along this stretch over the past five years.

4. The Benefit–Cost Ratio (BCR) demonstrates strong economic merit, indicating that the safety benefits substantially outweigh the project costs.

1. Upgrade of the existing roundabout at Berkshire Rd / Dawson Ave / Apricot St – **BCR: 2.66**
2. Upgrade of the existing roundabout at Hale Rd / Morrison Rd / Reynolds Rd – **BCR: 1.97**

3. Installation of Safety Barrier on Welshpool Road East (SLK 1.39–3.95) – **BCR: 2.43**

Projects have BCR values greater than 1.0, confirming they are economically justified and deliver significant safety benefits relative to their costs.

5. This report seeks Council endorsement to proceed with the Black Spot funding submission for a Main Roads Western Australia (MRWA) contribution towards the delivery of the projects, and to confirm support for the allocation of a City contribution from municipal funds in the 2027/28 and 2028/29 budgets for design and construction.

BACKGROUND

6. Each year, MRWA invites submissions for future funding contributions under the Black Spot Program. For the current funding round, submissions are required to be submitted by July 2026, with successful funding allocated in the 2027/28 financial year.
7. A key requirement of the Black Spot Program is the calculation of a BCR, which measures the expected road safety benefits of a project compared to its cost. The BCR is used to prioritise funding based on value for money and crash reduction outcomes.
8. The funding model is determined by the BCR:
 - If the BCR is greater than 1.0 the project is eligible for Black Spot Program State funding, with costs shared on a $\frac{2}{3}$ State and $\frac{1}{3}$ Local Government basis.
 - If the BCR is 2.0 or greater, the project may qualify for the Black Spot Program Federal funding, which can provide 100% funding (fully funded).
9. Crash data released by the State demonstrates that all the projects are eligible for Black Spot application.
10. **Crash Summary (2021-2025)**
 1. Berkshire Rd / Dawson Ave / Apricot St – **Total: 9 crashes reported**
 - 1 required hospital treatment
 - 3 required medical treatment
 - 4 PDO* major
 - 1 PDO* minor

2. Hale Rd / Morrison Rd / Reynolds Rd – **Total: 11 crashes reported**
 - 1 required hospital treatment
 - 5 required medical treatment
 - 3 PDO* major
 - 2 PDO* minor

3. Welshpool Road East (SLK 1.39–3.95) – **Total: 13 crashes reported**
 - 1 Fatal Crash
 - 5 required hospital treatment
 - 1 required medical treatment
 - 4 PDO* major
 - 2 PDO* minor

**PDO (Property Damage Only): Major indicates significant damage (e.g. requiring towing); Minor involves only minor vehicle damage with no injuries.*

11. The crash data indicates a clear pattern of intersection-related conflicts for project 1 and 2, predominantly right-angle, rear-end, and right-turn-through crashes, which are typically associated with speed management, visibility constraints, and gap judgement issues at roundabouts. This demonstrates a need for geometric improvements to enhance safety and reduce crash severity. Refer to Attachments 1 and 2 for the modified roundabout concept designs.

Project 3, given the hilly terrain and horizontal curvature, presents a risk of errant vehicles departing the travelled way and colliding with trees located within the clear zone, potentially resulting in higher-severity run-off-road crashes. This highlights the urgent need for the installation of safety barriers. Refer to Attachment 3 for the concept design.

DETAILS AND ANALYSIS

12. The proposed projects 1 and 2 are situated on 'Distributor A' roads, Hale Road and Berkshire Road, which perform a key network function by collecting traffic from local roads and feeding them to Primary Distributors, i.e., Tonkin Highway and Roe Highway. These roundabouts are within a 300 m proximity, resulting in compounded traffic interactions and an increased potential for conflict, further influenced by the upcoming Tonkin Highway Extension project and ongoing traffic management plan (TMP) arrangements affecting these intersections.

13. Project 3, Welshpool Road East (WRE) is classified as a 'Distributor A' road and carries approximately 15,000 vehicles per day in both directions. The road functions as a key east-west arterial route within the Perth

metropolitan road network, providing an important connection between Canning Road and Tonkin Highway.

14. The individual project BCRs are as follows:
1. Upgrade of the existing roundabout at Berkshire Rd, Dawson Ave, and Apricot St – BCR: 2.66.
 2. Upgrade of the existing roundabout at Hale Rd, Morrison Rd, and Reynolds Rd – BCR: 1.97.
 3. Installation of Safety Barrier on Welshpool Road East (SLK 1.39–3.95) – BCR: 2.43

All the projects demonstrate strong cost-effectiveness and deliver significant road safety benefits, reinforcing the priority for implementation under the Black Spot Program.

15. Based on the BCR value (2.66), the **Project 1- Upgrade of the existing roundabout at Berkshire Rd, Dawson Ave, and Apricot St** is eligible for both State and Federal funding.

It is intended to submit the application considering both funding sources. If Federal funding is approved, the project will be fully (100%) funded. If Federal funding is not secured, the cost will be shared, with two-thirds funded by the State and one-third by the City, as outlined below:

Berkshire Rd and Dawson Ave and Apricot St	Cost
Black Spot Funding ($\frac{2}{3rd}$)	\$ 229,738
City Contribution ($\frac{1}{3rd}$)	\$ 114,869
Total Cost	\$ 344,607

16. **Project 2 - Upgrade of the existing roundabout at Hale Rd, Morrison Rd, and Reynolds Rd** has an estimated total cost of \$383,583. The project will be delivered in two stages: Stage 1 (design) with an estimated cost of \$62,684, and Stage 2 (construction) with an estimated cost of \$320,899.

This project is eligible for State funding under the Black Spot Program, with funding proposed as two-thirds funding contribution and one-third from the City.

Hale Rd and Morrison Rd and Reynolds Rd	Cost
Black Spot Funding ($\frac{2}{3rd}$)	\$ 255,722
City Contribution ($\frac{1}{3rd}$)	\$ 127,861
Total Cost	\$ 383,583

17. Based on the BCR value (2.43), the **Project 3- Installation of Safety Barrier on Welshpool Road East (SLK 1.39–3.95)** is eligible for both State and Federal funding.

It is intended to submit the application for Federal Funding only. If Federal funding is approved, the project will be fully (100%) funded. The City is not currently in a position to match fund the project under State Funding.

Installation of Safety Barrier on Welshpool Road East (SLK 1.39–3.95)	Cost
Black Spot Funding (100%)	\$ 2,600,000
Total Cost	\$ 2,600,000

18. In summary, the funding arrangements and staging details for both projects are provided below:

No	Year	Project Name	Description	Muni Fund	Black Spot Fund	Estimated Cost
1	2027/28	Berkshire Rd, Dawson Ave and Apricot St	Design and Construct	\$114,869	\$229,738	\$344,607
2	2027/28	Hale Rd, Morrison Rd and Reynolds Rd	Stage 1: Design	\$20,895	\$41,789	\$62,684
	2028/29		Stage 2: Construct	\$106,966	\$213,933	\$320,899
3	2027/28	Welshpool Road East (SLK 1.39–3.95)	Stage 1: Design		\$100,000	\$100,000
	2028/29		Stage 2: Construct		\$2,500,000	\$2,500,000
Total Estimated Cost:						\$3,328,190

Funding Scenarios

If funded under the State Black Spot Program (1/3 Council : 2/3 State):

City’s contribution, considering all the projects, is as follows:

- 2027/28: \$135,764
- 2028/29: \$106,966

If funded under the Australian Government Black Spot Program (typically 100% grant funded):

Projects under the Federal Black Spot Program are generally expected to achieve a Benefit–Cost Ratio (BCR) greater than 2 to be considered competitive for funding. Based on the current BCR assessments, the project that qualifies for consideration under the Federal Black Spot Program are:

- Berkshire Rd / Dawson Ave / Apricot St – BCR: 2.66
- Welshpool Road East (SLK 1.39–3.95)

If successful under the Australian Government Black Spot Program, eligible projects may be fully grant funded, resulting in no direct capital contribution required from the City.

However, if the projects are unsuccessful in securing grant funding (either Federal or State), the City would need to either:

- Consider alternative funding pathways,
- Defer the projects and reapply in a future funding round.

