



Public Agenda Briefing Forum

11 March 2025

Our Vision



Connected Communities, Valuing Nature and Creating our Future Together

Core Values

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

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

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

Aspirational Values

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

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

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

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

kalamunda.wa.gov.au



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 that 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 will 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 summarising 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.

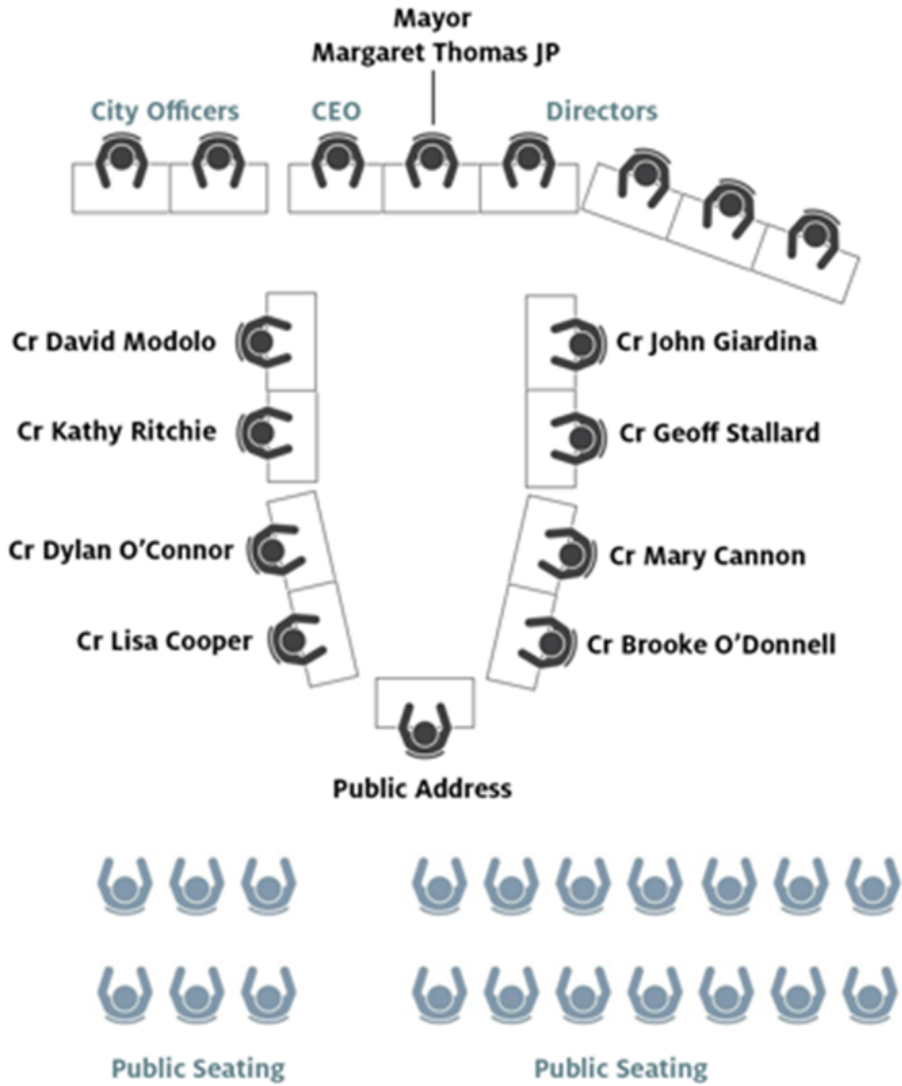
- j. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information 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).

Council Chambers Seating Plan



INDEX

1. Official Opening.....	11
2. Attendance, Apologies and Leave of Absence	11
3. Declarations of Interest	11
4. Announcements by the Member Presiding Without Discussion	11
5. Public Question Time	11
6. Public Statement Time	11
7. Public Submissions Received in Writing	11
8. Petitions Received.....	11
9. Confidential Items Announced But Not Discussed	11
10. Reports to Council.....	12
10.1. Development Services Reports	12
10.1.1. DA24/0537 - 67 Setosa Drive Forrestfield - Tree removal (2x trees)	12
10.1.2. Commercial Vehicle Parking - Lot 11 (30) Valcan Road, Wattle Grove	20
10.1.3. Proposed Scheme Amendment No 115 - Additional Use (Community Purpose) - Lot 35 777 Welshpool Road East, Wattle Grove	32
10.1.4. Scheme Amendment No.116 - Modification of density coding from R15 to R40 at Lots 1, 2, 47, 48, 100, 105 and 106 Reynolds Road, Forrestfield.....	41
10.2. Asset Services Reports	51
10.2.1. RFT 2433 Provision for General Cleaning Services - Award of Tender	51
10.3. Corporate Services Reports	57
10.4. Community Services Reports	57
10.5. Office of the CEO Reports	57
11. Closure	57

1. Official Opening

2. Attendance, Apologies and Leave of Absence

Cr Dylan O'Connor - Leave of absence approved.

