

An aerial photograph of a stone observation tower situated in a lush, green forest. Two people are standing on the tower, looking out over the landscape. In the background, a city skyline is visible under a clear blue sky.

Ordinary Council Meeting

Minutes

11 February 2026

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council. Agendas and Minutes are available on the City's website <https://www.kwinana.wa.gov.au/>

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1 OPENING AND ANNOUNCEMENT OF VISITORS

Presiding Member declared the meeting open at 6:02 pm and welcomed all in attendance.

Presiding Member announced that the Ordinary Council Meeting is being live streamed and recorded in accordance with the City's Live streaming and Recording Council Meetings policy.

By being present at this meeting, members of the public consent to the City recording and live streaming their image and/or voice.

2 WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor Barry Winmar to present the Welcome to Country:

"Ngullak nyinniny kooralong koora ngullak noitj nidja Nyoongar boodjar. Nyoongar moort djoorapiny nyinniny nidja ngulla quopadok Nyoongar boodjar kooralong.

From the beginning of time to the end, this is Nyoongar Country. Nyoongar people have been graceful keepers of our nation for many, many years.

Djinanginy katatjin djoorapiny nidja weern Nyoongar boodjar ngalla mia mia boorda.

Look, listen, understand and embrace all the elements of Nyoongar Country that is forever our home.

Kaya wandju ngaany koort djoorpiny nidja Nyoongar boodjar daadjaling waankganinyj Nyoongar Boodjar.

Hello and welcome my heart is happy as we are gathered on country and meeting here on Nyoongar Country.

Presiding Member to read the Acknowledgement of Country:

"It gives me great pleasure to welcome you all here and before commencing the proceedings, I would like to acknowledge that we come together tonight on the traditional land of the Nyoongar people and we pay our respects to their Elders past and present."

3 DEDICATION

Councillor David Acker read the dedication:

"May we, the Elected Members of the City of Kwinana, have the wisdom to consider all matters before us with due consideration, integrity and respect for the Council Chamber.

May the decisions made be in good faith and always in the best interest of the greater Kwinana community that we serve."

4 ATTENDANCE, APOLOGIES, LEAVE(S) OF ABSENCE (PREVIOUSLY APPROVED)

Present:

Mayor P Feasey
Deputy Mayor B Winmar
Councillor D Acker
Councillor M Brown
Councillor B Miller
Councillor I Penny
Councillor M Rowse
Councillor E Sergeant
Councillor S Wood

Mr W Jack - Chief Executive Officer
Mr G Bowering - Director City Development and Sustainability
Mr D Elkins - Director City Infrastructure
Ms F Grieves - Director City Life
Ms A Abblitt - Council Governance and Administration Officer
Miss L Cooke - Council Governance and Legal Support Officer

Members of the Press - 0
Members of the Public - 4

Apologies:

Nil

Leave(s) of Absence (previously approved):

Nil

5 PUBLIC QUESTION TIME

Nil

6 RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

6.1 PETITIONS

Nil

6.2 PRESENTATIONS

Nil

6.3 DEPUTATIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

COUNCIL DECISION

OCM44

Moved: Deputy Mayor B Winmar

Seconded: Cr M Rowse

That the Minutes of the Ordinary Council Meeting held on 17 December 2025 be confirmed as a true and correct record of the meeting.

**CARRIED
9/0**

8 DECLARATIONS OF INTEREST (FINANCIAL, PROXIMITY, IMPARTIALITY - BOTH REAL AND PERCEIVED) BY MEMBERS AND CITY OFFICERS

Deputy Mayor Winmar declared an Impartiality of Interest in **Item 18.1 - Disposition by way of Lease, Suites 1-6 Parmelia House, part of 10 Hutchins Way Kwinana Town Centre Between City of Kwinana and Institute of Indigenous Wellbeing and Sport of WA Aboriginal Corporation** - pursuant to Section 5.61 of the *Local Government Act 1995*, as he is the CEO of the Institute.

9 REQUESTS FOR LEAVE OF ABSENCE

Nil

10 ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

Nil

11 ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil

12 RECOMMENDATIONS OF COMMITTEES

12.1 MINUTES OF THE BOOLA MAARA ABORIGINAL CONSULTATIVE COMMITTEE MEETING HELD ON 2 FEBRUARY 2026

SUMMARY

The City of Kwinana Aboriginal Consultative Committee is established by the City of Kwinana with the primary purpose of enhancing the relationship between the City and Committee members, while focusing on the dual objectives of environmental guardianship and the wellbeing of the Aboriginal community. This committee recognises the vital role of the Aboriginal community in Kwinana and aims to ensure their perspectives and expertise are integrated into the decision-making processes of the City.

OFFICER RECOMMENDATION

That Council notes the Minutes of the Boola Maara Aboriginal Consultative Committee held on 2 February 2026.

VOTING REQUIREMENT

Simple majority

DISCUSSION

The primary purpose of the Committee is to provide Council with expertise in relevant Aboriginal cultural matters to assist its decision making of the Kwinana Community. The Committee will assist the Council in making culturally appropriate, respectful, and informed decisions pertaining to community matters, particularly those affecting the Aboriginal community and the environment.

STRATEGIC IMPLICATIONS

Outcome: Leadership / Boordiya Katidjin (Leader of knowledge)

Objective: Proactive leadership

N/A - There is no specific action in the CBP, yet this report will help achieve the indicated outcomes and strategic objectives.

SUSTAINABILITY FRAMEWORK

Sustainability Priority Area

3 - Liveability

4 - Engagement and Social Inclusion

LEGAL/POLICY IMPLICATIONS

No legal/policy implications have been identified as a result of this report or recommendation.

FINANCIAL/BUDGET IMPLICATIONS

There are no financial implications that have been identified as a result of this report or recommendation.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified as a result of this report or recommendation.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

No environmental or public health implications have been identified as a result of this report or recommendation.

COMMUNITY ENGAGEMENT

There are no community engagement implications as a result of this report or recommendation.

<u>COUNCIL DECISION</u>	
OCM45	
Moved: Cr E Sergeant	Seconded: Deputy Mayor B Winmar
That Council notes the Minutes of the Boola Maara Aboriginal Consultative Committee held on 2 February 2026.	
CARRIED 9/0	

ATTACHMENTS

1. Minutes - Boola Maara Aboriginal Consultative Committee - 2 February 2026 [12.1.1 - 14 pages]

13 ENBLOC REPORTS

Nil

14 REPORTS - COMMUNITY

Nil

15 REPORTS - ECONOMIC

Nil

16 REPORTS - NATURAL ENVIRONMENT

16.1 CHANGE OF VESTING FOR RESERVE 50531 (LOT 3001 ON PD 58626)

SUMMARY

The upgrade of the Wellard Road – Henley Boulevard intersection to a roundabout is currently in progress. The upgrade will occupy a larger land area than the existing “T” junction and this requires the clearing of nine (9) local native trees and two Eastern States Flame trees within the works area.

A clearing permit has been granted by the State government for the removal of the trees. The conditions of the permit require an environmental (revegetation and restoration) offset of 7000m² within a portion of Henley Reserve, being Reserve 50531 which lies adjacent to the works area. The condition requires the 7000m² offset area to be appropriately reserved for conservation. Reserve 50531 has a total area of 3.338 hectares.