Proceeding without external grant funding is not considered viable due to the significant financial impact on the City's capital works program.

APPLICABLE LAW

19. *Local Government Act 1995*

APPLICABLE POLICY

20. Nil.

STAKEHOLDER ENGAGEMENT

21. Residents affected by the project will be consulted during the detailed design and construction phases of the project. A community engagement plan will be developed to guide this process and ensure transparent, timely, and meaningful engagement.

FINANCIAL CONSIDERATIONS

22. The financial implications are outlined in the body of the report.

SUSTAINABILITY

23. There are no anticipated sustainability impacts associated with the project. An environmental assessment will still be undertaken to confirm that any minor vegetation removal is appropriately managed and that impacts are minimised.

RISK MANAGEMENT

24.	Risk: The Submission is not approved for funding through the Black Spot Program.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Provide adequate and detailed information to support the project submissions. Seek information on submission requirements. Ensure there are alternatives available and resubmit when needed.		

25.	Risk: The Submission does not achieve the crash reductions that are intended or otherwise creates unintended consequences.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	The treatment selection methodology has been thoroughly tested, and the process includes significant oversight and is supported by BCR modelling. Post-implementation review will assess treatment outcomes.		

CONCLUSION

- 26. All the projects, have been identified as high-priority safety improvements supported by strong economic justification. The proposed staging and funding strategy ensures efficient delivery across the 2027/28 and 2028/29 financial years while maximising external funding opportunities through State and Federal options with the Australian Government Black Spot Program (AGBS). Collectively, these projects will deliver significant safety benefits and represent a strong investment in the City’s road network.

- 27. To remain eligible and meet external funding timelines, the City must commit to delivering these projects from 2027/28 and 2028/29; however, implementation remains subject to securing external funding.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. ENDORSE the submission of funding applications to the Australian Government Black Spot Program for the upgrade of the existing roundabouts at Berkshire Road / Dawson Avenue / Apricot Street and Hale Road / Morrison Road / Reynolds Road; and safety barrier installation on WRE (SLK 1.39 – 3.95) with the aim of securing funding for 2027/28 and 2028/29 financial years; and


- 2. COMMIT IN PRINCIPLE to funding the City’s municipal contribution for the Berkshire Road / Dawson Avenue / Apricot Street and Hale Road / Morrison Road / Reynolds Road projects in accordance with State Black Spot requirements, subject to successful grant outcomes and formal budget adoption.

10.2.2. Tree Nursery Investigation Study

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

Previous Items	OCM 2025/72
Directorate	Infrastructure
Business Unit	Engineering and Parks Maintenance
File Reference	4.00009518
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 2: Kalamunda Clean and Green

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

Strategy 2.1.1 - Implementation of the Local Environment Strategy

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

EXECUTIVE SUMMARY

1. A notice of motion requesting the Chief Executive Officer to prepare a business case for the establishment of a City of Kalamunda (City) Tree Nursery was carried unanimously at the Ordinary Council Meeting dated 9 December 2025.
2. This report summarises the possible models of operation explored and recommended actions.

BACKGROUND

3. At the 9 December 2025 Ordinary Council Meeting a Notice of Motion was presented by Councillor Modolo requesting the City of Kalamunda to prepare a business case for the establishment of a Tree Nursery.
4. At this meeting Council resolved to:
 1. *REQUEST the Chief Executive Officer to prepare a business case for the establishment of a City of Kalamunda Tree Nursery, including consideration of:*
 - a) *Potential models for operation (City-operated, partnership, or joint venture arrangements);*
 - b) *Suitable locations, including existing City landholdings or shared regional facilities;*
 - c) *Estimated establishment and operating costs;*
 - d) *Opportunities for revenue generation and regional supply;*
 - e) *Capacity to support the City's urban greening, biodiversity, and canopy coverage objectives; and*
 - e) *Funding and grant opportunities available to support establishment.*
 2. *REQUESTS the business case be presented to Council for consideration as part of the 2026/27 Budget deliberations.*
5. The City's Urban Forest Strategy (UFS) guides the City in designing, managing and improving the urban forest to protect and grow the urban forest canopy for the wellbeing of our residents, enterprise and ecosystems. Leafy cover from tree canopy benefits our entire City. To realise these benefits, the City aspires to achieve a target overall urban canopy cover across the City of 30% by 2042.
6. This report explores the option of establishing an in-house tree nursery to support achievement of this target versus other alternatives such as

contract-growing, partnerships/joint ventures and procurement reform to secure supply.

DETAILS AND ANALYSIS

7. The City plants approximately 300 trees per annum, based on current available resources.
8. The City's Urban Forest Strategy has a target of 30% canopy cover by 2042. It is estimated that the City would need to plant 2000 trees per annum in the public realm to achieve this target alongside endeavours in private land. Currently the City's resources are disproportionate to this target.
9. The following operating models were explored:
 - a) Continue current operations

Description of model: City currently procures trees from local nurseries, uses contractors to plant and undertake establishment watering.

Control (species, provenance/quality control): Difficult to ensure endemic species supply and provenance control.

Supply certainty: Restricted – often face stock shortages and substitutions.

Key risks/trade-offs: Increasing costs restricts the City achieving UFS targets. Often facing stock shortages and substitution.
 - b) City operated nursery

Description of model: City owns and operates a production nursery.

Control (species, provenance/quality control): High – as City propagates and responsible for control.

Supply certainty: Medium – High (if well run).

Key risks/trade-offs: High capital cost and will require high ongoing operational costs plus risks of water constraint, biosecurity risks and underutilisation.
 - c) Partnership model

Description of model: Variety of options such as City provides land (lease/licence) or City enters arrangement with other Local Government with an internal nursery.

Control (species, provenance/quality control): Medium-High (depends on quality control and governance).

Supply certainty: High – if well run.

Key risks/trade-offs: Will require strong governance and clear allocations/performance measures.

d) Procurement reform

Description of model: Panel contracts and forward ordering rather than ad hoc. The Long-Term Financial Budgeting will need to support this to ensure we have the funds committed. Another option is multi-year contracts with a supplier that grows to City specifications.

Control (species, provenance/quality control): Medium – depends on specifications set by the City and inspections undertaken.

Supply certainty: Although increases reliability as forward ordering, it will still depend on market availability.

Key risks/trade-offs: Still dependent on market capacity and endemic scarcity may continue. Supplier will need to have capacity to grow specific to City specifications. Still have biosecurity risk.

10. The City considered a recent case study from the City of Gosnells and their plans to establish an internal tree nursery. Based on their calculations, a capital outlay of approximately \$825,000 will be required. With average annual operating costs estimated at \$654,000 per annum over the first ten years. This new nursery will be able to provide approximately 9,000 trees which covers their needs of 2,500 trees and a remaining 6,500 trees to sell.
11. If the City is to build a similar facility to the City of Gosnells, an internal and City operated production nursery is unlikely to be financially viable at the City's current planting volumes. Key constraints include high fixed operating costs (staff and compliance) relative to the possible procurement savings available.
12. Grant funding may assist with discrete capital components (e.g. shade infrastructure, irrigation/fertigation, or biosecurity controls), but is unlikely to cover ongoing operating costs, which are typically the largest driver of nursery viability. Potential sources include State and regional urban greening programs, local government sector grants for canopy uplift, and environmental restoration grants where nursery output directly enables on-ground outcomes.

APPLICABLE LAW

13. Nil

APPLICABLE POLICY

14. Nil

STAKEHOLDER ENGAGEMENT

15. Communications with the City of Gosnells to obtain information regarding the establishment of their internal tree nursery.

16. Meeting was held with Councillor Modolo to present an investigation study report detailing findings and initial costings for the four options. It was agreed further detailed work on the business case was not required.

FINANCIAL CONSIDERATIONS

17. The options above will assist with securing the supply of trees for the City, however, budget will still be required for the planting through contractors and establishment watering of the trees.

SUSTAINABILITY

18. Tree canopy cover is key for urban cooling and a neighbourhood amenity. The City’s Urban Forest Strategy supports the importance of the urban forest canopy for the wellbeing of our residents, enterprise and ecosystems.

