



Public Agenda Briefing Forum

13 October 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

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

Any petitions received will be presented at the next Ordinary Council Meeting.

9. Confidential Items Announced But Not Discussed

10. Reports to Council

10.1. Development Reports

10.1.1. Hatch Court Light Industrial Area - City Owned Lot 13, 23 Hatch Court - Proposed Negotiations

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

Previous Items	OCM 2026/02
Directorate	Development
Business Unit	Strategic Planning and Property
File Reference	3.011409 and PG-DEV-070
Applicant	n/a
Owner	various
Voting Requirements	Simple Majority
Attachments	Nil.

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council's authorisation for the Chief Executive Officer to undertake non-binding negotiations for the purpose of establishing the best available options for the City-owned freehold land at Lot 13, No. 23 Hatch Court, High Wycombe (the Property).

This report follows Council's resolution at the Ordinary Council Meeting of 22 September 2026 to adopt the Hatch Court Light Industrial Area and Stirling Crescent Residential Precinct Local Structure Plan (LSP) for the purposes of public advertising, insofar as it relates to the Hatch Court Light Industrial Area (the Hatch Court Precinct).

2. The LSP plans for a new road access into the Hatch Court Precinct. The new road connects Adelaide Street to Peak Court and extends across the Property to link with the existing Hatch Court.
3. In the event of construction of the new road access, there will be surplus portions of land either side of the Property. Some preliminary interest has been shown in this land by a number of adjacent landowners and prospective developers of adjacent land.

OFFICER RECOMMENDATION

That Council:

1. AUTHORISES the Chief Executive Officer to enter into negotiations with prospective developers of the City's Lot 13, No. 23 Hatch Court, High Wycombe and/or landowners and prospective developers of land that is adjoining or in close proximity, subject to the parameters set out in 2. below.
2. All negotiations are to be strictly non-binding and limited to development of non-binding heads of terms for proposed land transactions to facilitate the sale or lease of surplus portions of the City's Lot 13, No. 23 Hatch Court, High Wycombe (or the purchase by the City of portions of adjoining land) to facilitate the determination by the City of the alignment and design of a road over Lot 13, No. 23 Hatch Court, High Wycombe further to the draft Local Structure Plan. The non-binding heads of terms shall further be subject to:-
 - a) Council approval by all required resolution(s) of the Council;
 - b) Any proposed transaction to be in accordance with documentation settled on the advice of the City's lawyers;
 - c) The Council being satisfied in its discretion as to any required compliance with Section 3.58 and, if applicable, Section 3.59 of the Local Government Act 1995 (WA);
 - d) Any transaction for the sale or lease of any part of the Property be at a market value consideration in accordance with the advice of a licensed valuer acting for the City.

BACKGROUND

4. **Land Details:**

Land Area (the Property):	13834.72 m ²
Local Planning Scheme Zone:	Light Industry
Metropolitan Region Scheme Zone:	Urban

5. **Locality Plan:** (Property edged yellow)



6. **History**

In 2010, the land within the Hatch Court Precinct was rezoned from Rural to Urban under the Metropolitan Region Scheme (1187/57).

7. The Hatch Court Precinct was rezoned to Light Industry by the Western Australian Planning Commission, with elements introduced into LPS3 in February 2018 to require a Local Structure Plan for the Hatch Court Precinct.