In order to meet the condition of approval, it is proposed that the vesting of Reserve 50531 be changed from its current status of ‘Public Recreation’ to ‘Conservation’. This would apply to the Reserve 50531, not just the 7000m² offset area. The larger Henley Reserve area Reserve 43072 (28ha) is not affected and is currently managed by the City as a passive, nature focussed recreation space. Therefore, the proposed change will have no obvious impact on how the majority of Henley Reserve is enjoyed by the community or managed by the City.

Council’s support is sought to request the Minister for Lands change the vesting of Reserve 50531 from ‘Public Recreation’ to ‘Conservation’ to enable the city to meet the conditions of the clearing permit.

OFFICER RECOMMENDATION

That Council:

1. **Supports changing the vesting of Reserve 50531 from ‘Public Recreation’ to ‘Conservation’ for the purpose of securing the environmental offset for the clearing permit granted under the Environmental Protection Act 1986 which is required for the upgrade of the Wellard Road and Henley Road intersection.**
2. **Approves requesting the Minister for Lands change the vesting of Reserve 50531 to ‘Conservation’.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

The City is currently completing an upgrade of the Wellard Road – Henley Boulevard intersection in Wellard as part of the Federal Black Spot funding program. To complete the required roadworks,

the clearing of nine (9) local native trees and two Eastern States Flame trees is required within the works area.

A clearing permit has been granted by the Department of Water and Environmental Regulation (DWER) under the Environmental Protection Act 1986 for the removal of the native trees within the works area (Attachments 18.5.2 and 18.5.3). As part of the approval process, the City was required to provide an environmental offset to mitigate the loss of native vegetation and environmental assets within the clearing impact area. The City's environmental offset provides for the rehabilitation and restoration of 0.7ha of Tuart woodland and Black Cockatoo habitat within a portion of the adjacent Henley Reserve, Reserve 50531. The rehabilitation and restoration works include revegetation, weed management and fencing.

To secure and protect the offset area in perpetuity DWER requires that the vesting of offset areas be 'Conservation' (refer Condition 9 of Attachment 18.5.3). As the current vesting for the Reserve is 'Public Recreation', a change to the vesting order is required to 'Conservation'. Whilst the entire Reserve 50531 (3.33ha) is not required for the offset, this part of the larger Henley Reserve is currently only utilised for a walking track and firebreaks. The City has no plans or intention to change the use of the land to more active formalised public recreation, and regardless, the environmental attributes of the Reserve significantly limit what works or clearing could occur in the future.

The vesting change will not impact the current management and use of the firebreaks or walking track within the Reserve 50531 portion of Henley Reserve. Therefore, a change of vesting of the entire Reserve 50531 is proposed. This would also be simpler as otherwise the offset area would need to be separated on to a new land title and then vested as Conservation.

Section 51(1) of the Land Administration Act 1997 provides for the changing of purpose of a reserve by the Minister for Lands. As the City holds the Management Order for the reserve, the City is required to make application to the Minister for the change in vesting (purpose) of the reserve. The application is to be made to the Minister via the Department of Planning, Lands and Heritage (DPLH) with supporting documentation to include the following documents:

- Current tenure details (Certificate of Title) (Attachment 18.5.1);
- Justification and planning rationale for the proposed change;
- A copy of Council resolution to request the change of vesting of Reserve 50531 from 'Public Recreation' to 'Conservation';
- A copy of the City's granted clearing permit CPS 11145/1 and approved offset plan; and
- Any other relevant supporting information.

To secure the offset site as required by the DWER clearing permit, Council support and approval is required to make the vesting change request to the Minister for Lands via the Department of Planning, Lands and Heritage (DPLH).

Previous reserve change relevant to this proposal

As part of the road intersection upgrade project, the northern boundary of Reserve R50531 was amended in 2025 to amalgamate the affected portion of the reserve into the Henley Boulevard road reserve. This boundary change and road reserve amalgamation was approved by Council on 14 August 2024, Council Decision 521 (CM9 reference IC25/153).

Background of Reserve 50531

- Reserve 50531 forms part of the larger Henley Reserve Public Open Space area.
- Henley Reserve is a total of circa 33ha in size.
- Reserve 50531 is approximately 3.3ha in size (or 10% of the Henley Reserve area POS area).

- Reserve 50531 and the Henley Reserve POS area was reserved as part of the, The Village, Wellard subdivision, circa 2005. A Wetland Management Plan formed part of the reservation and subdivision requirements (CM9 reference D11/7215). The footpath within Reserve 50531 was installed as part of the reserve management conditions circa 2006-2009, as well as other installations within the Henley Reserve area.
- Management of Reserve 50531 was accepted by the City in 2010/2011.



Figure 1: Henley Reserve (Green), Reserve 50531 (light red shading) and the City's clearing permit offset area (blue). The road upgrade project area is shown in dark red.

STRATEGIC IMPLICATIONS

Outcome:	Environmental Stewardship / Ngalla djoorapiny ngank boodjar (Looking after mothers' beautiful country)
Objective:	Support biodiversity and natural landscape conservation
Objective:	Retain and improve our streetscapes and open spaces
Outcome:	Quality of Life / Ngalang moorditj wirrin (Our strong spirit)
Objective:	Enhanced public spaces

N/A - There is no specific action in the CBP, yet this report will help achieve the indicated outcomes and strategic objectives.

How does this proposal achieve the outcomes and strategic objectives?

The change of vesting to 'Conservation' for Reserve 50531 will more accurately reflect the use of the land and enable the restoration and revegetation works required for the Henley Boulevard-Wellard Road environmental offset. These works will improve the biodiversity within the reserve, its ecological function and enhance the user experience for the reserve.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

4 - Environmental Stewardship

Sustainability Priority Area

2 - Environment and Biodiversity

How does this proposal achieve the guiding principle and priority area?

The change of vesting to 'Conservation' for Reserve 50531 will secure and protect the restoration and revegetation works required for the Henley Boulevard-Wellard Road environmental offset. This outcome is in line with the actions and achievements of the City's Sustainability Framework Environmental Stewardship Guiding Principle and environmental and biodiversity actions which include 'Advocacy for the use of local environmental offsets generated by local development projects'.

LEGAL/POLICY IMPLICATIONS

Section 51(1) of the Land Administration Act 1997.

FINANCIAL/BUDGET IMPLICATIONS

Vesting costs such as Landgate lodgement and/or title searches form part of the project cost for the road upgrade project.

ASSET MANAGEMENT IMPLICATIONS

The vesting change will not result in any changes to the existing management and operation of assets within this portion of Henley Reserve, including fencing, path and fire service assets.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

The change of vesting will secure the City's clearing permit offset area and improve the long term environmental outcomes for the Reserve 50531 portion of Henley Reserve.

COMMUNITY ENGAGEMENT

There is no requirement to advertise the change of vesting from 'Public Recreation' to 'Conservation'.