RISK MANAGEMENT

19.	Risk: The City suffers substantial environmental loss due to inaction in the protection and growing of its urban forest canopy.		
	Consequence	Likelihood	Rating
	Significant	Almost Certain	High
	Action/Strategy		
	Progress towards clear plans to grow the number of trees, guaranteeing supply of trees and advocating for the protection of trees will assist in mitigating this risk.		

20.

Risk: The City suffers substantial reputational damage due to inaction in the protection and growing of its urban forest canopy.		
Consequence	Likelihood	Rating
Significant	Almost Certain	High
Action/Strategy		
Progress towards clear plans to grow the number of trees, guaranteeing supply of trees and advocating for the protection of trees will assist in mitigating this risk.		

CONCLUSION

- 21. If the City is to build a similar facility to the City of Gosnells, an internal and City operated production nursery is unlikely to be financially viable at the City’s current planting volumes.
- 22. The Long-Term Financial Plan will need to include provisions to ensure we have the funds committed to meet the required planting targets.
- 23. Current procurement strategy leaves the City at risk of supply chain issues that are likely to prevent the City reaching the required planting targets.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. ACCEPT the findings indicating that, an internal and City of Kalamunda operated production nursery is unlikely to be financially viable at the City of Kalamunda’s current planting volumes.
- 2. AGREE in principle to City of Kalamunda staff liaising with the City of Gosnells to investigate the possibilities of a partnership in respect to the supply of mature trees in conjunction with them constructing and operating their proposed Nursery.
- 3. SUPPORT the advertisement of a Tender for the Supply and/or Planting of mature trees for a period until such time a partnership agreement can be negotiated, and the City of Gosnells Nursery is operating at a capacity that ensures sufficient supply is available to enable the City of Kalamunda to work towards its overall urban canopy cover targets.

10.3. Corporate Reports

No reports presented

10.4. Community Reports

No reports presented

10.5. Office of the CEO Reports

10.5.1. Annual Review of Delegations of Authority

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

Previous Items	OCM 2025/96
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A

Attachments	1. DRAFT - Register of Delegations - Council to CEO - 2026 [10.5.1.1 - 67 pages]
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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 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. In accordance with section 5.46(2) of the *Local Government Act 1995*, delegations are to be reviewed at least once per financial year by the delegator.
2. The purpose of this report is to fulfil the annual review requirement for Council to review the delegations of authority to the Chief Executive Officer (CEO).
3. Officer assessment is that some of the existing delegations require corrections to ensure accurate description of heads of power, delegated functions and removal of a number of delegations that no longer have any benefit.
4. It is recommended that Council review and adopt the delegations detailed in the draft Delegations Register (Attachment 1).

BACKGROUND

5. The *Local Government Act 1995* (Act) as well as other Acts of Parliament provide a head of power to delegate a range of functions and powers in legislation to allow local governments to perform day-to-day statutory tasks and duties.
6. Section 5.46(2) of the Act requires the delegator to review delegations at least once per financial year.
7. Council last reviewed its delegations of authority on 24 June 2025 (OCM 2025/96).

DETAILS AND ANALYSIS

8. As noted above, a number of relatively minor modifications are proposed to existing delegations to ensure correct heads of power are referenced, and functions/duties delegated are up-to-date. Proposed changes of a material nature are shown in **Table 1**.
9. Immaterial changes (typographical changes, commas instead of full-stops and correcting capitalisation) are not listed in the table.

10. New delegations are also proposed. These are detailed in a separate table (Table 2).

Table 1

Delegation	Change	Reason
LGA3 - Lease and Licence Agreements	Insertion of conditions	The change places limits on the delegation able to be used when the proposed term, dollar value or purpose is over the thresholds stated in the conditions
LGA6 - Access to Local Government Information	Rescind the delegation	A delegation for this purpose is not required, as public access to the kinds of information prescribed by the Act is as-of-right
LGA9 - Appointment of "Authorised Persons"	Correction of power/duty delegated, removal of references to s.9.10 of the Act, and insertion of ability to appoint poundkeepers	The existing delegation infringes on the CEO's powers under s.9.10(2) of the Act to appoint authorised persons. The delegation is modified to include authority to <i>authorise an employee</i> for the purposes of Part 3 powers of the Act, and the appointment of poundkeepers (impounding livestock) under the <i>Local Government (Miscellaneous Provisions) Act 1960</i> .
LGA13 - Granting Concessions	Minor correction to the reference legislation	Insertion of "6.12(1)(b)" for clarity.
LGA16 - Closing of Thoroughfares to Vehicles (ENG2)	Inserting statutory limitation periods	Change to reflect the +/- 4 week periods prescribed by the Act and associated public notice requirements

BLD8 – Designate Employees as Authorised Persons	Insertion of correct heads of power to appoint	Ensuring the head of power is referenced in the body of the delegation, and insertion of a new separate power to designate a person under the <i>Building Regulations 2012</i> for testing building work
PLN4 – Unauthorised Development	Head of power corrected, incorrect function removed	The delegation is required to reference a different head of power to other planning matters, in this case, s. 5.42(1)(b) of the <i>Local Government Act 1995</i>
BFA4 – Management of Bushfires (Transfer of Control) and Functions under the Act	Insert new paragraph for clarity of the function delegated	The existing delegation is ambiguous in terms of what the power/function is. The change removes the ambiguity.
FOOD1 – Prohibition Orders – Section 65 of the Food Act 2008	Correction to officer title	The term “Director Community Services” is deleted and replaced with “Director Development” to reflect the current administrative reporting line.
HLT1 – Appointment of Environmental Health Officers of the Public Health Act 2016	Insertion of the ability to designate authorised officers for the purposes of this Act	Designating persons to be authorised officers for specific enforcement purposes is required where the purpose is not performed by an Environmental Health Officer.
LL2 – Local Laws	Title change	Makes it clear it is for the purpose of administering the City's local laws made under the <i>Local Government Act 1995</i> .
ENG1 – Determination of Prohibited Parking Areas	Correction to the clause referenced	The reference and content of clause 1.10 of the Parking and Parking Facilities Local Law 2019

		is corrected. It is currently misaligned with clause 2.1
CAT1 – Cat Act 2001 Delegation of Powers	Alteration of title and insertion of reference to the Cat Local Law	The title is corrected to say “2011” instead of “2001” and the City’s Cat Local Law is included, as the head of power for the Cat Local Law (and thus the power to delegate) comes from the <i>Cat Act 2011</i> .
DOG1 – Dog Act 1976 – Delegation of Powers	Insertion of reference to the Dogs Local Law	The City’s Dogs Local Law is included because the head of power for the Dogs Local Law (and thus the power to delegate) comes from the <i>Dog Act 1976</i> .
MISC2 – Donations, Grants and Contributions	Insertion of full legislative reference	The full text of r. 12(1)(a) of the regulations is inserted to provide the clear boundaries on this function.
MISC3 – SES – Appointment of Local Co-ordinator and Deputy Coordinator	Rescind the delegation	This delegation is of no legal effect and has no utility. The local government has no role in appointing SES Coordinators.
MISC4 – Write-Off of Emergency Services Levy Interest Amounts	Rescind the delegation	This delegation has no utility. The current DFES operations manual for the ESL is to be followed if such a circumstance arises.
MISC5 – Fireworks Displays	Amended	Amended to clarify that it is for approval/refusal of fireworks display applications on City property.
MISC6 – Public Liability Insurance	Amended	Title and content amended to reflect the function provided by section 3.22 of the Act to provide compensation to a land owner in the circumstances

		prescribed by the Act. Management of Public Liability is performed on behalf of the City by LGIS; therefore there is no need for the delegation to be maintained for the purposes of Public Liability.
MISC9 – Contract Award	Rescind the delegation	This delegation is project-specific for FY2025/2026 and is proposed to be replaced with a new instrument to reflect Council’s decision on FY2026/2027 EOI projects (see Table 2)

11. The new delegations proposed are as follows:

Table 2

Proposed delegation	Reason
PLN5 Structure Planning and Local Development Plans	<p>Delegations are needed for structure planning and local development plan (LDP) provisions to ensure decisions are made efficiently, consistently, and at the appropriate level of authority without overburdening Council. They allow the Planning Department to handle routine or technical matters such as minor amendments or compliance assessments. This allows Council to focus on strategic or high-impact decisions.</p> <p>Delegations will support timely development outcomes, provide clarity between governance and operational roles, ensure decisions align with legislative requirements under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>The delegation also maintains appropriate governance and oversight through clear conditions, limitations and reporting requirements, including referral mechanisms where objections are received or Council Members request that a matter be determined by Council.</p>