8. On 6 February 2016, Amendment 80 to the City's Local Planning Scheme N 3 was gazetted to:

1. Rezone lots within Hatch Court from 'Urban Development' to 'Light Industry.'

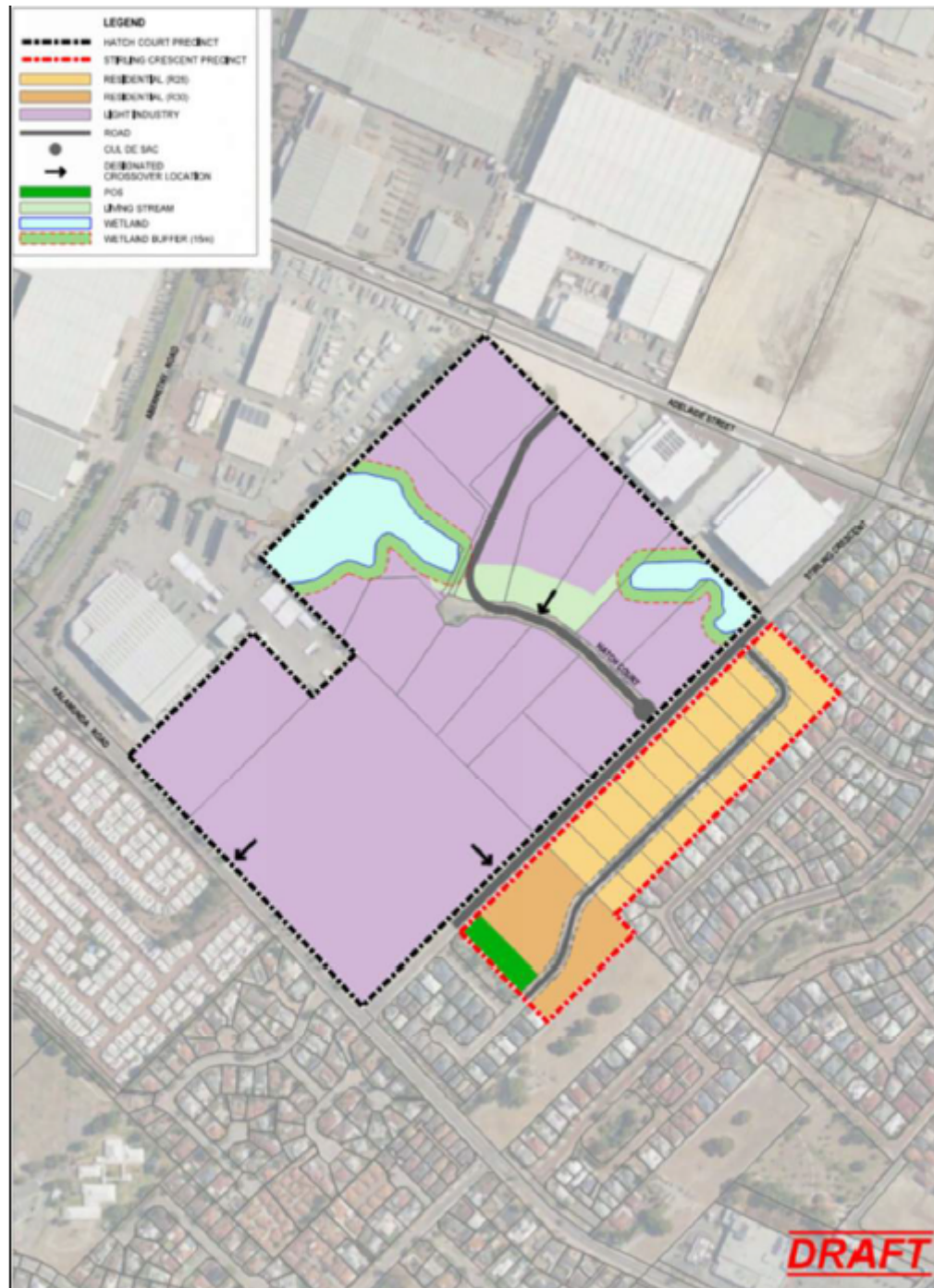
2. Insert a new provision being Clause 5.23 into the Scheme which sets out additional site and development requirements for properties within Hatch Court. These include the preparation of a structure plan to address vehicle access and the interface to the residential land uses along Stirling Crescent.
9. The Council at its Ordinary Meeting on 22 October 2024, resolved (OCM139/2024) to acquire the Property.
10. The City purchased the Property on 21 November 2024 for \$3,458,750, with settlement of the transaction occurring 28 February 2025.
11. Council at its Ordinary Meeting on 22 October 2024 (OCM 137/2022) resolved to initiate a Local Structure Plan, Developer Contribution Plan, and Design Guidelines for the Hatch Court Precinct and Stirling Crescent precinct.
12. In 2025, the City engaged a lead consultant (assisted by a team of technical sub-consultants) to develop a Draft Local Structure Plan, to be followed by Design Guidelines and a Developer Contribution Plan or other funding mechanism.
13. In 2025, the Council developed a draft Local Planning Policy 35 for the Hatch Court Precinct (LPP 35). Following public consultation, LPP 35 was adopted (with modifications) by Council at its Ordinary Meeting on 24 February 2026.
14. On 22 September 2026, Council resolved as follows in relation to the LSP, so far as it relates to the Hatch Court Precinct:-

That Council:

- 1. ADOPT the Hatch Court Light Industrial Area and Stirling Crescent Residential Precinct Local Structure Plan for the purpose of public advertising the Local Structure Plan, so far as it relates to the Hatch Court Precinct shown on Plan 1 of the Local Structure Plan report.*
- 2. AUTHORISE the Chief Executive Officer to make such endorsements, annotations or amendments to the Hatch Court Light Industrial Area and Stirling Crescent Residential Precinct Local Structure Plan as are considered necessary in order to give effect to 1. above.*
- 3. AUTHORISE advertising (further to 1 and 2 above) of the Local Structure Plan for the Hatch Court Precinct only to commence as soon*

as practicable, in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

15. Plan 1 of the Local Structure Plan report is reproduced below and includes the Hatch Court Precinct (edged with black dotted line) and key features, including the LSP road network.