COUNCIL DECISION**OCM46****Moved: Cr E Sergeant****Seconded: Cr S Wood****That Council:**

- 1. Supports changing the vesting of Reserve 50531 from 'Public Recreation' to 'Conservation' for the purpose of securing the environmental offset for the clearing permit granted under the Environmental Protection Act 1986 which is required for the upgrade of the Wellard Road and Henley Road intersection.**
- 2. Approves requesting the Minister for Lands change the vesting of Reserve 50531 to 'Conservation'.**

**CARRIED
9/0****ATTACHMENTS**

- 1. Lot 9500 Certificate of Title [16.1.1 - 1 page]**
- 2. CPS 11145-1 - Application granted [16.1.2 - 2 pages]**
- 3. CPS 11145-1 - Purpose Permit with Plans and Decision Report [16.1.3 - 37 pages]**

17 REPORTS - BUILT INFRASTRUCTURE

17.1 ROAD DEDICATION MANDOGALUP - LOT 4072 ON DP 95631 AND LOT 5000 ON DP 428894

SUMMARY

This report seeks Council's support to request to the Minister of Lands that portions of Crown land in Mandogalup be dedicated as a 'road' to facilitate the construction of a road connecting the residential estates in Mandogalup with Norkett Road and Mandogalup Road.

Council's support is required as the Chief Executive Officer does not have delegated authority to make the necessary decision under section 56 of the *Land Administration Act 1997*.

OFFICER RECOMMENDATION

That Council request that the Minister of Lands dedicate portion of Lot 4072 on Deposited Plan 95631 and portion of Lot 5000 on Deposited Plan 428894, as shown on Attachment 17.1.1, as a road, in accordance with s. 56 (1)(a) of the *Land Administration Act 1997*.

VOTING REQUIREMENT

Simple majority

DISCUSSION

Qube Property Group (Qube) are developing the Apsley residential estate under the planning framework of the Mandogalup West Local Structure Plan. Satterley Property Group are developing the Florence residential estate under the planning framework of the Mandogalup East Local Structure Plan.

A central Neighbourhood Connector Road that facilitates access to both estates is planned to connect westwards to Norkett Road / Mandogalup Road, thereby facilitating broader access to land under the Mandogalup Improvement Scheme No. 1. Qube own most of the land to facilitate the road connection and intend to commence construction of the road during the next stages of subdivision of their Apsley Estate. Refer to **Attachment 17.1.2** for Qube's Subdivision Plan.

However, the road alignment crosses two portions of land (Portions of Lot 4072 on Deposited Plan 95631 and Lot 5000 on Deposited Plan 428894) that are owned by the State (Unallocated Crown Land), and therefore not within Qube's control or tenure. In consultation with the Department of Planning, Lands and Heritage (DPLH), it has been determined that the best and most timely course of action to change the land tenure to enable road construction is for the City to formally request that the portions of Crown land be dedicated as 'road reserve' in accordance with s. 56 of the *Land Administration Act 1997* (LA Act).

See Figure 1 below for the location of the road in the context of the Apsley and Florence Estates, and Mandogalup Improvement Scheme No. 1. Figure 2 shows the detailed areas of Crown land where the proposed road dedication would apply.