<p>PLN6 Management of Developer Contribution Plans</p>	<p>This delegation is required to enable the timely and efficient administration of Development Contribution Plan (DCP) matters under Local Planning Scheme No. 3 and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. The delegation relates primarily to operational and technical matters, including the calculation and review of infrastructure contribution costs, administration of credits and reimbursements for approved Cell Works, and the management of contribution deferrals in accordance with the adopted contribution framework.</p> <p>Providing delegated authority allows these matters to be managed responsively and in accordance with Council-approved contribution rates, valuations and scheme provisions, without requiring routine administrative matters to be referred to Council. The delegation also maintains appropriate governance and oversight through clear conditions, limitations and reporting requirements, including referral mechanisms where objections are received or Council Members request that a matter be determined by Council.</p>
<p>MISC7 Acquisition of Land</p>	<p>The delegation is proposed to streamline the process for acquiring land required to deliver public works, such as road infrastructure. Acquisitions of this nature are necessary to implement approved projects and meet identified community and service needs, and requiring a separate Council resolution for each transaction can result in unnecessary delay and administrative complexity. The delegation is appropriately constrained by clear legislative, financial, and governance controls, including the requirement that acquisitions be for a public work, confirmed budget provision, a defined purchase price cap, and a requirement that the agreed price be supported by a recent independent valuation. These safeguards ensure acquisitions are undertaken in a prudent, transparent, and accountable manner, while reducing the need for Council involvement in each individual acquisition. The framework also clarifies that acquisitions for commercial purposes fall outside the scope of this delegation and would therefore require separate Council consideration, while preserving the ability for matters to be referred back to Council where appropriate.</p>

<p>MISC10 Contract Award</p>	<p>Replaces MISC9 with a delegation that reflects Council's decision on 25 March 2026 to delegate authority for awarding construction contracts for Roads, Drainage and Footpaths (EOI 2026-01) and Builders Works (EOI 2026-02).</p>
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12. Not all delegations are able to be sub-delegated, and where subdelegation is permitted by the head of power, it does not automatically follow that the subdelegate receives the same powers or functions as the primary delegation – the majority of functions delegated are only appropriate to be exercised by the CEO.
13. Where it is recommended that a delegation is rescinded without replacement, it is due to the instrument not having any practical use for the City, or the function originally delegated is no longer legally available.

APPLICABLE LAW

14. The *Interpretation Act 1984* provides the general legislative structure for the delegation of powers, duties and functions. All Acts of Parliament that contain specific heads of power to delegate are to be construed around this general structure.
15. Further, section 5.43 of the *Local Government Act 1995* limits the things that can be delegated to the CEO. These are –
 - any power or duty that requires a decision of an absolute majority of the Council;
 - accepting a tender which exceeds an amount determined by the Council;
 - acquiring or disposing of any property valued at an amount exceeding an amount determined by the Council;
 - any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.129;
 - borrowing money on behalf of the local government;
 - hearing or determining an objection of a kind referred to in section 9.5;
 - the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
 - any power or duty that requires the approval of the Minister for Local Government or the Governor;
 - such other powers or duties as may be prescribed (duties of the Council with respect to audit functions)
16. Specific heads of power to delegate the functions of the delegations dealt with in this report are –

- *Local Government Act 1995*, s. 5.42(1); 5.46(2).
- *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 1 cl. 82, cl. 84.
- *Dog Act 1976*, s. 10AA, s. 10AB(2).
- *Cat Act 2011*, s. 44(1), s. 47(2).
- *Bush Fires Act 1954*, s. 48(1).

APPLICABLE POLICY

17. N/A

STAKEHOLDER ENGAGEMENT

18. Internal consultation among affected business units has informed the development of new and amending delegation instruments.
19. Public consultation is not required for an annual review of delegations or determining whether a function is to be delegated.

FINANCIAL CONSIDERATIONS

20. Nil.

SUSTAINABILITY

21. N/A

RISK MANAGEMENT

22.

Risk: The City fails to comply with the <i>Local Government Act 1995</i> by reviewing its delegations before the end of the financial year.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Review the delegations in accordance with section 5.42 of the <i>Local Government Act 1995</i> before the end of the financial year.		

CONCLUSION

23. The recommendations reflect the outcome of the review of delegations and creation of new instruments. These delegations will continue to provide an effective framework for the efficient operation of the City through the responsible discharge of those powers and duties delegated by Council.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. ACCEPTS the review of the City of Kalamunda Delegated Authority Register as required in accordance with sections 5.18 and 5.46(2) of the *Local Government Act 1995*; and
2. ADOPT BY ABSOLUTE MAJORITY the delegations detailed in the draft City of Kalamunda Delegations Register as set out in Attachment 1.

10.5.2. Adoption of Proposed Activities in Thoroughfares and Public Places Local Law

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

Previous Items	24 March 2026 (OCM 2026/26)
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. Activities in Thoroughfares and Public Places Local Law 2026 [FINA L] [10.5.2.1 - 45 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 (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 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.1 Facilitate a safe community environment.

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.

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. At the Ordinary Council Meeting on 24 March 2026, Council decided to propose the draft Activities in Thoroughfares and Public Places Local Law for 6 weeks of community consultation in accordance with section 3.12 of the *Local Government Act 1995*.
2. Local public notice was given commencing week ending 27 March 2026 in the required way, ending 15 May 2026. No submissions were received.
3. Minor alterations are recommended to the proposed local law to improve grammar, correct typographical errors and include specific clauses identified by the DLGIRS and Officers for inclusion.
4. It is recommended Council make the proposed local law, as attached to this report.

BACKGROUND

5. The *Local Government Amendment Act 2024* introduced a transitional provision into the *Local Government Act 1995* (Act) that will repeal all local laws not reviewed under the previous local law review requirement if not replaced or reviewed by 6 December 2026.
6. The proposed Activities in Thoroughfares and Public Places Local Law is intended to replace 5 by-laws made under the old repealed Local Government Act 1960 and a local law made in 2008. All these existing by-laws and the local law deal with aspects of regulation in thoroughfares and public places (verges, paths, laneways) however all of them have age related obsolescence issues, noting that two of the by-laws were adopted by Council in 1963. They are -
 - (a) The Municipality of the Shire of Kalamunda By-law Relating to Numbering Houses and Buildings, published in Government Gazette No. 65 on 29 August 1963;

- (b) The Municipality of the Shire of Kalamunda Adoption of Draft Model By law Relating to Removal and Disposal of Obstructing Animals or Vehicles, No. 7 published in Government Gazette No. 65 on 29 August 1963;
 - (c) The Municipality of the Shire of Kalamunda Adoption of Draft Model By law Relating to Street Lawns and Gardens published in Government Gazette No. 64 on 6 July 1965;
 - (d) The Municipality of the Shire of Kalamunda By-laws relating to Signs, Hoardings and Bill Posting published in Government Gazette No. 26 on 10 April 1981; and
 - (e) The Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008, published in Government Gazette No. 121 on 11 July 2008.
7. The proposed local law will allow the City to deal with, amongst other things –
- Signs in thoroughfares, including variable message boards by way of a permit system
 - Basic specifications for crossovers, with the ability for Council to determine a more detailed crossover specification policy
 - Shopping trolleys left in public places
 - Skip bins and sea containers placed on verges
 - Damage to thoroughfares and infrastructure
 - Installations and works on verges
 - Vandalism or killing of street trees
 - Street traders, pop-up al-fresco dining areas and food trucks

DETAILS AND ANALYSIS

8. In accordance with the requirements of section 3.12 of the Act, local public notice of the proposed local law was given for more than 6 weeks, commencing week ending 27 March 2026 and ending 15 May 2026 in the required way –
- *The Echo* newspaper (27 March 2026 edition)
 - City of Kalamunda Facebook page
 - City of Kalamunda website (from 25 March 2026)
 - Notice boards in the City's libraries and Administration Centre (from 25 March 2026)

Copies of the proposed local law were also made available at the libraries and Administration Centre, as required by the Act.