COMMENT

16. The illustration of the road network on the Structure Plan Map shows the road network as a basic concept only. There are a number of considerations that are likely to be relevant to the final alignment and design of the road network, and, in particular, the alignment of the proposed new road over the Property.

Some of these considerations include the needs (and willingness) of landowners either side of the Property to enter into land transactions with the City to facilitate the road design and best advantage use of land, and if so, whether reasonable terms can be achieved.

17. An initial, unapproved, design of the proposed new road over the Property provides for the road carriageway to be constructed close to the western boundary of the Property, with road verges and embankments within potentially surplus land in the adjacent Lot 88 (No. 120 Adelaide Street) and to a lesser extent, Lot 53 (No. 29 Hatch Court) and Lot 52 (No. 30 Hatch Court). The following plan shows approximate land areas:-

- Red showing land areas that could be beneficial for the City to acquire for road verges/embankments;
- Blue showing land areas that are likely to be surplus land available for disposal by the City:-



18. Prior to settling the proposed road alignment and design over the Property, it would be prudent for the City to establish, so far as may be possible, the:-
- Willingness or otherwise of adjacent landowners and developers to acquire surplus land from the City and/or to sell surplus land to the City

to facilitate construction of the proposed road and its ancillary road verge/embankments/road reserve;

- Terms and price of the proposed land transactions;
- Other opportunity for the City's surplus land, in particular, the interest of a telecommunication provider in leasing some of this surplus land for a telecommunications monopole.

Progression of this matter is best achieved through direct engagement by the City with relevant landowners and development proponents.

19. The Council-adopted Market Led Proposals (MLP) Policy provides the framework for the assessment and management of MLPs.

Under this Policy, an MLP is an unsolicited approach involving City-owned or managed land and property assets from a private proponent to Council, putting forward a commercial proposition (where Council has not requested the proposal) through a formal process.

This Policy has limited application in this instance, as it is premised upon approaches made by private proponents to the City, rather than the City actively initiating approaches and engagement with private landowners to explore scope for land transactions.

OPTIONS

20. Council authorisation for the Chief Executive Officer to actively approach and engage with the landowners and developers adjacent to the Property will facilitate exploration of options for land transactions and moving towards a settled road alignment and design.
21. It is recommended that the proposed negotiations be strictly non-binding and limited to development of non-binding heads of terms for land transactions, that are also subject to:-
- Council approval by all required resolution(s) of the Council;
 - Any proposed transaction to be in accordance with documentation settled on the advices of the City's lawyers;
 - The Council being satisfied in its discretion as to any required compliance with Section 3.58 and if applicable, Section 3.59 of the *Local Government Act 1995* (WA).
22. There is also the opportunity to set Council's expectations for transaction consideration. It is recommended that any transaction for the sale or lease of any

part of the Property be at a market value consideration, in accordance with the advices of a licensed valuer acting for the City.

LEGISLATIVE CONSIDERATIONS

23. The sale or lease of any part of the Property is likely to be subject to compliance with Section 3.58 of the *Local Government Act 1995* (WA).
24. Consideration will need to be given to whether or not Section 3.59 of the *Local Government Act 1995* (WA) applies to any transaction that arises.

POLICY CONSIDERATIONS

25. City of Kalamunda: Governance Policy 22 – Market Led Proposals Policy.

STRATEGIC PLANNING ALIGNMENT

26. *Kalamunda Advancing Strategic Community Plan to 2031*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
The related Local Structure Plan process including road network entailed circulation of technical reports and assessments to internal stakeholders for review and comment.	Internal stakeholder comments provided to consultant team.

External Engagement	
Process	Outcome
There have been approaches to the City from landowners/prospective developers in respect of interest in availability of surplus land, further to the proposed construction of the road over the Property.	The City has advised prospective developers of adjacent land of the

Council's Market Led Proposals Policy.
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FINANCIAL CONSIDERATIONS

27. The proposed negotiations do not have any specific financial implications at this time.

SUSTAINABILITY

28. Social

The proposed negotiations are part of a larger project to facilitate development of the Hatch Court Precinct.

Once construction of the Hatch Court Precinct is completed, it is estimated that a total of 2,235-2,792 direct and indirect jobs in the local and regional economy will be generated.

29. Economic

The proposed negotiations are part of a larger project to facilitate development of the Hatch Court Light Industrial Area. Implementation of this completed development is expected to generate significant economic benefits, including projections of:-

- \$539.2-\$665.1 million of construction output (direct and indirect) to the economy.
- The construction phase is estimated to generate between 335-414 direct construction jobs, plus another 451-556 production-induced indirect FTE jobs and 425-524 consumption-induced indirect FTE jobs elsewhere in the economy.
- The ongoing employment from within the Structure Plan will result in \$887.2-\$1,108.6 million in direct and indirect economic output per annum.
- The completed industrial development is projected to generate significant additional rates revenue of in excess of \$1m per annum.