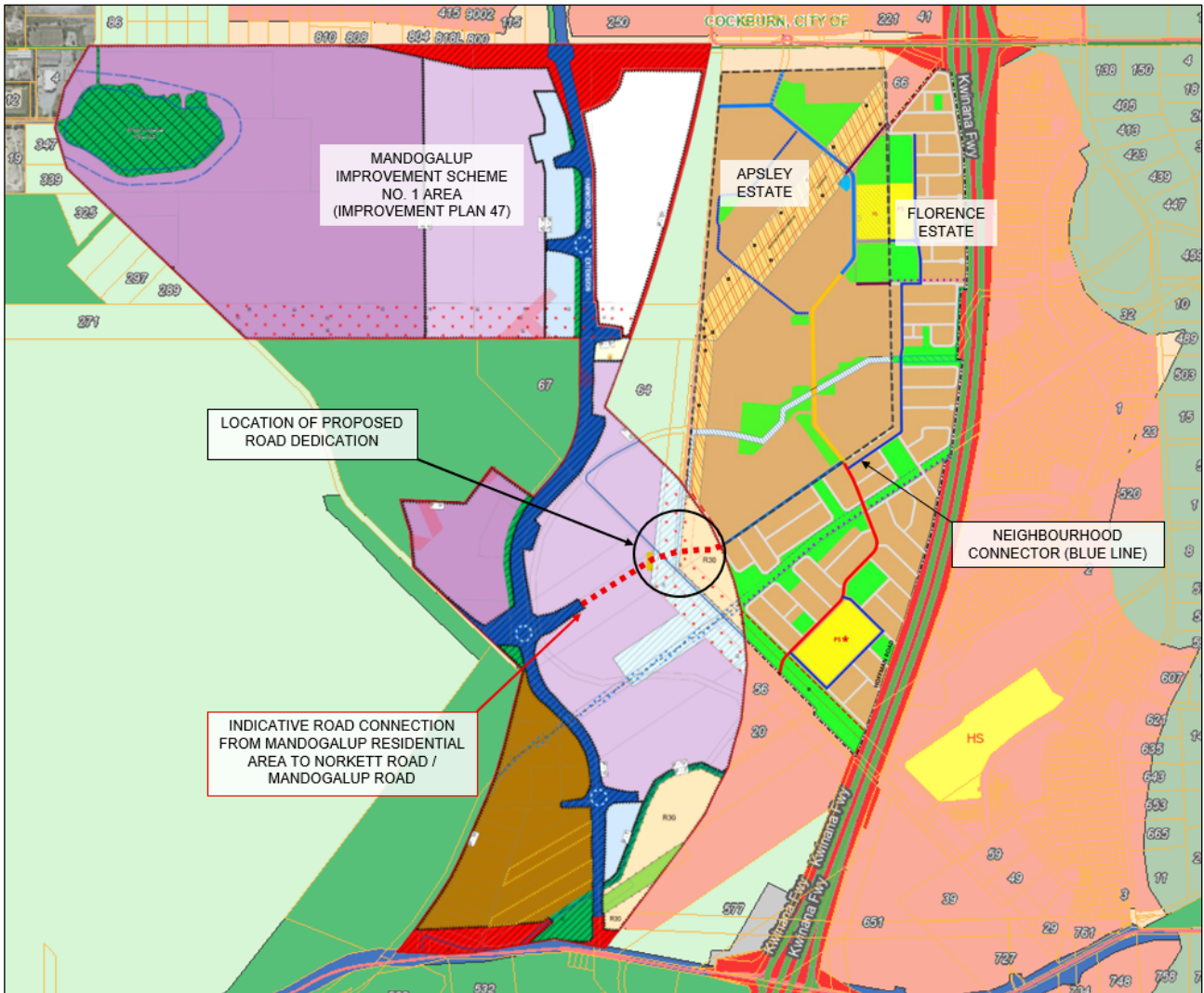


Figure 1: Location and Context of proposed Road Dedication

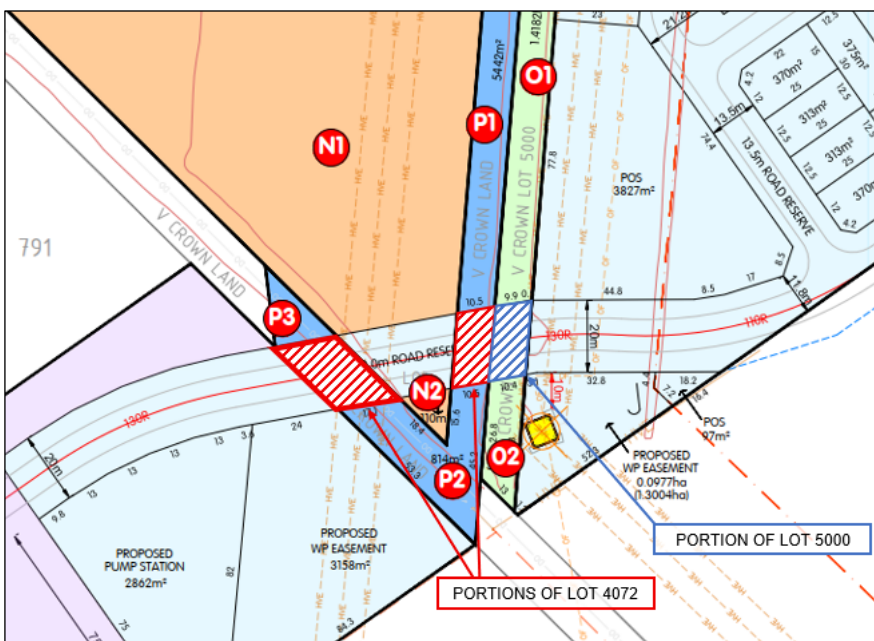


Figure 2: Unallocated Crown Land proposed for Road Dedication

If Council is of the view to not request the road dedication, the developer will likely seek to acquire the land from the State government and amalgamate it into their development area. This process

will take considerably longer than the road dedication process proposed, which will then delay road construction and further subdivision of the Apsley Estate. This alternative process does not present any material benefit to the City or the wider public and is therefore not recommended.

STRATEGIC IMPLICATIONS

There are no strategic implications as a result of this proposal.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

6 - Resilient and Adaptable Communities

Sustainability Priority Area

3 - Liveability

How does this proposal achieve the guiding principle and priority area?

Construction of the road is necessary for subdivision of the residential estates in Mandogalup.

LEGAL/POLICY IMPLICATIONS

Land Administration Act 1997 – section 56 ‘Dedication of land as a road’.

Land Administration Regulations 1998

FINANCIAL/BUDGET IMPLICATIONS

Nil. Construction and further subdivisional costs will be borne by the developer.

ASSET MANAGEMENT IMPLICATIONS

Once constructed, the road will become an asset under the care and management of the City, in the same way as all subdivisional roads are constructed and vested to the City for management.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil.

COMMUNITY ENGAGEMENT

Community engagement was undertaken at various stages of the planning process that established the statutory framework for subdivision and development in the area. Further consultation is not considered necessary for the purpose of this report and recommended decision.

COUNCIL DECISION

OCM47

Moved: Cr D Acker

Seconded: Cr S Wood

That Council request that the Minister of Lands dedicate portion of Lot 4072 on Deposited Plan 95631 and portion of Lot 5000 on Deposited Plan 428894, as shown on Attachment 17.1.1, as a road, in accordance with s. 56 (1)(a) of the *Land Administration Act 1997*.

**CARRIED
9/0**

ATTACHMENTS

1. Attachment 1 - Road Dedication Lot 5000 and Lot 4072 [**17.1.1** - 1 page]
2. Attachment 2 - Apsley Estate subdivision plan [**17.1.2** - 1 page]

17.2 AMENDMENT 167 TO LOCAL PLANNING SCHEME NO. 2 - DEVELOPMENT CONTRIBUTION PLAN 6 MANDOGALUP - ADOPT FOR ADVERTISING

SUMMARY

The purpose of this report is to recommend that Council adopt Amendment 167 to Local Planning Scheme No. 2 (LPS2).

Amendment 167 has been prepared by the City and proposes to amend the LPS2 Scheme Map and Development Contribution Plan 6 – Mandogalup (DCP6), in the following manner:

1. Amend the Development Contribution Area of DCP6 to remove land now included in the Mandogalup Improvement Scheme No. 1 area (and therefore excluded from LPS2) and land zoned Rural that is unlikely to be developed for urban purposes in the near future (Part Lot 2 Rowley Road, Mandogalup).
2. Remove infrastructure items, Hammond Road extension and Internal Connector Road, from DCP6 as contribution items to be administered by the DCP, as it the City's view that this infrastructure is beyond the scope of the City and a DCP for delivery, and ultimately the infrastructure has not been required for the development that DCP6 was originally intended to support.
3. Remove infrastructure item, Public Open Space (POS), from DCP6 to reflect and confirm Council's decision on 14 May 2025 to cease administering POS through the DCP.

The proposed changes will update DCP6 to reflect the current planning and development framework and enable the City to effectively 'close out' DCP6 upon completion of subdivision activity in the area, which is expected to occur within the next 12-24 months.

Should Council adopt the recommendation to initiate Amendment 167, the documents will be forwarded to the EPA for review and a decision on the level of EPA assessment. Should any changes be required by the EPA these will be incorporated into the documents prior to advertising. The documents will also be forwarded to Western Australian Planning Commission. The WAPC will review the amendment and make a recommendation to the Minister for Planning as to whether the amendment should proceed to advertising, with or without modifications.

Following conclusion of advertising, Amendment 167 will be presented to Council again with any submissions received and be asked to make a recommendation to the Minister to either proceed with the amendment (with or without modifications) or not proceed with the amendment.

OFFICER RECOMMENDATION

That Council:

1. **In accordance with Section 75 of the *Planning and Development Act 2005*, resolves to prepare Amendment No. 167 to the City of Kwinana Local Planning Scheme No. 2, as per Attachment 17.2.1.**
2. **In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 167 is a 'complex' amendment as Amendment No. 167 proposes to amend a development contribution area and development contribution plan.**

3. Subject to receiving advice that the Minister for Planning considers the amendment suitable for advertising, with or without modification, and the Environmental Protection Authority determining that an environmental review is not required, resolves in accordance with Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) to proceed to advertise the amendment in accordance with Regulation 38 of the Regulations.

VOTING REQUIREMENT

Simple majority

DISCUSSION

Background

Development Contribution Plan 6 - Mandogalup

DCP 6 applies to the Mandogalup area and facilitates collection of contributions towards standard infrastructure. DCP 6 was incorporated into LPS2 by Amendment 100A, initiated on 24 June 2015 and gazetted on 3 October 2017.

Development Contribution Area 6 (DCA 6) aligned with the existing MRS Urban zoned land and anticipated future Urban zoned land which, at the time of gazettal followed the boundary of the 1.5km air quality buffer from ALCOA’s residue disposal areas. It was expected that the land not already zoned Urban (Lot 2 and Lot 10 on Figure 1 and Figure 2 below) would subsequently be zoned Urban.