9. No public submissions were received during the submission period.

10. Modified penalties are included for prescribed offences of the local law. The Act provides the head of power to impose modified penalties in local laws. A modified penalty is intended to be a last resort enforcement measure when other methods have failed (education, cautions/written warnings etc).

DLGIRS REVIEW

11. As required by the Act, a copy of the proposed local law was sent to the Department of Local Government, Industry Regulation and Safety (DLGIRS). The DLGIRS advice in relation to the proposed local law is as follows:

"Animals

Clauses 4.1 and 4.2 place restrictions on animals. These clauses may be interpreted to restricting the use of guide dogs and other assistance animals.

The Joint Committee on Delegated Legislation has raised concerns in the past that such clauses may be inconsistent with the Disability Discrimination Act 1992 (Commonwealth) and have requested that the following clause be inserted:

Assistance Animals

This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2)."

City response: Noted. For avoidance of doubt this change has been made to the proposed local law (see new clause 1.9).

"Citation

The standard format for naming and citation includes reference to the year that the local law was made. The local law's name should be amended to the City of Kalamunda Activities in Thoroughfares and Public Places Local Law 2026."

City response: Noted. This change has been made.

"Table of Contents

The proposed local law currently does not include a table of contents. Due to its length, it is suggested that a table of contents referring to clause numbers be included to assist readers."

City response: Noted. A table of contents is included in the attachment for convenience. However it is not intended for a table of contents to be

published in the Government Gazette, which would increase cost considerably as the Department of Premier and Cabinet charge publication by the line.

“Reference to council

Clause 6.4 (1) defines a policy as “a policy of the local government adopted by the council”. It is sufficient to define it as “a policy of the local government”.

City response: The DLGIRS view is noted, however this clause was worded in the way it was, more for the avoidance of doubt that it is the role of Council to determine the local government’s policies pursuant to the Act.

“Page numbers

It is recommended that the page numbers be removed from the local law as they made not be accurate once printed in the Government Gazette and they may also clash with the Gazette’s existing page numbering system when published. The clause numbers within the local law are sufficient for navigation purposes.”

City response: Noted. Officers will ensure page numbers are removed for Gazettal.

“Shopping trolley – onus of proof

Clause 4.6 provides that “in the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.”

This clause provides that in the absence of evidence to the contrary, it will be assumed that a shopping trolley is owned by whichever retailer is marked on that trolley.

As a rule, the plaintiff to a legal action is responsible for proving the elements of that legal action. This rule is presumed to apply except where enacting legislation has expressly stated otherwise.

Since the Local Government Act 1995 does not expressly state that local laws can reverse the onus of proof, it is debatable whether local governments have the power to make local laws which do this.

The JSCDL has previously explored this issue in the local laws of other local governments. In those cases, the Committee concluded that it would permit the clause, since the burden on retailers was not particularly onerous. However, the Committee concluded that the clause may not be legally valid and its

enforceability may be vulnerable to legal challenge. This conclusion is set out in item 4 of the Committee's 16th Report. The City should keep this in mind if it chooses to retain the clause and rely on it in the future."

City response: The report referred to is 'Report 16, Joint Standing Committee on Delegated Legislation, Issues of Concern raised by the Committee between 1 May 2005 and 30 April 2006 with respect to Local Laws' published May 2006.

In this report, the former JSCDL stated that it considered such a clause was –

"...an attempt, on the part of the City of Cockburn, to make it easier to obtain convictions for a breach of the local law by reversing the onus of proof in relation to the ownership of shopping trolleys. Such a clause is not generally authorised or contemplated by the Local Government Act 1995."

Whilst it is acknowledged the Act does not contemplate reversal of onus for offences other than those involving vehicles, the JSCDL went on to say, in that report –

"4.7 The Committee noted, however, that identical provisions to that contained in this local law currently exist in a number of local laws (such as the Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000) that have been accepted by the former Joint Standing Committee on Delegated Legislation. This clause is also contained within the Western Australian Local Government Association (WALGA) Activities in Thoroughfares and Public Places and Trading Model Local Law.

4.8 The Committee formed the view that, even though the clause does reverse the onus of proof and may not sustain a legal challenge in the event of a prosecution, the burden in this instance is not particularly onerous for shopping trolley owners."

Officers further note that multiple local laws have been made by local governments in the 20 years since this report containing an identical provision. The Undertakings lists provided by the JSCDL on the Parliament website contain no references to undertakings required by the JSCDL in regard to this issue, both in the current Undertakings list, or historical Undertakings going back to April 2013. The view of Officers is this provision can remain in place.

RECOMMENDED CHANGES

12. In addition to the minor amendments recommended by the DLGIRS, Officers have identified a number of further minor amendments required to be made to the proposed local law, that will make the proposed local law slightly different to the version that was advertised for public consultation. These are more typographical and grammatical corrections than anything else,

however for the purposes of transparency the entirety of these minor amendments are shown highlighted in red text and described as follows.

Title and Clause 1.1

2026 is inserted at the end of the title of the local law, and as it appears in clause 1.1 and throughout the document.

Reason: inserted as recommended by DLGIRS.

Clause 1.3

The following local laws are repealed This local law repeals the –

- (a) *Municipality of the Shire of Kalamunda By-law Relating to Numbering Houses and Buildings, published in Government Gazette No. 65 on 29 August 1963, as amended;*
- (b) *Municipality of the Shire of Kalamunda Adoption of Draft Model By-law Relating to Removal and Disposal of Obstructing Animals or Vehicles, No. 7 published in Government Gazette No. 65 on 29 August 1963, as amended;*
- (c) *Municipality of the Shire of Kalamunda Adoption of Draft Model By-law Relating to Street Lawns and Gardens published in Government Gazette No. 64 on 6 July 1965, as amended;*
- (d) *Municipality of the Shire of Kalamunda By-laws relating to Signs, Hoardings and Bill Posting published in Government Gazette No. 26 on 10 April 1981, as amended; and*
- (e) *Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008, published in Government Gazette No. 121 on 11 July 2008.*

Reason: better grammar and syntax, and to make clear the local laws being repealed are inclusive of amendments made over the years.

Clause 1.4

“1.4 Application Consequential amendment to the City of Kalamunda Parking and Parking Facilities Local Law 2019

In clause 4.3(1) and (2) of the City of Kalamunda Parking and Parking Facilities Local Law 2019, published in Government Gazette No. 147 on 11 October 2019, delete "Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008 as amended from time to time" and insert:

City of Kalamunda Activities in Thoroughfares and Public Places Local Law 2026”

Reason: This clause is required to be inserted to update a cross-reference in the City's Parking and Parking Facilities Local Law 2019. The change is

necessary because the proposed local law before Council will repeal the Trading on Thoroughfares and Public Places Local Law 2008.

Clause 1.5

“1.5 Interpretation Application”

Reason: the heading is renumbered because of the insertion of the consequential amendment clause.

Clause 1.6

“1.6 Meaning of ‘on’ Interpretation”

Reason: the heading is renumbered because of the insertion of the consequential amendment clause.

Clause 1.7

“1.7 Transitional Meaning of ‘on’”

Reason: the heading is renumbered because of the insertion of the consequential amendment clause.

Clause 1.8

“1.8 Transitional

From and after commencement day, a permit, licence, consent, or authorisation, ~~notice or infringement~~ issued in accordance with a local law that is repealed under clause 1.3 –

- (a) is taken to be a permit, licence, consent, or authorisation, ~~notice or infringement~~ issued under this local law;*
- (b) is to be valid for the period specified on the permit, licence, consent, or authorisation, ~~notice or infringement~~; and*
- (c) may be cancelled, suspended or withdrawn in accordance with this local law.”*

Reason: this heading is inserted because of the insertion of the consequential amendment clause. In addition, a change to this clause was recommended by the City’s external legal service provider to remove notices or infringements from the transitional provision, because a person cannot be subject to a penalty for something that was not an offence at the time of doing the act; therefore carrying over the effect of a notice or infringement to refer to the proposed local law would likely be invalid.