30. Environmental

The proposed negotiations do not have any specific environmental implications at this time.

RISK MANAGEMENT

- | | | | | |
|-----|--------------------|---|---------------|--|
| 31. | Consequence | Event | Rating | Action |
| | Financial | If the City does not engage actively with | Low | Undertake non-binding negotiations to test |

	adjacent landowners/developers as is recommended, land transactions may not achieve optimum value for the City. The Council may not be in a position to determine and evaluate options for dealing with surplus land to the Council's best advantage.		best available financial and other options.
Health & Safety	None		
Reputation	Engagement or negotiations with individual landowners/developers may create a perception of a predetermined development outcome and/or lack of transparency.	Medium	Ensure negotiations are non-binding, undertaken consistent with Council's authorisation, and subject to transparent statutory and governance processes before any transaction is progressed.
Operation	None		
Environment	None		None
Compliance	A subsequent land transaction does not comply with applicable requirements of the Local Government Act 1995. Legislative breach in the event land transaction(s) eventuate.	Low	All negotiations to be non-binding and expressly subject to Council approval, legal advice and compliance with the Local Government Act 1995.
Project	Delays in progressing Structure Plan and further project steps including detailed design and costing and potential land development	High	Undertake early non-binding engagement with affected landowners/developers to determine best available project, financial and other

	transactions within the precinct. Loss of opportunity to progress realisation of significant economic benefits.		options before the road alignment is finalised.
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REGIONAL SIGNIFICANCE

32. An Economic Impact Assessment report has been obtained by the City. This projects a range of benefits upon full development of the precincts within the LSP. Many of these are either of a significant nature likely to have regional significance or have been expressly identified as having regional impact:-

- A projected \$539.2-\$665.1 million of construction output (direct and indirect) to the economy.
- The construction phase is estimated to generate between 335-414 direct construction jobs, plus another 451-556 production-induced indirect FTE jobs and 425-524 consumption-induced indirect FTE jobs elsewhere in the economy.
- Resultant development is likely to be anchored by transport, postal and warehousing, manufacturing and construction, followed by wholesale trade, mining and other services (i.e. repair and maintenance), and supplemented by business services, professional services and other supporting services benchmarking to the current industrial mix in the existing Forrestfield / High Wycombe industrial precinct.
- Once construction is completed, it is anticipated that a total of 2,235-2,792 direct and indirect jobs in the local and regional economy will be generated.
- The ongoing employment from within the Structure Plan will result in \$887.2-\$1,108.6 million in direct and indirect economic output per annum.
- The industrial development within the Structure Plan will generate in excess of \$1million of additional rates revenue per annum.

CONCLUSION

33. The proposed non-binding negotiations are expected to facilitate progression of the development for industrial purposes of the Hatch Court Precinct, which is projected to have significant economic and social benefits.
34. Council authorisation for the Chief Executive Officer to proactively engage with landowners and developers adjoining the Property will enable the exploration of

potential land transaction opportunities and assist in achieving an agreed road alignment through the Property, thereby supporting the finalisation of the Hatch Court Precinct road network design.

10.2. Infrastructure Reports**10.2.1. Kalamunda Water Park - Funding Strategy Report Extension Request**

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

Previous Items	OCM 2026/40
Directorate	Infrastructure
Business Unit	Asset Planning
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A
Voting Requirements	Simple Majority
Attachments	Nil.

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The Kalamunda Water Park Funding Strategy was due to be presented to the October 2026 Ordinary Council Meeting.
2. It is now considered to be prudent that such strategy needs to be reflected in conjunction with Council decisions relating to the High Wycombe Community Hub early in 2027 to be current and effective.
3. This report therefore seeks that the Chief Executive Officer be granted an extension of time to enable both key decisions to be made and their significant financial implications to be considered in conjunction with each other.

OFFICER RECOMMENDATION

That Council PROVIDE an extension of up to six months to the Chief Executive Officer in respect to OCM 2026/40 Clause 3 regarding the presenting of a funding strategy for the Kalamunda Water Park to enable consideration in conjunction with High Wycombe Community Hub Business Plan & Tender.

BACKGROUND

4. At the 28 April 2026 Ordinary Council Meeting Council endorsed the Kalamunda Water Park Asset Management Plan OCM 2026/40.
5. Part of that resolution was to request the Chief Executive Officer to present a funding strategy for the Kalamunda Water Park to Council no later than the October 2026 Ordinary Council Meeting, including consideration of GHD's recommended staged approach of priority patch repairs followed by major works within two to three years.
6. It is currently proposed that Council proceed to Tender October 2026 for the High Wycombe Community Hub with consideration of the Tender and Business Plan indicatively in February/March 2027.
7. During August/September 2026 Councillors were presented with a comprehensive briefing by Officers & Consultant in respect to the High Wycombe Community Hub.