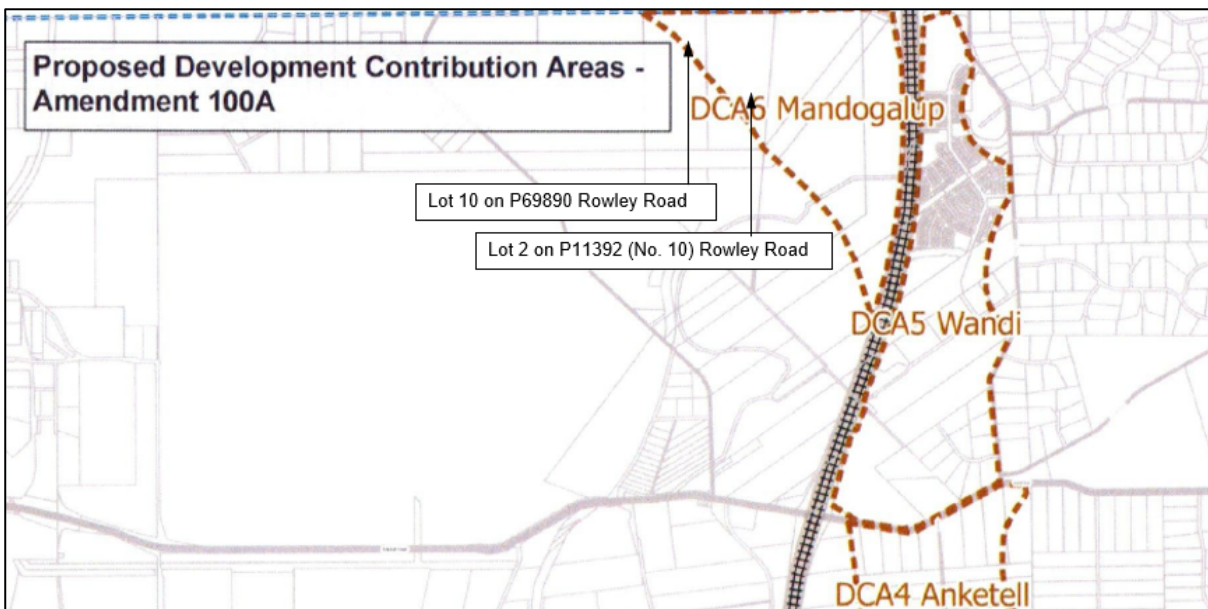


Figure 1: Development Contribution Area 6 proposed by Amendment 100A (annotated with lot details)

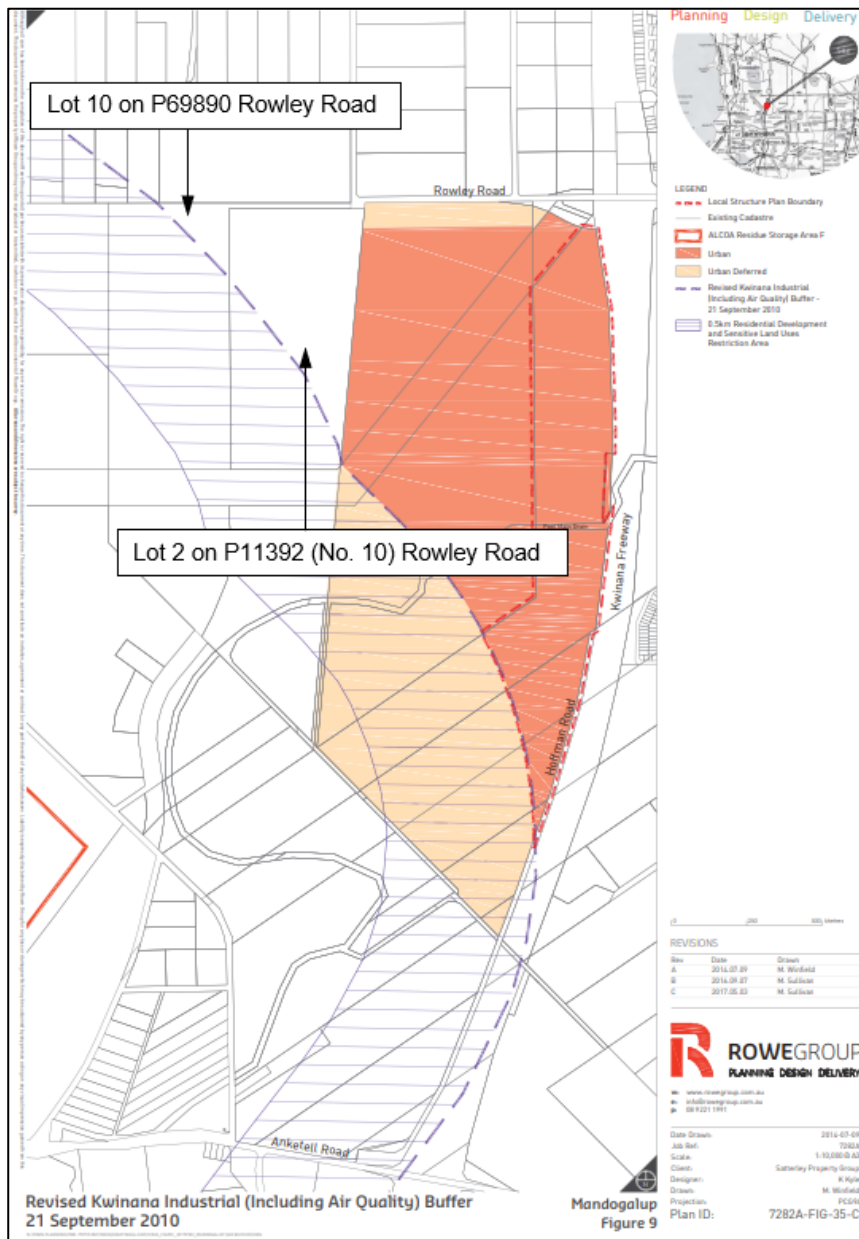


Figure 2: MRS Urban zone and Kwinana Air Quality Buffer, annotated with lot details (source: Mandogalup East Local Structure Plan, approved 28 March 2018, Rowe Group).

Since gazettal of Amendment 100A, land further south towards Anketell Road has been zoned Urban under the MRS, however Lot 2 and Lot 10 have not progressed to Urban rezoning.

The Mandogalup Improvement Scheme No. 1 was gazetted on 8 November 2024, having the effect of removing all of Lot 10 and most of Lot 2 from LPS 2, and consequently from DCA 6 (Figure 3). Improvement Plan areas have the effect of entirely removing an area from a Local Planning Scheme and subsequently come under the direct planning control of the WAPC via an Improvement Scheme.

There remains a small portion of Lot 2 zoned Rural under the MRS, and Rural under LPS 2, that remains within DCA 6 that is not part of the Improvement Scheme.