Clause 1.9

“1.9 Application as to assistance animals

This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Cwth) section 9(2).”

Reason: inserted as recommended by the DLGIRS.

Clause 3.9

*“(h) whether or not the sign will create a hazard to persons using a thoroughfare;
~~and~~”*

Reason: the word “and” at the end of subclause (h) is a typographical error.

Clause 4.2

*“(c) not train or race the animal on a thoroughfare; or
~~(ed)~~ not allow an animal to excrete in a public place, subject to subclause (4).”*

Reason: typographical error. The subclause (c) identifier was missing, with the following subclause requiring correction to (d) accordingly.

Clause 5.5

*“(b) dispose of **any** waste generated by the trading activity in a public rubbish bin that is on a thoroughfare or a public place;”*

Reason: Clause 5.5(2)(b) is modified to clarify that any waste generated by a food trader operating in a thoroughfare must not be disposed of in a public rubbish bin, as “waste” can take a number of forms (solid, liquid etc).

Clause 5.9

“5.9 When a permit is required to conduct a Facility”

Reason: better grammar and syntax for the clause heading.

13. As noted above, the most substantial change to the proposed local law that was not in the version advertised for public consultation is contained in the new clause 1.4. This clause is necessary to change a cross reference in the City's Parking and Parking Facilities Local Law 2019, because it refers to a local law that will be repealed by the proposed local law that is the subject of this report. If this cross-reference amendment is not made, the relevant clause in the Parking Local Law will be inoperative.
14. How this change effects the Parking Local Law is demonstrated as follows (extract from the Parking Local Law):

4.3 Trading from parked or stopped vehicles

- (1) *A person shall not park or stop a vehicle or permit a vehicle to remain parked in a parking station or on a thoroughfare for the purpose of trading from that vehicle other than in accordance with a permit issued by the local government pursuant to the ~~Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008 as amended from time to time~~ City of*

*Kalamunda Activities in Thoroughfares and Public Places
Local Law 2026.*

(2) *In this clause **trading** has the same meaning as in the ~~Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008 as amended from time to time~~ City of Kalamunda Activities in Thoroughfares and Public Places Local Law 2026.*

15. Section 3.13 of the Act requires that if, during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.
16. The Act does not define the term “significantly different”. The Joint Standing Committee on Delegated Legislation (JSCDL) have previously advised local governments that section 3.13 of the Act may become enlivened when a local law made by a council proposes different terms and provisions to what was initially proposed during public consultation – that is, there is a new regulatory obligation, liability or power created that was not initially proposed, or the individual or property rights of persons are impacted in a way that was not proposed in a consultation draft – particularly if those rights are negatively affected.
17. It is considered the changes to the draft do not meet the threshold to be significantly different, and thus not impacted by section 3.13 of the Act. This is because –
 - The changes are limited to correcting typographical errors and minor grammatical improvements, considered by the DLGIRS to be generally acceptable changes;
 - The insertion of the consequential amendment clause has no actual effect on the operation of the local law if it is made, and does not create a new liability, power, obligation or burden that would infringe a person’s individual or property rights because it merely updates a regulatory provision in the Parking Local Law that already exists; and
 - The changes, taken both individually and collectively, are not a material aspect of the local law and do not change the application of the local law as a whole – a key consideration* for the JSCDL when assessing if a local law is significantly different to initially proposed.

**Joint Standing Committee on Delegated Legislation – Report No. 4: City of Gosnells Bush Fire Brigade Local Law 2023, November 2023, p 3, pph 2.28*

18. Further, the Act recognises that sometimes limited changes need to occur to proposed local laws when being made by Council (compared to what was initially proposed for consultation). For these reasons it is considered appropriate for Council to proceed with making the local law, as the changes are minor and are within the scope provided by the Act.

APPLICABLE LAW

19. Part 3, subdivision 2 of the Act refers. It specifies the process that is to be followed for the proposing of, and making, a local law.
20. It is important to ensure the prescribed process is followed. Failure to do so may result in the local law being invalid or recommended by the JSCDL to be disallowed by Parliament. Whilst the Act provides that a failure to follow the procedure does not immediately invalidate a local law, there must be substantial compliance [Act, s. 3.12(2A)].
21. The JSCDL does not, in and of itself, have the power to disallow a local law. However if a local law is made that is invalid or not lawfully made for whatever reason and the local government refuses to provide an undertaking to the JSCDL to correct the issue, the Chair of the JSCDL can table a motion in Parliament recommending disallowance; if a disallowance motion is passed by Parliament, the local law is annulled.
22. The City has complied with the process prescribed by the Act, by giving more than 6 weeks local public notice in the required way [Act, s. 3.12(3)(a)] and referring the proposed local law to the DLGIRS for comment [Act, s. 3.12(3)(b)]. The submission period was for 7 weeks, to account for the Easter and ANZAC Day public holiday periods.
23. After the last day for submissions, Council is to consider any submissions, and may make the local law as proposed, provided it is not significantly different from what was proposed [Act, s. 3.12(4)]. Council could also make significant amendments following consideration of any submissions. In the event there are any significant changes, the process must be commenced again [Act, s. 3.13], or the local law is likely to be subject to objection by the JSCDL, as described previously. As noted in this report, it is not considered the changes recommended will result in a local law being made that is significantly different.
24. Council must then resolve by absolute majority to make the local law [Act, s. 3.12(4)]. Once made, the City will be required to publish the local law in the Government Gazette and give a copy of it to the DLG. Local public notice is again required [Act, s. 3.12(5), (6)], and a document package is required to be submitted to the JSCDL [Act, s. 3.12(7)].

- 25. The local law will take legislative effect 14 days after publication in the Government Gazette [Act, s. 3.14(1)].

APPLICABLE POLICY

- 26. Nil, however policy development is being undertaken to provide structure around specific functions of the local law (e.g. permissible verge treatments, crossovers).

STAKEHOLDER ENGAGEMENT

- 27. The proposed local law was advertised for public submissions for over 6 weeks in accordance with the requirements of the Act. No public submissions were received.
- 28. A question without notice was asked by a member of the public during Public Question Time at the OCM of 24 March 2026, with the question being taken on notice and the response published in the agenda for the 28 April 2026 OCM. The question asked however did not appear to involve the proposed local law in and of itself, rather it questioned the existing regulatory mechanisms and the commentary in the officer report regarding risk if the local law was not made.
- 29. The proposed local law was referred to the DLGIRS for comment, with the responses as noted in this report.

FINANCIAL CONSIDERATIONS

- 30. Publication in the Government Gazette is required in order for the local law to take legislative effect, which may cost approximately \$2500. This is in addition to the requirement to give local public notice of the new local law, if made by Council (approx. \$500-\$600).

SUSTAINABILITY

- 31. N/A

RISK MANAGEMENT

32.	Risk: The City’s existing local laws that will be repealed on 6 December 2026 will not be replaced or reviewed in time.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		

Replace the City's local laws before 6 December 2026.

Risk: If existing local laws are repealed with no replacement, the City will have no enforcement mechanism to deal with obstructions on verges and thoroughfares and matters the community expects the City will regulate.		
Consequence	Likelihood	Rating
Major	Unlikely	High
Action/Strategy		
Replace the City's local laws before 6 December 2026.		

Risk: The City does not comply with the procedure required by the <i>Local Government Act 1995</i> when making a local law.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
Comply with the local law making procedure prescribed by the <i>Local Government Act 1995</i> .		

Risk: The local law is invalidated by Parliament or the JSCDL requests an undertaking to amend the local law.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
The proposed local law has been reviewed by the City's external legal service provider and the DLGIRS to identify any legal issues with what is proposed, and changes made where recommended.		

CONCLUSION

- 33. Local law making by local governments is a serious matter. Like any regulatory instrument, local laws have the potential to modify common law rights and use of public places and can contain financial sanctions in the form of modified penalties. This is provided that the local law is within the scope permitted by Acts of Parliament and the courts.
- 34. Parliament has delegated its authority to local governments to make local laws in specific Acts (in this case the *Local Government Act 1995*). To ensure this authority is within the bounds of the law, the *Interpretation Act 1984* and the JSCDL provides the oversight required to ensure the public interest is not

unreasonably or unlawfully infringed when local governments use this executive law making power.