COMMENT

8. Decision making with respect to the High Wycombe Community Hub Tender and Business Plan will provide input and direction in respect to the Kalamunda Water Park, therefore it is considered prudent that the Kalamunda Water Park Funding Strategy be deferred until such time as they can be considered in conjunction.
9. The Kalamunda Asset Management Plan included financial modelling to determine the City's future funding requirements for the water parks assets.
10. Officers are finalising the Draft High Wycombe Community Hub Business Plan and working on the associated engagement component for Council review prior to planned engagement occurring over December/January.
11. The 2026/27 Annual Budget has an amount of \$75,000 allocated for annual maintenance for the Kalamunda Water Park which still leaves a gap between this and the level recommended by GHD. The Kalamunda Asset Management Plan suggested \$190,000 was the baseline annual budget required to maintain in current condition, not including renewal costs.

OPTIONS

12. Option 1 - Support the Officer Recommendation and enable the Funding Strategy to be completed in conjunction with Tender/Business Case consideration.

13. Option 2 - Not support the Officer Recommendation for an extension of time. The Funding Strategy may then need to be considerably amended to reflect the future decisions of Council relating to the Kalamunda Water Park.

LEGISLATIVE CONSIDERATIONS

14. *Local Government Act 1995 s 5.41 (2) (a)*

POLICY CONSIDERATIONS

15. The Kalamunda Water Park Asset Management Plan 2025 was prepared in line with Council Policy Service 4: Asset Management

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

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

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
Internal engagement occurred as part of this report.	Support granting an extension of time.

External Engagement	
Process	Outcome
No further external engagement undertaken the Kalamunda Water Park Asset Management Plan was informed through the 2024 Community Satisfaction Survey.	N/A
It is planned that further community engagement is sought in respect to the High Wycombe Community Hub and its options.	This Community engagement is planned to be undertaken over December/January to be completed prior to Council considering the Tender.

FINANCIAL CONSIDERATIONS

16. The City will seek to identify and maximise any grant funding opportunities where possible and to support any future planning and works.
17. The Kalamunda Water Park Asset Management Plan indicates that increased funding is required to support the renewal, maintenance and operations of water park assets.
18. The Kalamunda Water Park Funding Strategy is being developed in house.

SUSTAINABILITY

19. Social:
Not Applicable
20. Economic:
Not Applicable
21. Environmental:
Not Applicable

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	N/A		
Health & Safety	N/A		
Reputation	Unable to meet the required deadline set by Council.	High	Seek an extension for the funding strategy to determine how the monies required to implement the Plan will be sourced and scheduled.

REGIONAL SIGNIFICANCE

22. Not Applicable

CONCLUSION

23. Council decision in respect to both the High Wycombe Community Hub and the Kalamunda Water Park will inform future financial requirements that will then enable the development of a relevant funding strategy that is made in conjunction with Council decision/s and be up to date/current.

24. Extension of time for the Kalamunda Water Park Funding Strategy enables the two items to be considered in conjunction with each other.

10.3. Corporate Reports

No reports presented.

10.4. Community Reports

No reports presented.

10.5. Office of the CEO Reports

10.5.1. Adoption of Proposed Rural and Urban Environment and Nuisance Local Law

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

Previous Items	OCM 2026/92
Directorate	Office of the Chief Executive Officer
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A
Voting Requirements	Absolute Majority
Attachments	1. Schedule of Submissions [10.5.1.1 - 1 page] 2. Rural and Urban Environment and Nuisance Local Law 2026 [FINAL ADOPTION] [10.5.1.2 - 30 pages]

TYPE OF REPORT

Legislative

Includes adopting Local Laws and Town Planning Schemes. 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.

EXECUTIVE SUMMARY

1. At the OCM of 28 July 2026, Council decided to propose the draft Rural and Urban Environment and Nuisance Local Law 2026 for 6 weeks of community

consultation in accordance with section 3.12 of the *Local Government Act 1995* (Act).

2. The proposed local law intends to replace the Shire of Kalamunda Bee Keeping Local Law 2008, and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011. Both are impacted by automatic repeal provisions of the Act due to not having been reviewed under the previous 8-yearly review requirement of the Act.
3. Local public notice was given in the required way commencing 31 August 2026 and ending on 18 September 2026. One submission was received.
4. No material changes are recommended to be made to the proposed local law compared with what was presented for public consultation. It is recommended Council make the proposed local law, as attached to this report.