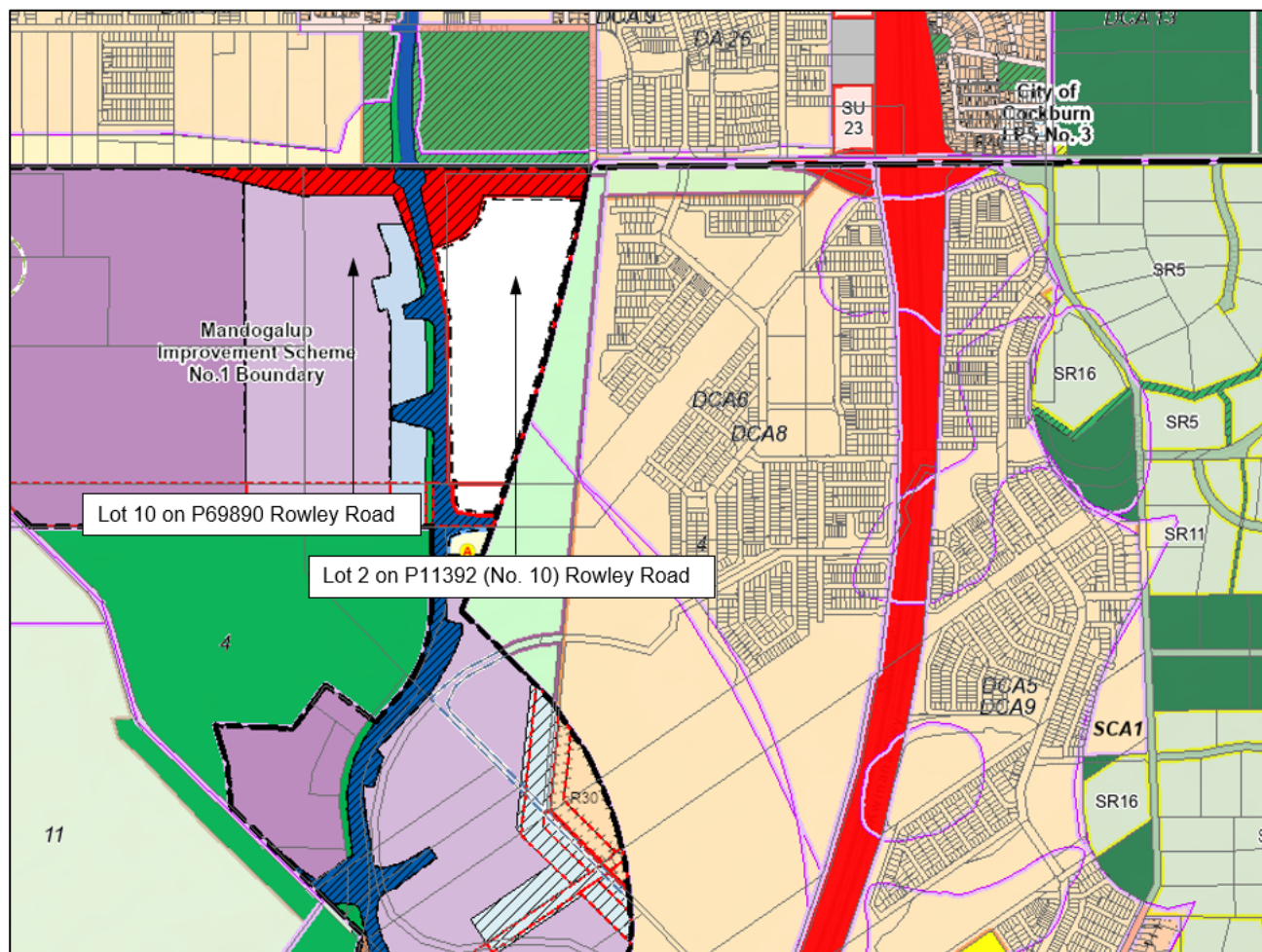


Figure 3: LPS 2, DCA 8, and Mandogalup Improvement Scheme No. 1

Local structure plans have been prepared and approved for the land covered by DCP 6:

- Mandogalup West LSP, approved 22 March 2018
 - Amendment 1 approved 24 October 2025
 - The area is being developed by QUBE as 'Apsley Estate'
- Mandogalup East LSP, approved 28 March 2018
 - Amendment 1 approved subject to modifications on 26 September 2025.
 - Modified documents were submitted to the Department of Planning, Lands and Heritage on 29 October 2025.
 - The area is being developed by Satterley as 'Florence Estate'

Both amendments extend the LSP areas to cover land zoned Urban under the MRS and Development under LPS2 in October 2023. This land is not within current DCA6.

The land covered by the original 2018 LSPs is all subject to valid subdivision approval. Subdivision of this land is significantly advanced and expected to be completed within the next 1-2 years.

The remaining land within DCA6 (Portion of Lot 10 Rowley Road) is not zoned Urban under the MRS and therefore not capable of residential development.

Infrastructure items for DCP 6

*Hammond Road Extension (Item 1.1); and
Internal Connector Road to Hammond Road Extension (Item 1.2)*

At the time of local structure plan approval, Rowley Road was designated as the primary access route to the future Kwinana Outer Harbour, and the current roundabout access from the residential development area to Rowley Road was considered temporary. It was also anticipated that land west of the current residential development would be rezoned for Urban purposes.

DCP Items 1.1 and 1.2 were included to facilitate sharing the cost of land acquisition and construction between the developers that would benefit from its development.

Item 1.1 (Hamond Road Extension) is intended to cover the full cost of land acquisition and construction of the road to a single carriageway urban standard for a length of 370 metres. The current estimated cost for this item is \$3,507,205.48 (8 December 2025 CAS).

Item 1.2 (Internal Connector Road) is for the full cost of land acquisition and construction to a single carriageway urban standard, across Lot 2 Rowley Road to connect to the Hammond Road Extension (Item 1.2). The current estimated cost for this item is \$3,558,115.54 (8 December 2025 CAS).

Figure 4 and Figure 5 below show the location and conceptual design for Items 1.1 and 1.2.