35. The proposed Activities in Thoroughfares and Public Places Local Law 2026 represents a contemporary and responsible regulatory scheme for the City to allow it to properly regulate activities in thoroughfares. This balances the rights of the community to go about their lawful pursuits, with the City's responsibility as a custodian of roads and other public places in thoroughfares, within what is permitted to be regulated by local governments in accordance with the laws of Western Australia.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. NOTES the proposed Activities in Thoroughfares and Public Places Local Law 2026, as attached to this report, is not significantly different from what was proposed for community consultation by Council at the Ordinary Council Meeting of 24 March 2026;
2. In accordance with section 3.5(1) and section 3.12(4) of the *Local Government Act 1995* MAKE the Activities in Thoroughfares and Public Places Local Law 2026 as attached to this report;
3. AUTHORISE the Chief Executive Officer to –
 - (a) pursuant to section 3.12(5) of the Act, give a copy of the Activities in Thoroughfares and Public Places Local Law 2026 to the Minister for Local Government, and publish the Activities in Thoroughfares and Public Places Local Law in the Government Gazette;
 - b) pursuant to section 3.12(6) of the Act, give local public notice in the manner prescribed, with the purpose and the effect of the Activities in Thoroughfares and Public Places Local Law 2026 summarised in the notice, specifying the date on which the Activities in Thoroughfares and Public Places Local Law 2026 comes into operation, and where it may be viewed by the public; and
 - c) pursuant to section 3.12(7) of the Act, give a signed Explanatory Memoranda and Explanatory Memoranda check list, copies of the Activities in Thoroughfares and Public Places Local Law 2026 and any other materials required, to the Clerk of the Joint Standing Committee on Delegated Legislation.

10.6. Audit, Risk and Improvement Committee

10.6.1. Risk Management Policy Review

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

Previous Items	
Directorate	Corporate Services
Business Unit	Corporate Services
File Reference	
Applicant	
Owner	
Attachments	1. Governance 8 – Risk Management 2. Integrated Risk Management Plan – April 2026

TYPE OF REPORT

	Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
X	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.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of the:
 - a) Risk Management Policy
 - b) Integrated Risk Management Plan

2. The Risk Management Policy (the Policy) establishes organisation wide risk management principles, systems and processes to ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.
3. The Integrated Risk Management Plan (the Plan) is structured around AS/NZS/ISO 31000:2018 and the requirements of the Local Government (Audit) Regulations 1996. The Plan identifies the processes, systems and templates used by the City to manage risk. Moreover, the Plan provides the tools and instructions to enable risk to be managed throughout the City. It is recommended that Council adopt:
 - a) The Risk Management Policy
 - b) The Integrated Risk Management Plan

BACKGROUND

4. The City's Risk Management Policy and Risk Management Plan have been revised to better reflect contemporary standards in risk management and to guide the City in the management of risk in the current environment.
5. The Risk Management Policy forms part of the Governance Framework for the City and reflects a firm commitment to the proactive management of risk to enhance the wellbeing of the community, the efficiency of the City's services and the achievement of strategic objectives.
6. Central to the Risk Management Policy is the embedding of risk management into the City's normal decision making processes, to minimise adverse impacts on achieving strategic goals, and by increasing opportunities to drive innovation and improvement. The Risk Management Policy is managed in accordance with AS/NZS/ISO 31000:2018. Risk Management is embedded in all aspects of management, ensuring that the principles of risk management are applied to all levels and functions across the organisation.
7. The Risk Management Plan (the Plan) is structured around AS/NZS/ISO 31000:2018 and the requirements of the Local Government (Audit) Regulations 1996. The Plan identifies the process, systems and templates used by the City to manage risk. Moreover, the Plan provides the tools and instructions to enable risk to be managed throughout the City.
8. Risk Management is defined as the effect of uncertainty (either negative or positive) on the achievement of business objectives.
9. Risk Management is the coordination of activities that direct and control the organisation regarding risk. Importantly, risk management involves both the management of adverse effects together with the realisation of potential opportunities.

DETAILS AND ANALYSIS

10. The benefits of risk management embedded in all aspects of management are:
 - a) Effective management of adverse events or opportunities impacting on the City's purpose or objectives
 - b) Ability to make informed decisions regarding the management of potential negative effects of risk and taking potential advantage of opportunities
 - c) Improved planning and performance management processes enabling a strong focus on core business service delivery and implementation of business improvement initiatives
 - d) Ability to direct resources to risks of greatest significance and impact
 - e) Improvement in organisational culture enhancing staff capability to understand their role in contributing to achievement of objectives

11. The Australian Standard for Risk Management (AS/NZISO 31000:2018) is based on 11 best practice principles:
 - a) Creating and protecting value
 - b) An integral part of organisational processes – forming a key element of the City's governance and accountability framework
 - c) Part of decision making – aids decision-makers to make informed choices, prioritise activities
 - d) Explicitly addresses uncertainty – identifies the nature of uncertainty and how it can best be managed
 - e) Systematic, structured and well timed – contributing to efficiency and to consistent, comparable results
 - f) Based on the best available information – drawing on diverse resources, expert judgement and stakeholder feedback enabling evidence based decisions
 - g) Tailored – risk management aligns with internal and external environments and in the context of the City's risk profile
 - h) Human and Culture Factors – risk management recognises that the capabilities and perceptions of people may aid or hinder the achievement of objectives
 - i) Transparent and inclusive – requires the appropriate and timely involvement of stakeholders to ensure that it remains relevant, captures diverse views when determining risk criteria
 - j) Dynamic, interactive and responsive to change – risk management swiftly to internal and external events, changing environmental context
 - k) Continual improvement of the City – risk management facilitates continuous improvement

12. Risk appetite and risk tolerance are central to the City's Risk Management Policy and Risk Management Framework. Risk appetite refers to the amount

of risk that the City is willing to accept in order to achieve its objectives. The City is currently risk averse, with acceptable tolerances defined as:

- a) Low tolerance
- b) Moderate tolerance
- c) High tolerance

13. The City's risk appetite is typically lower when considering risks that may result in serious injury or fatality, significant financial loss and significant reputational damage. Conversely, the City has a higher risk tolerance when pursuing activities that have the potential to provide financial return or improved outcomes.
14. The City's Integrated Risk Management Plan identifies the manner in which risk is managed to ensure strategic, operational and project objectives are met. The Plan identifies the process, systems, and templates used by the City to manage risk and is structured around AS/NZS/31000:2018 and the requirements under the Local Government *Audit Regulations 1996*.
15. The City's Executive Leadership Team recently undertook a workshop to review and update the Strategic Risk Register. From the workshop, the top twelve strategic risks likely to impact the City's ability to achieve its strategic objectives has been prepared for Council consideration.

APPLICABLE LAW

4. Local Government (*Audit*) Regulations 1996 (WA) Amendment. Amendments to the Local Government *Audit Regulations 1996* came into effect on 8 February 2013. Specifically, Regulation 17 which states:

"17. CEO to review certain systems and procedures

- 1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
 - a) *risk management; and*
 - b) *internal control; and*
 - c) *legislative compliance*
- 2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- 3) *The CEO is to report to the audit committee the results of that review."*

In addition to the requirement for the CEO to prepare a report as outlined in Regulation 17, the Regulations also stipulate an additional responsibility

for the Audit Committee as detailed in Regulation 16(c) which states the Audit Committee:

“(c) is to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to –

- i) The City’s Report to the council the results of that review; and*
- ii) Give a copy of the CEO’s report to the council.”*

APPLICABLE POLICY

- 5. The City’s Risk Register has been developed based on the City’s Risk Management Plan and the City’s Risk Management Policy (C-HR06)

STAKEHOLDER ENGAGEMENT

- 6. The Risk Register was reviewed by the Executive Management Team in April 2026.

FINANCIAL CONSIDERATIONS

- 7. Nil

SUSTAINABILITY

- 8. **Social Implications**
Nil

- 9. **Economic Implications**
Nil

- 10. **Environmental Implications**
Nil

RISK MANAGEMENT

11.