OFFICER RECOMMENDATION

That Council:

1. NOTES the proposed Rural and Urban Environment and Nuisance 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 28 July 2026;
2. In accordance with section 3.5(1) and section 3.12(4) of the *Local Government Act 1995*, MAKE the Rural and Urban Environment and Nuisance Local Law 2026 as attached to this report;
3. AUTHORISE the Chief Executive Officer to –
 - a) pursuant to section 3.12(5) of the *Local Government Act 1995*, give a copy of the Rural and Urban Environment and Nuisance Local Law 2026 to the Minister for Local Government, and publish the Rural and Urban Environment and Nuisance Local Law 2026 in the Government Gazette;
 - b) pursuant to section 3.12(6) of the *Local Government Act 1995*, give local public notice in the manner prescribed, specifying the date on which the Rural and Urban Environment and Nuisance 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 *Local Government Act 1995*, give a signed Explanatory Memoranda and Explanatory Memoranda check list, copies

of the Rural and Urban Environment and Nuisance Local Law 2026 and any other materials required, to the Clerk of the Joint Standing Committee on Delegated Legislation.

BACKGROUND

5. Council has previously been appraised of the operation of the *Local Government Amendment Act 2024* that introduced a repeal provision impacting local laws not reviewed under the previous 8-year review requirement of the *Local Government Act 1995* (Act).
6. The proposed Rural and Urban Environment and Nuisance Local Law 2026 is intended to replace 2 local laws that are impacted by the 6 December 2026 repeal date, as they have not been reviewed in accordance with the previous review requirement of the Act. The local laws proposed to be replaced are –
 - a) The Shire of Kalamunda Bee Keeping Local Law 2008, published in Government Gazette No. 164 on 26 September 2008; and
 - b) The Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, published in Government Gazette No. 169 on
 - c) 5 September 2011, as amended.
7. The proposed local law is also intended to amend the City's Health Local Law 2011, by removing nuisance related aspects involving rodent and pest control and accommodating them into the proposed local law. The proposed local law will also repeal provisions from the Health Local Law 2011 relating to control of European Wasps because local governments have no regulatory enforcement powers to deal with these. They are prescribed pests dealt with by the Department of Primary Industries and Regional Development (DPIRD).
8. Key specifications and criteria relating to things proposed to be regulated (bee keeping, poultry, animals) are mostly transferred from the existing local laws.

COMMENT

9. Nuisance-related local laws are commonplace in the local government sector. They are necessary enforcement instruments for local governments to be able to deal with the variety of nuisance complaints that can arise from activities on private property.
10. In accordance with the Act, the proposed local law was provided to the Department of Local Government, Industry Regulation and Safety for review. The proposed local law was also provided to the following agencies for

comment in the context of particular regulatory functions of the proposed local law:

- Department of Health (concerning public health and nuisance provisions)
 - Department of Water and Environmental Regulation (concerning building site litter control and wastewater)
 - Department of Primary Industries and Regional Development (concerning animal husbandry and bee keeping)
11. One public submission was received, as attached to this report. The submission appears to object to the provision that would prohibit roosters in residential zoned areas (clause 2.11). The submission does not directly acknowledge the prohibition applying to residential land only; however it uses terms such as “rural and semi-rural”, “rural living” and “rural heritage”.
 12. Notably the proposed local law does not prohibit the keeping of roosters on rural zoned land.
 13. It is a well established regulatory standard across metropolitan Perth that roosters are not permitted to be kept in residential zoned areas. This is commonplace in local laws across the sector due to the noise impacts associated with crowing roosters in residential zones.
 14. Clause 4.6(2) of the existing Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 contains a similar prohibition, which has existed since the introduction of that local law in 2011. This differs slightly from the proposed local law in that it appears the 2011 local law would allow one “restricted poultry” on a “large residential lot” which that local law prescribes at cl. 4.1 as meaning “...*any residential land comprising a lot with an area greater than 2,000 square metres*”.
 15. However, the entitlement to keep one “restricted poultry” on a “large residential lot” was still contingent on obtaining approval from the City. The proposed local law does not operate on the basis of lot size – it operates on the basis of zoning of the land. The basic premise put forward in the objection that noise associated with crowing roosters is something people in residential zones should simply tolerate, is not considered to be a reasonable basis to modify the proposed local law and create some form of exemption around it.
 16. Comments from DPIRD noted typographical errors in Schedule 1 of the consultation draft. These errors have been corrected and are shown in the next section of this report.

17. No comments were made by DLGIRS or the Department of Health in their responses. No response was received from DWER by the due date.

RECOMMENDED CHANGES

18. A number of minor changes are recommended to be made to the proposed local law, compared with what was published for community consultation. These are:

Clause 2.1 – Cleanliness

A minor grammatical improvement to subclause (b):

- (1) *An owner or occupier of land on which an animal is kept must keep such land –*

....