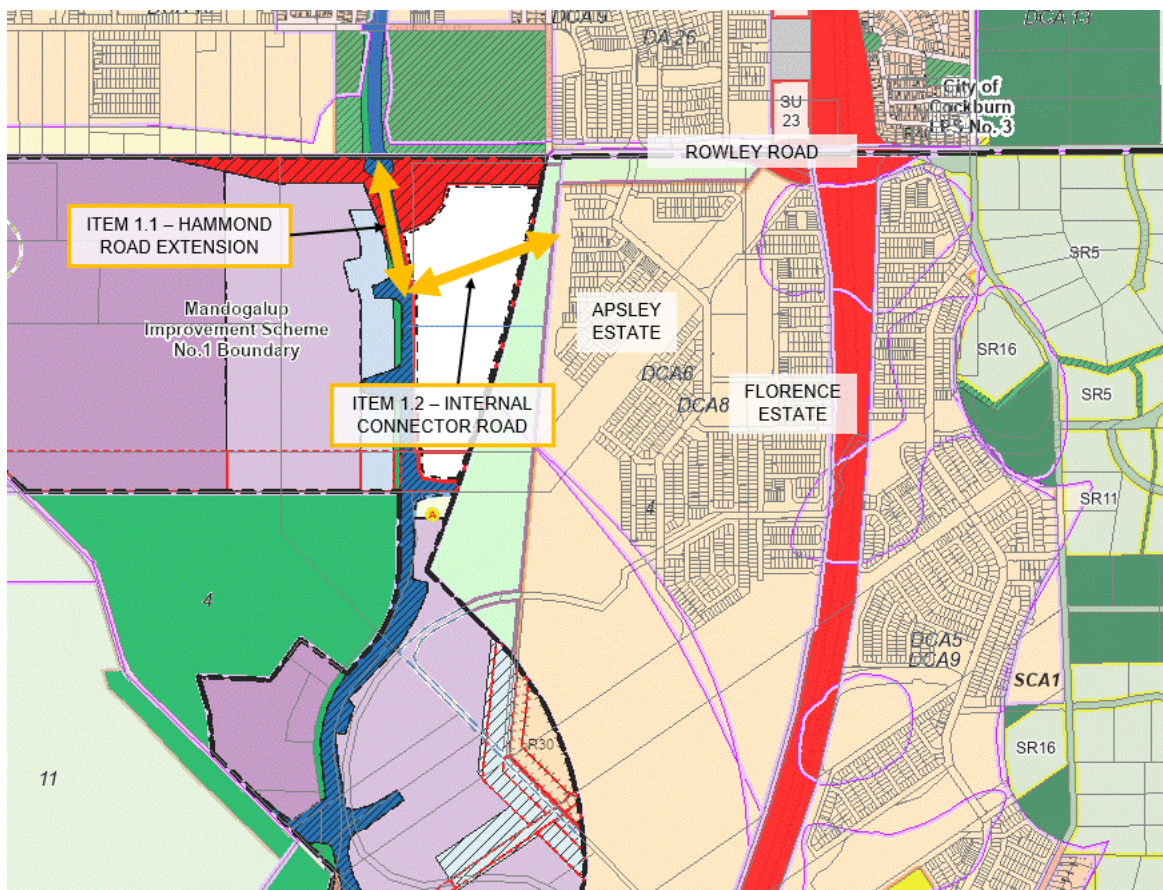


Figure 4: Location of Hammond Road Extension and Internal Connector Road



Figure 5: Location and Concept Design - Hammond Road Extension and Internal Connector Road (source: Porter Consulting Engineers, 21 December 2018)

Public open space (Item 2)

Public open space (POS) was included in DCP6 to enable an equitable distribution of costs associated with provision of POS across multiple landowners. The City administered POS in accordance with the DCP provisions until 14 May 2025, where Council agreed with the City's recommendation that POS was no longer needed to be coordinated and administered through the DCP. The City has since ceased administered POS as a contribution item and has recently completed a reconciliation process with the affected developers, whereby monetary contributions made for POS are now treated as 'credits' towards the developer's outstanding liability.

PROPOSAL – AMENDMENT 167 TO LPS2

There are three components to Amendment 167:

1. To reduce the physical area of DCA6 by removing Lot 2 and Lot 10 Rowley Road, thereby aligning with the MRS Urban boundary and land covered by original Mandogalup East and West LSPs.
2. To delete infrastructure items 1.1 – Hammond Road Extension, and 1.2 – Internal Connector Road, from DCP6.
3. To delete infrastructure item 2 - Public Open Space, from DCP6.

Each component will be explained and justified separately in the following section.

Component 1 – Reduce Development Contribution Area 6

LPS 2 has no statutory effect over land within the Mandogalup Improvement Scheme No. 1 area. Consequently, the land on Lot 2 and Lot 10 formerly within DCA 6 is no longer liable to contribute towards infrastructure administered by DCP 6 as the legal mechanism of implementing DCP 6 through the Local Planning Scheme has been severed by Improvement Plan 47.

The remaining strip of land on Lot 2 that is zoned Rural under the MRS and Rural under LPS 2, is not capable of residential development under the current zoning. There is no current proposal to amend either the MRS or LPS to rezone the land.

Consequently, it is proposed that the boundary of DCA 6 be reduced to exclude Lot 2 and Lot 10, thereby being consistent with the existing MRS Urban zone, and land covered by approved Mandogalup East and Mandogalup West Local Structure Plans. Refer to Figure 6 below and Attachment 17.5.1.

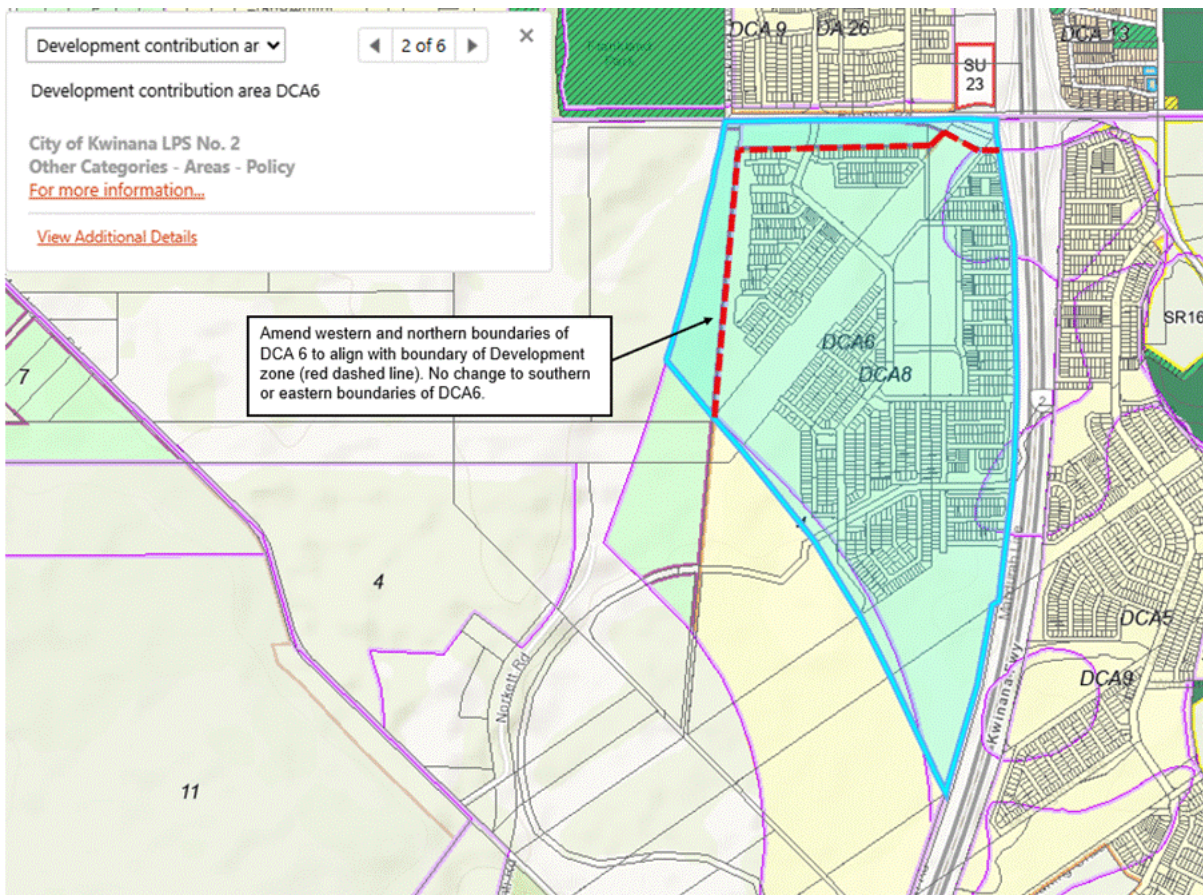


Figure 6: Amendment to Development Contribution Area 6

Component 2 – Remove Items 1.1 Hammond Road Extension and 1.2 Internal Connector Road to Hammond Road

As stated in the ‘Background’ section, DCP 6 included these two items to ensure that road connectivity to Rowley Road was secured for the long term, in accordance with the traffic assessment reports and advice at that time. There have been notable changes to the State’s regional road planning since then:

1. Westport Business Case and likely commitment to construct a new container port in the future.
2. Anketell Road designated as higher priority for future port access than Rowley Road, with commitments made to funding and upgrades. Construction scheduled to commence in 2026.