Risk: Without an effective enterprise risk management system, the City would not be fulfilling its obligations of duty of care and due diligence as prescribed by the <i>Local Government Act 1995</i>		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
Ensure the City has an enterprise risk management system in place that complies with the Australian Standards containing the following elements:		
<ul style="list-style-type: none"> a) Risk Appetite Statement b) Risk Assessment based on the Risk Policy and Risk Management Plan, risk registers and established standards c) Risk Profile reviewed by the Council and Administration on a regular basis 		

Risk: The City fails to effectively manage risks impacting the delivery of objectives.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
<ul style="list-style-type: none"> a) Ensure the City has an enterprise risk management system in place that complies with Australian Standards. b) Undertake a review of the City’s Risk Profile by the administration and Council on a regular basis. 		

CONCLUSION

12. As a result of the review of the City’s Risk Register identifying the top twelve strategic risks, the City is well placed to manage its risks. It is recommended that Council adopt the Risk Management Policy and Integrated Risk Management Plan.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION

That Council:

- a) Adopt the Risk Management Policy as contained at Attachment 1; and
- b) Adopt the Integrated Risk Management Plan as contained at Attachment 2.

10.6.2. Audit Reports

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

Previous Items	
Directorate	Corporate
Business Unit	Corporate
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachments	<ol style="list-style-type: none"> 1. Fraud Management Review 2. Governance Framework Review 3. Business Continuity Plan and Disaster Recovery Report 4. Office of the Auditor General (OAG) Audit Plan <p><u>Reason for Confidentiality:</u> "Information the making public of which would be likely to endanger the security (including cybersecurity) of any of the local government's property or operations" [Act s.5.23(4)(e)]</p>

TYPE OF REPORT

	Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
X	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.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with details of the Internal Audit Reviews conducted during the last six months.
2. The internal audits were completed in accordance with the provisions of the *Local Government Act 1995*, associated regulations, and *Australian Accounting Standards*. The internal audits have identified several improvement opportunities that the City of Kalamunda (the City) is committed to implementing.
3. It is recommended that Council receive the details of the following internal audit reviews:
 - a) Fraud Management Review
 - b) Governance Framework Review
 - c) Business Continuity Plan and Disaster Recovery Report
 - d) Office of the Auditor General (OAG) Audit Plan

BACKGROUND

4. The internal audit program is delivered in line with the City's three-year Strategic Internal Audit Plan (Plan) which contains a mix of compliance, financial, and performance / operational audits
5. The City's appointed Internal Auditor is William Buck who have undertaken a number of audit reviews, which included:
 - a) Reviewing recommendations from previous audits
 - b) Providing input into the formulation of the Strategic Internal Audit Plan
 - c) Attendance and presentation of internal audit reports to the Audit Risk and Improvement Committee
 - d) Client liaison and engagement
6. Internal Audit is a core element of the City's risk management and governance framework. The relationship between Internal Audit and the City is illustrated using the "Three Lines of Defence Model" below:



7. Broadly, Internal Audit Reviews are focused on:
- Compliance Audits – focused on the City’s (or their suppliers) compliance with legislation, regulations, directions, policies, plans and procedures.
 - Financial Audits - focused on practices and activities relating to the accounting, and financial reporting of transactions, reliability and integrity of financial information and the safeguarding of City Assets.
 - Performance (Operational Audits) – focused on all or part of the City’s activities to assess the economy, efficiency and effectiveness. Considers the adequacy of internal control structures, the extent to which resources have been managed economically and efficiently, the extent to which activities have been effective in achieving organisational objectives.

DETAILS AND ANALYSIS

8. The Internal Audit reviews during the past six months are:
- Fraud Management
 - Governance Framework
 - Business Continuity and Disaster Recovery Plans
9. In addition, the OAG presented their Audit Plan to the City during an entrance meeting during April 2026.
10. **Fraud Management**
The objective of this audit was to determine whether effective controls are in place to identify, prevent and respond to fraud and corruption.

The scope of the audit was to:

- Identify the availability of a fraud and corruption control plan, that is reviewed periodically to ensure the plan includes controls surrounding:
 - Fraud risk assessment

- Preventative measures and controls clearly describing and assigning roles and accountabilities for detecting reporting and preventing fraud and corruption
- Detection controls that clearly identify financial fraud and corruption detection program, including analysis of management accounting reports and random audits or spot checks where there are multiple and regular transactions under threshold limits

b) Complete a high-level review of controls related to the process for investigation and reporting mechanism for identified fraud and corruption.

11. The results of the Fraud Management Audit are detailed in Confidential Attachment 1.

12. **Governance Framework Review**

The objectives of this audit were to assess the adequacy and effectiveness of the City's governance framework to ensure alignment with legislative requirements and support sound decision making

The scope of the audit was to:

- Review Governance Policies and Frameworks, including availability of the Governance Framework, Code of Conduct, Delegations Register, segregation of duties
- Assess whether policies are documented, current, approved and aligned with legislative and regulatory requirements

13. The results of the Governance Framework Audit are detailed in Confidential Attachment 2

14. **Business and Disaster Recovery Plan**

The objective of this audit was to assess whether the City's Crisis Business Continuity and Disaster Recovery framework is adequate, covering governance, documentation and periodic review processes to support the organisation's ability to respond to and recover from potential disruptions.

The scope of the audit was to:

- a) Review the Governance and Oversight
 - Existence of approved Business Continuity and Disaster policies and frameworks
 - Review defined governance structures, roles and responsibilities for continuity management
 - Review the management of committee oversight and reporting mechanisms for Business Continuity/Disaster Recovery

- b) Review the Framework and Documentation
 - Review whether a documented Business Continuity and Disaster Recovery framework exists
 - Review alignment of the framework with relevant internal policies and regulatory expectations
 - Review the evidence that continuity and recovery plans for critical functions and systems
 - c) Review Business Impact Analysis (BIA)
 - Review whether a BIA process is defined and has been performed to identify critical business functions and establish recovery objectives
 - Review whether continuity and recovery plans are aligned with BIA outcomes
 - d) Testing, Review, and Continuous Improvement
 - Whether management has established processes for periodic review or testing of the Business Continuity/Disaster Recovery Plans
 - Whether outcomes of tests or exercises are reviewed and improvements identified
 - Review of plan update or maintenance procedures.
15. The results of the Business Continuity and Disaster Recovery Plan Audit are detailed in Confidential Attachment 3.
16. **OAG Audit Plan**
The OAG Audit Plan outlines the approach to the audit of the City's financial statements. The audit schedule commences with the planning and interim audit work which commenced in April and concludes in late October following the final audit of the financial statements.
The Audit focuses on areas considered to represent risks of material misstatement to the financial report. A review of the following key business cycles will include:
- a) Revenue and receivables
 - b) Expenditure and payables
 - c) Payroll and employee provisions
 - d) Cash and financing
 - e) Property, plant and equipment
17. The details of OAG Audit Plan are contained in Confidential Attachment 4.

APPLICABLE LAW

18. *Local Government Act 1995*
Local Government Financial Management Regulations 1996

APPLICABLE POLICY

19. NIL.

STAKEHOLDER ENGAGEMENT

20. Internal Audit findings were discussed with relevant business unit managers and have been reviewed by the City’s Executive Management Team.

FINANCIAL CONSIDERATIONS

21. The cost of the Internal Audit program is provisioned within the City’s annual budget.

SUSTAINABILITY

22. **Social Implications**
Nil.

23. **Economic Implications**
Nil.

24. **Environmental Implications**
Nil.

RISK MANAGEMENT

25.	Risk: Internal Audit fails to identify material non-compliance or control deficiencies		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Internal Audit Plan developed and reviewed annually. Internal Audit papers reviewed by OAG. Evaluation of key controls for identified processes.		
	Risk: Audit recommendations are not implemented in a timely fashion.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Internal Audit Plan developed and reviewed annually. Monitoring and review of implementation of audit recommendations		

CONCLUSION

26. Internal Audit is a key element of the City's risk management and governance framework. The audit program is informed by the Strategic Audit Plan consisting of compliance audits, financial audits and performance (operational audits).

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION

It is recommended that Council receive the details of the following Internal Audit Reviews:

- a) Fraud Management Review
- b) Governance Framework Review
- c) Business and Disaster Recovery Reviews
- d) OAG Audit Plan

11. Closure