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

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

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

10. Reports to Council

10.1. Development Services Reports

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

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA24/0537
Applicant	G Machingura
Owner	G Machingura
Attachments	<ol style="list-style-type: none"> 1. Plans [10.1.1.1 - 1 page] 2. Cover Letter [10.1.1.2 - 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 (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
√ Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Priority 2: Kalamunda Clean and Green

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

4. **Land Details:**

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

5. **Locality Plan:**



6. In 2022 the Western Australian Planning Commission (WAPC) approved a 4-lot freehold subdivision (WAPC Ref: 162031). As part of the subdivision approval the trees were required to be retained through conditions of subdivision approval and were subsequently retained through the subdivision clearance process.
7. In September 2023 the subject site received development approval for a Single House (Ref: DA23/0283). The approved plans noted the two trees on the subject site for retention. The trees were subsequently conditioned to be retained on the development approval.
8. In August 2023 the subject site received development refusal for the proposed removal of the two (2) trees on site (Ref: DA23/0301). Further information on the refusal is provided in the Details and Analysis section of this report.
9. In all three instances, the landowner/applicant had appeal rights through the State Administrative Tribunal (SAT) if they were not satisfied with the decisions made or any of the conditions imposed. Appeal rights exist for 28 days after the date of this letter. The landowner/applicant did not appeal the application(s) through SAT.
10. In December 2024, the City of Kalamunda (City) received another development application for the removal of the two trees on site. This Council report is for Council to consider this application and make a decision.

DETAILS AND ANALYSIS

Subdivision

11. Condition 7 of the WAPC approval for the 4-lot freehold subdivision (WAPC Ref: 162031) required:

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

Development Application (DA23/0283)

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

Development Application (DA23/0301)

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

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

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

The application did not appropriately demonstrate that:

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

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

APPLICABLE LAW

29. *Planning and Development Act 2005*

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

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

33. No stakeholder consultation was required for this application.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

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

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

RISK MANAGEMENT

38.

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

39.

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

CONCLUSION

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

Voting Requirements: Simple Majority

RECOMMENDATION

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

1. In accordance with Clause 67 (p) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not adequately consider the preservation of any trees on the land.


2. The proposed development fails to meet the objectives of the City of Kalamunda Local Planning Scheme No. 3 due to the detrimental impact of tree removal on the natural environment, local amenity, and tree preservation.

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

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

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

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

BACKGROUND

4. **Land Details:**

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

5. **Locality Plan:**



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

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

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

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

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

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

DETAILS AND ANALYSIS

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

Table 1 – Assessment against LPP1

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

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

Maintenance and cleaning of the commercial vehicle on a residential lot to be permitted only between 8.00am and 7.00pm Monday to Sunday, and 9.00am and 6.00pm Sunday, unless otherwise approved.	No maintenance on site proposed.	Y Capable of being a condition of approval to ensure compliance.
If a commercial vehicle owner, who has been granted approval to park a commercial vehicle on a lot, wishes to replace the vehicle with another commercial vehicle, a further application is required	Capable of being a condition of approval to ensure compliance.	Y
Council reserves the right to amend the conditions of an approval or to revoke an approval: <ul style="list-style-type: none"> a) As a result of a justified complaint being received; and/or b) Due to changes (or potential changes) of the lot's zoning 	Capable of being a condition of approval to ensure compliance.	Y
The Local Government may give notice of an application for approval to park a commercial vehicle or require the applicant to give notice of the application in respect of any such notice, clauses 9.4.3 to 9.4.6 of Local Planning Scheme No.3 apply.	Advertised in accordance with Clause 67(2)(y), of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .	Y

11. Commercial Vehicle Parking in a Special Rural Zone is an 'A' use meaning advertising to all adjoining landowners and occupiers is required and has been undertaken. The proposal constitutes a 'standard' application as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* by virtue of advertising being required.