- (b) *so far as possible, free from flies or other vermin, by spraying with a residual insecticide or **by** other effective means.*

Clause 2.9 – General requirements for keeping of poultry

Insertion of a new subclause (c) pertaining to minimum siting distance of a poultry enclosure from a fence. This was requested by the City's Health Services business unit.

2.9 General requirements for keeping of poultry

An owner or occupier of land upon which poultry are kept, other than for veterinary purposes or intensive agriculture, must ensure that –

- (a) *all poultry are kept in a properly constructed and securely fastened enclosure;*

- (b) *the enclosure is not located within the front setback area of the lot;*

- (c) *the enclosure is situated at least 3 metres from any boundary fence;***

- ~~(e)~~(d) *poultry are prevented from approaching within 9 metres of any dwelling on any other lot, or land used for a public building, commercial purposes or food business;*

- ~~(d)~~(e) *poultry are able to freely access clean drinking water within the enclosure;*

- ~~(e)~~(f) *the enclosure is kept in clean condition and in good repair at all times; and*

- ~~(f)~~(g) *effective measures are taken to control vermin and eradicate offensive odours.*

All the other subclauses will require reassignment as a consequence, as shown above.

Clause 6.3 – Storage of vehicles and machinery

DPIRD recommended clarifying aspects of this clause to apply to *disused* vehicles and machinery stored on land as follows:

6.3 Storage of vehicles and machinery

- (1) *The owner or occupier of land must not –*
 - (a) *store, or allow to remain in public view on that land, more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;*
 - (b) *store, or allow to remain in public view on that land, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;*
 - (c) *store, or allow to remain in public view on that land, any **disused** vehicle, vessel or machinery parts (including tyres);*
 - (d) *wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed –*
 - (i) *inside a building; or*
 - (ii) *within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the thoroughfare and from adjoining properties; or*
 - (e) *wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.*
- (2) *Subclause (1) does not apply to land zoned for general industry or light industry under a local planning scheme.*
- (3) *A person who is permitted to store a **disused** vehicle on land because of the operation of subclause (1), must ensure the compartments of the vehicle are rendered incapable of being closed in a manner that would accidentally entrap a person or animal.*

Schedule 1 – Prescribed offences

A number of typographical errors were identified in Schedule 1 (prescribed offences), where clauses were misaligned with their relevant narration in the Schedule. No offences have been added or subtracted from the Schedule, however the corrections are as follows:

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY FIRST OFFENCE	MODIFIED PENALTY SECOND OFFENCE
10	2.7 40 (a)	Locate manure receptacle within 10 metres of dwelling on adjacent property	\$250	\$500
11	2.7 40 (b)	Allow manure to accumulate and cause a nuisance or attract vermin	\$250	\$500
12	2.7 40 (c)	Dispose of manure contrary to the local law	\$150	\$250
13	2.8(1)(a) 2.11(1)(a)	Keep poultry or pigeons in residential zone on land less than 600 square metres	\$250	\$500
14	2.8(1)(b) 2.11(2)(b)	Keep more than 6 poultry or pigeons in residential zone on land more than 600 square metres but less than 2000 square metres without approval	\$250	\$500
15	2.8(1)(c) 2.11(2)(c)	Keep more than 25 poultry or pigeons in residential zone on land more than 2000 square metres without approval	\$250	\$500
16	2.9 42 (b)	Locate poultry enclosure within front setback area of a lot	\$150	\$250
17	2.9 42 (c)	Allow poultry to approach within 9 metres of any dwelling on another lot or other premises prescribed	\$150	\$250
18	2.9 42 (f)	Failure to control vermin and/or odour nuisance pertaining to poultry keeping	\$250	\$500
19	2.10 43 (1)(a)	Failure to keep pigeons in proper enclosure unless exempted by the local law	\$150	\$250
20	2.10 43 (1)(b)	Maintain openings of pigeon enclosure within 9 metres of a premises prescribed by the local law	\$150	\$250
21	2.10 43 (1)(c)	Failure to control vermin and/or odour nuisance pertaining to pigeon keeping	\$250	\$500