12. The submissions received are discussed in the stakeholder engagement section of this report and are also outlined verbatim in Attachment 6, with a response from the applicant provided.

APPLICABLE LAW					
13.	<i>Planning and Development Act 2005</i>				
14.	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>				
15.	<i>Local Planning Scheme No.3</i>				
16.	<i>Environmental Protection (Noise) Regulations 1997</i>				
APPLICABLE POLICY					
17.	<i>Local Planning Scheme No. 3</i>				
18.	<i>Local Planning Policy 1 – Commercial Vehicle Parking</i>				
19.	<i>Local Planning Policy 11 – Public Notification of Planning Proposals</i>				
STAKEHOLDER ENGAGEMENT					
20.	The development application was advertised in accordance with Clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> which included a letter being sent to all landowners and occupiers surrounding the subject site.				
21.	<p>The City received 13 submissions in relation to the proposal. Twelve of these submissions were objections to proposal, and 1 submission was received in support of the proposal.</p> <p>It is also noted that 7 of the above submissions received were not formally consulted during the consultation period as they were not considered to be within the appropriate advertising radius. Notwithstanding, these submissions have also been included for consideration.</p>				
22.	<p>The below table provides a summary of the key concerns raised by the adjoining landowners and occupiers and the City’s comments in accordance with Clause 67(2)(y), of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Table 2 – Summary of submissions received and Officer comment</p> <table border="1"> <thead> <tr> <th>Issues Raised</th> <th>Officer Comment</th> </tr> </thead> <tbody> <tr> <td> Street <ul style="list-style-type: none"> • Access • Street and property Security • Road capacity • Children and horse riding on road </td> <td> <p>Valcan Road measures less than 1km in length, is quite straight in alignment and is of an appropriate width to allow for two-way access.</p> <p>Planning cannot address any concerns regarding vehicle speeds along the road.</p> </td> </tr> </tbody> </table>	Issues Raised	Officer Comment	Street <ul style="list-style-type: none"> • Access • Street and property Security • Road capacity • Children and horse riding on road 	<p>Valcan Road measures less than 1km in length, is quite straight in alignment and is of an appropriate width to allow for two-way access.</p> <p>Planning cannot address any concerns regarding vehicle speeds along the road.</p>
Issues Raised	Officer Comment				
Street <ul style="list-style-type: none"> • Access • Street and property Security • Road capacity • Children and horse riding on road 	<p>Valcan Road measures less than 1km in length, is quite straight in alignment and is of an appropriate width to allow for two-way access.</p> <p>Planning cannot address any concerns regarding vehicle speeds along the road.</p>				

<p>Site Constraints</p> <ul style="list-style-type: none"> Lacks the necessary infrastructure for commercial vehicle access 	<p>As the lot measures over 15,000m² there is the necessary space on site to allow for commercial vehicle access and parking. As confirmed by the City’s Developmental Engineering Team, as the vehicles measure less than 19m in length, they are of sufficient length for access to be supported on a road of this width.</p>
<p>Flora and Fauna</p> <ul style="list-style-type: none"> Soil contamination during vehicle washdown Wildlife crossing/leaving site 	<p>The cover letter provided by the applicant with the application states there will be no vehicle washing on site, thus there is no expected soil contamination.</p> <p>30 Valcan Road is located in a sewerage sensitive area in terms of being within the Estuary Catchment on the Swan and Scott Coastal Plains.</p> <p>Pursuant to the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> detergents are classed as a Schedule 1 Material - Materials that must not be discharged into the environment.</p> <p><i>A person who, in the course of or in connection with a business or a commercial activity, causes or allows a material listed in Schedule 1 to be discharged into the environment commits an offence. Penalty: \$5000.</i></p> <p>If the applicant wishes to wash their own private vehicles on their own property that is different and accepted. The only acceptable way to wash commercial vehicles on the property will be to use a wash bay with a secondary treatment system that treats the water prior to disposal.”</p> <p>Managing wildlife impact is considered to fall outside the scope of this development application.</p>
<p>Noise and Visual Impacts</p> <ul style="list-style-type: none"> Vehicle noise Visual amenity 	<p>As per LPP1, the commercial vehicle shall only be started and/or manoeuvred on the lot in such a manner and such times</p>

	<ul style="list-style-type: none"> • Lack of screening 	<p>approved by the Council, being consistent with the provisions of the <i>Environmental Protection (Noise) Regulations</i>. Standard vehicle movement and start up times between 7.00am and 7.00pm Monday to Saturday, and 9.00am to 5.00pm on Sundays and public holidays shall apply, unless otherwise approved. The idling times for start-up and cool down on the property shall be restricted to 5 minutes per day. Subsequently, both are proposed to be conditioned to ensure noise is managed, should the application be approved. As the proposed parking area is located to the rear of the property (behind the dwelling alignment), it is unlikely there will be an impact on visual amenity from the streetscape. To address visual amenity for adjoining properties and screening, there is potential to condition that the applicant must install permanent screening along the boundaries of the proposed parking area.</p>
	<p>Compliance with LPP 1</p> <ul style="list-style-type: none"> • Unable to measure compliance with LPP 1 post approval • Existing non-compliance 	<p>The City imposes a range of conditions relating to the proposal that are enforced to ensure compliance. Any action which is against the conditions imposed by the approval are dealt with accordingly by the City's compliance team.</p> <p>Council in exercising its planning discretion on this application should not have regard to any existing non-compliance, as the Council must make a decision based on the planning merit of the proposal, as it has been presented by the applicant.</p>
	<p>Rates</p> <ul style="list-style-type: none"> • Operating commercial activity on a site which is more appropriately zoned with commercial 	<p>Council in exercising its planning discretion on this application should not have regard to any existing non-compliance, as the Council must make a decision based on the planning merit of the proposal, as it has been presented by the applicant.</p>

	operations would incur different rates	
FINANCIAL CONSIDERATIONS		
23.	Should Council not support the officer recommendation to approve the application, the proponent may exercise their rights to appeal the decision through the State Administrative Tribunal (SAT). In which case, the City would need to engage legal representation.	
SUSTAINABILITY		
24.	The commercial operations raised in submission responses may pose significant threats to the surrounding environment. These alleged operations are separate to the proposal and should be addressed by compliance following determination of this proposal.	
RISK MANAGEMENT		
25.	Risk: The proposal may impact on the amenity of the adjoining properties.	
	Consequence	Likelihood
	Moderate	Possible
	Action/Strategy	
	The City to provide appropriate conditions of planning approval to ensure potential amenity impacts are managed and adhered to.	
26.	Risk: Additional commercial operations may occur following approval.	
	Consequence	Likelihood
	Moderate	Possible
	Action/Strategy	
	Further compliance action to follow to ensure operations are in line with conditions specified.	
CONCLUSION		
27.	Officers have concluded, having regard to the submissions received during the advertising period and assessment against the relevant elements of the planning framework, that subject to conditions which have the capacity to ensure ongoing compliance – the proposed development can be consistent with the planning framework and is capable of being approved.	

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

Voting Requirements: Simple Majority

RECOMMENDATION

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

Conditions:

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

8. Prior to occupation of the development, crossovers must be designed and constructed to the specification and satisfaction of the City of Kalamunda.

Advice:

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

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

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

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

5. **Land Details:**

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

6. **Scheme Map:**



7. **Locality Plan:**



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

DETAILS AND ANALYSIS

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

18. The details of the proposal, as summarised in the applicants planning report, comprise the following hours of operation:

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

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

19. Indicative developments plans have been prepared in support of this scheme amendment and any future development application is to be lodged with the City. The plans are included within the amendment report (refer to attachment 10.1.7.1) comprise the following key details:

- a) Various additions and alterations to the existing buildings on the land, including an auditorium area, patios, garage and bin store and storerooms;
- b) Construction of thirty five (35) on site car parking bays;
- c) Upgrade to external areas of the existing building, including façade upgrades and new portico and
- d) new vehicular circulation areas.

20. **Noise**

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

21. **Bushfire**
The site is designated as bushfire prone under the Office of Bushfire Risk Management (OBRM) mapping system. To support the amendment, the applicant has provided a Bushfire Attack Level (BAL) Assessment and Bushfire Management (BMP) Plan. It should be noted the City will refer the bushfire documents to Department Fire and Emergency Services (DFES) for their comments.
22. **Traffic**
The applicant has provided a Transport Impact Statement (TIS) which will be assessed by the relevant internal disciplines and the Department of Planning Lands and Heritage (DPLH) Engineering Department. To ensure that traffic safety is maintained a left in and left out only crossover will be conditioned as part of a future development proposal. The TIS provides recent crash history, swept paths, traffic volumes and the impact the development will pose on the wider road network.