22	2.11 14-	Keep rooster, geese, turkeys or peafowl on land contrary to the local law	\$250	\$500
23	2.12 15 (c)	Failure to maintain aviary bird enclosure in clean and good condition	\$150	\$250
24	2.12 15 (d)	Install or maintain aviary bird enclosure less than 5 metres from premises on other land	\$150	\$250
25	2.13 16 (a)	Keep birds or poultry which causes a nuisance	\$150	\$250
26	2.13 16 (b)	Keep birds or poultry which emits unreasonable noise	\$150	\$250
27	2.14 17 (1)	Feed uncaged birds in a way that causes a nuisance	\$150	\$250
28	2.14 17 (2)	Failure to comply with directions of an authorised person	\$150	\$250
(this break is intentional)				
56	6.67(2)(a)	Failure to clear refuse and recycling waste from the land and street verge within 2 days of completion of works when directed by an authorised person	\$500	\$1000
57	6.67(2)(b)	Failure to remove all refuse and recycling receptacles within 2 days of completion of works when directed by an authorised person	\$500	\$1000
58	6.78(4)	Failure to comply with the requirements of a notice issued under clause 6.78(3) for a breach of any part of clause 6.8(1)	\$500	\$1000
59	6.78(5)	Failure to comply with a notice to cease activity immediately inclusive of use of equipment on land	\$500	\$1000
60	8.1(3) 8.2(1)(b)	Fail to comply with a notice issued for a breach of the local law unless offence otherwise specified	\$500	\$1000

OPTIONS

19. Option 1 – As per Officer recommendation

Council can make the Rural and Urban Environment and Nuisance Local Law 2026 as presented.

20. Option 2 - Council may make the local law as per the draft originally presented to Council.

This option is not recommended as the proposed local law has been corrected with typographical errors rectified.

21. Option 3 – Withdraw the proposed local law for further consideration.

This option is not recommended. The local laws proposed to be replaced by the Rural and Urban Environment and Nuisance Local Law 2026 have not been reviewed in accordance with the Act, and will otherwise be repealed on 6 December 2026. There is now limited time remaining to address this issue before the repeal date.

LEGISLATIVE CONSIDERATIONS

22. The changes recommended to be made compared to what was initially proposed for public consultation, are considered to be very minor. These changes are limited to correcting typographical errors, small grammatical improvements, and a singular clause specifying a minimum distance from a fence within which a poultry enclosure is to be placed.
23. 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. The recommended changes are not considered to be significantly different in any way, and therefore, not captured by section 3.13 of the Act.
24. The procedure for making a local law then turns to the requirements of section 3.12 of the Act.
25. 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.
26. The City has complied with the process prescribed by the Act, by giving more than 6 weeks local public notice in the required way [s. 3.12(3)(a)] and referring the proposed local law to the Department for comment.
27. 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 [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 [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.

28. Council must then resolve by absolute majority to make the local law [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 Department. Local public notice is again required [s. 3.12(5), (6)], and a document package is required to be submitted to the JSCDL.
29. The local law will take legislative effect 14 days after publication in the Government Gazette.

POLICY CONSIDERATIONS

30. Nil.

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.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	Outcome
Initial consultation draft circulated for feedback from key stakeholders	Minor adjustment to consultation draft

External Engagement	
Process	Outcome
Call for submissions for 7 weeks in accordance with the Act (local newspaper, social media, website, noticeboards)	1 public submission received.
Engagement with key State Government agencies	1 response received recommended amendments to be made.

FINANCIAL CONSIDERATIONS

31. Funds have been allocated for the purpose of the review of local laws in the 2026/2027 Adopted Budget.

Approximately \$3,500 has been spent on external legal fees for reviewing the proposed local law.

Publication in the Government Gazette is estimated to cost \$2,500.

SUSTAINABILITY

32. Social

It is in the community's interest to have up-to-date and effective local laws to deal with the routine nuisance related complaints that arise from activities in the rural and urban environment.

33. Economic

The proposed local law continues the principles of Council's existing regulatory scheme and takes into account the rights of rural landholders to continue to engage in animal husbandry and related small business.

34. Environmental

The proposed local law supports environmental protection by prescribing offences for activities that may contaminate water sources, discharge of effluent or waste water into drains or watercourses, smoke or fume pollution as well as building site waste control.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	N/A	N/A	N/A
Health & Safety	Local law is not reviewed/replaced by the due date, leaving the City with an inability to deal with offences	Medium	Review or replace local law before 6 December 2026
Reputation	Substantiated, public embarrassment, moderate impact, moderate news profile	High	Review or replace local law before 6 December 2026
Operation	Inability to address enforcement	High	Review or replace local law before 6 December 2026

	breaches and complaints		
Environment	Inability to address enforcement breaches and complaints	High	Review or replace local law before 6 December 2026
Compliance	Local law not reviewed in accordance with the law	High	Review or replace local law before 6 December 2026
Project	N/A	N/A	N/A

REGIONAL SIGNIFICANCE

35. Nil.

CONCLUSION

36. 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 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.
37. 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.
38. The proposed Rural and Urban Environment and Nuisance Local Law 2026 continues the long-standing principle behind Council's regulatory scheme for dealing with nuisance complaints that arise from land use in the district. Local laws of this kind are commonplace in the local government sector. The proposed local law presents a responsible balance between the necessity of regulation, and recognising that property owners in a district like Kalamunda are lawfully entitled to undertake specific activities on their land.

11. Closure