APPLICABLE LAW

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

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires a resolution of local government to adopt or refuse to adopt an application to amend a local planning scheme, as well as justification for the type of amendment proposed (basic, standard or complex).
24. Pursuant to Regulation 35, the proposal is considered a ‘complex’ amendment for the following reason:
- a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission.

APPLICABLE POLICY

25. State Planning Policy 3.7 Planning in Bushfire Prone Areas
26. State Planning Policy 5.4 Road and Rail Noise
27. State Planning Policy 7.0 Design of the Built Environment
28. Local Planning Policy 2 Advertising Signage
29. Local Planning Policy 11 Public Notification of Planning Proposals
30. Local Planning Policy 18 Requirements of Local Planning Scheme Amendments

STAKEHOLDER ENGAGEMENT

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

FINANCIAL CONSIDERATIONS

- 32. All costs associated with the scheme amendment will be borne by the applicant.

SUSTAINABILITY

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

RISK MANAGEMENT

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

38.

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

CONCLUSION

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. ADOPT proposed Local Planning Scheme Amendment No.115 to Local Planning Scheme No.3 – Lot 35 (777) Welshpool Road East, Wattle Grove in accordance with Attachment 1, pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of public advertising.

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

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

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

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider whether to adopt Amendment 116 (A116) to Local Planning Scheme 3 for the purpose of public advertising.

2. The Scheme Amendment proposes to amend Local Planning Scheme No. 3 (LPS3) to modify the existing density coding from 'Residential – R15' to 'Residential – R40' for Lots 1, 2, 47, 48, 100, 105, and 106 Reynolds Road, Forrestfield.

3. Council is recommended to adopt A116 for the purposes of public advertising.

BACKGROUND

4. **Historic Details:**

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

5. **Land Area:**

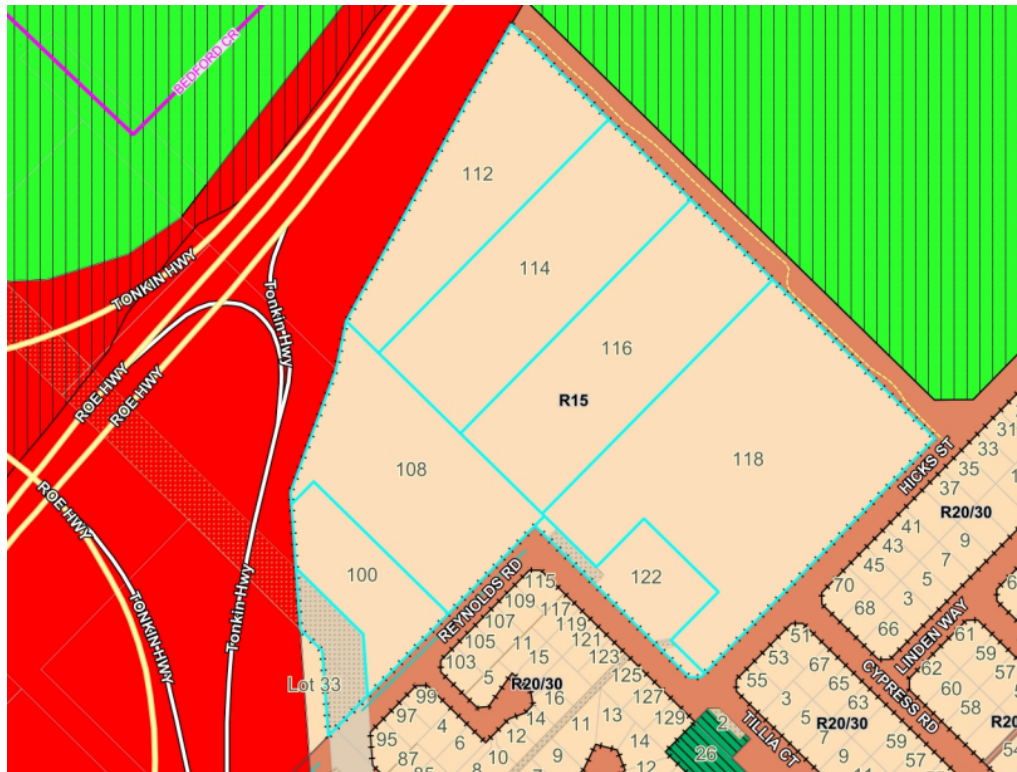
The total land area of the subject sites is provided within the table below:

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

6. **Land Details:**

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

7. **Zoning Plan:**



8. **Locality Plan:**



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

DETAILS AND ANALYSIS

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

An increase in the density code from R15 to R40 will provide flexibility in street blocks to explore variety in width and depth of front-loaded lots to create a variety of housing options.
21. Lots at the R40 code would have a minimum and average lot size requirement of 180m² and 220m² respectively.
22. A Local Development Plan (LDP) would be required to be prepared during the subdivision stage to guide future development.

23. **Bush Forever**

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

24. **Noise**

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

25. **Bushfire**

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

26. **Water Supply and Sewerage**

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

27. **Gas Supply and Communications**

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

APPLICABLE LAW

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

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

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

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve
- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission

- c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

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

- 46. Favourable topography and soil conditions, leading to limited earthworks being required to facilitate development.
- 47. Sufficient access to existing public transport routes for future development on site to support the proposal.

RISK MANAGEMENT

48.

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

49.

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

CONCLUSION

- 50. The applicant is seeking an amendment to the Scheme to modify the existing density coding from 'Residential - R15' to 'Residential - R40' for Lots 1, 2, 47, 48, 100, 105, and 106 Reynolds Road, Forrestfield.
- 51. The increase in density supports residential development that aligns with the City of Kalamunda's Local Housing Strategy and Local Planning Strategy. The increase in density will improve diversity and increase density to meet current and future population needs while ensuring compatibility with the surrounding residential character.
- 52. Advertising of the proposed amendment will provide the City of Kalamunda the opportunity to fully consider the implication of the proposed density change and determine the suitability of the subject site for future higher density development at the R40 coding.

53. Noting the above, it is recommended that Council adopts A116 for purposes of public advertising.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT proposed Local Planning Scheme Amendment No.116 to Local Planning Scheme No.3 pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of public advertising.
2. CONSIDER proposed Local Planning Scheme Amendment No.116 to Local Planning Scheme No.3 as a 'Standard Amendment' under Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve
 - b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission
 - c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area
3. FORWARD proposed Scheme Amendment No.116 to Local Planning Scheme No.3 to the Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. FORWARD proposed Scheme Amendment No. 116 to Local Planning Scheme No. 3 to the Western Australian Planning Commission for comment pursuant to Regulation 46A (2)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. ADVERTISE proposed Scheme Amendment No.116 to Local Planning Scheme No.3 for a period of 42 days pursuant to Regulation 47 (3) (Standard) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Policy 11 – Public Notification of Planning Proposals and sec 81 an 82 of the *Planning and Development Act 2005*.

10.2. Asset Services Reports

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

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

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

Attachments	Nil
-------------	-----

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS AND ANALYSIS

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

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

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

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

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

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

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

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

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

Tenderer	Rank
OCE Corporate	1
BrightMark Group	2
Iconic Property Services	3

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

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

18. Nil

RISK MANAGEMENT

19.	Risk: The Contractor fails to fulfil the requirements of the contract, leading to increased costs to the City through re-tendering.		
	Consequence	Likelihood	Rating
	Insignificant	Unlikely	Low
	Action/Strategy		
	<ul style="list-style-type: none"> a) Corporate scorecard confirms financial viability of contractor. b) Formal and detailed Qualitative criteria within Tender minimise risk. c) The contractor's performance for the duration of the contract will be monitored and areas of improvement communicated accordingly. 		

20.	Risk: Contractor unable to attend to urgent work in a timely manner which results in a safety risk.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	<ul style="list-style-type: none"> a) Embedding contractual mechanisms to ensure response to emergency situations has been agreed to. b) The capacity of the organisation to respond was assessed as part of the qualitative assessment. 		

CONCLUSION

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the tender RFT 2433 – Provision of General Cleaning Services from OCE Corporate Cleaning ABN 082 965 964, as per the schedule of rates set out in Confidential Attachment 1 to this report for an initial three-year term with two further one-year extensions at the City of Kalamunda’s discretion.

10.3. Corporate Services Reports

No reports presented.

10.4. Community Services Reports

No reports presented.

10.5. Office of the CEO Reports

No reports presented.

11. Closure