3. Rowley Road upgrades are still at concept design stage, and no commitment made to its upgrade or funding. Land assembly has not occurred yet and considerable resource extraction and environmental constraints are present.
4. Residential subdivision of Mandogalup is considerably advanced, most recently southwards to include an east-west road connection to Norkett Road / Mandogalup Road.
5. Gazettal of Mandogalup Improvement Scheme No. 1, which identifies Hammond Road extension as an Other Regional Road.
6. Removal of the Irvine Parade connection to Rowley Road roundabout (northern side into Hammond Park Estate), thereby improving the performance and capacity of the existing roundabout.

The fundamental principle of SPP3.6 for infrastructure contributions is that the infrastructure is needed to facilitate development ('need and nexus'). At the time of approving the local structure plans for Mandogalup and preparation of development contribution plans, advice provided was that Rowley Road was to be upgraded resulting in the current roundabout access to Rowley Road being 'temporary'. The residential development generated a need for the infrastructure item given this context.

However, there is now no reasonable likelihood that the roundabout connection to Rowley Road will be restricted. Furthermore, the next southwards stages of subdivision in the Mandogalup West LSP (as amended) will require an east-west road connection to Norkett Road / Mandogalup Road, thereby providing residents access to and from the north in any case, without the need for Hammond Road / Internal Connector if the roundabout connection was restricted or removed. The land developer, Qube, is actively progressing this east-west road construction at the time of writing this report.

Another key principle of SPP3.6 is certainty that the infrastructure item will be delivered in a timely manner. Items 1.1 and 1.2 rely on several factors that are well beyond the scope of typical residential development and beyond the control of the City, resulting in delivery of the items being highly uncertain. Such factors include:

- Rowley Road to the intersection location of Item 1.1 is not constructed, and no commitment towards timing or funding to construct Rowley Road has been made. If constructed today, Item 1.1 would not connect to Rowley Road.
- Lot 10 has an ongoing extraction industry. Completion of resource extraction is necessary for Item 1.1 to be implemented to address ground levels.
- Development and clearing of Lot 2 Rowley Road is under assessment by the Federal EPA under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- In the event that EPBC Act approval is granted, there remains a significant Basic Raw Material (sand) resource on Lot 2 that will require extraction prior to being developed.

It is now the City's view that Items 1.1 and 1.2 are not fundamentally necessary for development in DCA6 to occur, are beyond the scope and reasonable expectation of infrastructure to be delivered by the City, and do not meet the core principles of SPP3.6 pertaining to need, nexus and certainty.

Alternative Infrastructure Delivery Scenarios

There are reasonable and likely alternative scenarios where the infrastructure can be constructed, without the need for infrastructure contributions to be administered through LPS2. Each item is discussed separately as follows.

Item 1.1 – Hammond Road Extension

As described earlier, Item 1.1 is only for a relatively small portion (370m) of a regional road that is necessary to develop the broader Mandogalup Improvement Scheme No. 1 area, and to connect northwards to a future southern extension of Hammond Road.

The road is identified in the Metropolitan Region Scheme as an Other Regional Road, part of the broader metropolitan regional network. Typically, roads of this type are funded and constructed as a major infrastructure project by Main Roads WA with State and Commonwealth funding. It is expected that this regional road will be constructed in the future in this manner. The City can adopt a strong advocacy position on the need for construction of this road, not for the development within DCA6, but to unlock the development potential of the Mandogalup Improvement Scheme No. 1 area.

Item 1.2 – Internal Connector Road to Hammond Road Extension

This road is to cross Lot 2 Rowley Road, which is located within Precinct D of the Mandogalup Improvement Scheme Map. The objective of Precinct D is to designate land for future development, informed by identified environmental values, compatible with and complementary to adjacent residential uses.

Currently, development cannot progress until environmental assessments and approvals are obtained. However, should these approvals be granted, development of the site will require connection to the surrounding road network. This road connection will simply be a requirement for any development to occur on Lot 2 and will be funded and constructed by the developer of that land.

Component 3 – Remove Item 2 - Public Open Space from DCP 6

Land within DCA6 is being developed by two developers under two local structure plans:

- Florence Estate by Satterley Property Group, Mandogalup East Local Structure Plan; and
- Apsley Estate by QUBE, Mandogalup West Local Structure Plan.

Development is well advanced and covered by existing subdivision approvals that require the improvement and ceding of land for POS.

DCP6 included POS as a contribution item under Amendment 100A to LPS2 at a time when there was some uncertainty whether POS could be delivered solely through subdivision, or whether a consolidated and coordinated approach was required for delivering POS via a DCP. Since gazettal of Amendment 100A, the City has administered POS as a DCP item even though the LSPs and subdivision approvals provide a clear structure for the equitable distribution and development of POS.

The subdivision approval process, and subsequent clearing of conditions, is a robust, established process to deliver POS. As there are only two developers within DCA6, there is no requirement for a DCP to coordinate collection of funds for the equitable sharing of POS costs. The inclusion of POS as a DCP contribution item is administratively burdensome, complex, and frustrating for all involved, without adding any value or certainty to the land development process.

On 14 May 2025, the Council adopted the Administration's recommendation to:

“Resolves to cease administering Public Open Space as an infrastructure item under DCA 6 – Mandogalup and notes that the Administration will undertake a reconciliation process of the

contributions received under DCA6 in consultation with the affected developers,” (underline emphasis added).

Amendment 167 proposes to delete the text under Item 2 Public Open Space, thereby formalising Council’s position on administered public open space through DCP6.

The City has finalised its reconciliation process with the developers in relation to Public Open Space. It is noted that, should Amendment 167 be approved and gazetted, a further reconciliation process will occur in relation to Items 1.1 and 1.2 (discussed further under ‘Financial Implications’ below).

Consequences and Options

Components 1 and 3 of Amendment 167 are relatively unambiguous and do not have any foreseeable adverse consequences. Component 1 is necessary for DCA to align with the current zoning and planning framework. Inclusion of POS (Component 3) in DCP6 was only to balance a possible disparity between the two developers for the provision of public open space. Removal of this item will not affect the provision of local Public Open Space reserves, as standard conditions of subdivision are in place to ensure all the POS is developed appropriately and independently by both landowners. The City is not required to develop any POS and therefore not receiving contributions for this item has no impact as no costs are being shared.

Removal of Items 1.1 and 1.2 (Component 2) from the DCP6 will result in the refunding of any contributions that have been made by the developers and will prevent the City from seeking any further contributions towards this infrastructure from the current developers. It is an option that Items 1.1 and 1.2 remain in DCP6 as a possible contribution towards construction of these roads if and when the circumstances allow.

However, this option is not recommended as:

1. Retention of Items 1.1 and 1.2 does place an obligation on the City to actively progress construction of these roads, which is considered well beyond the City’s priorities and capability at this time and in the foreseeable future.
2. The roads, particularly Hammond Road Extension, is part of a wider, regional road network, the provision of which will be a considerable undertaking by Main Roads WA in the future. Although the development contributions received (and yet to be received) are not insignificant, the amount will be almost negligible within the broader cost of Rowley Road and Hammond Road construction.
3. There are other mechanisms and funding sources to deliver the regional road infrastructure.
4. Either landowner within DCA6 could prepare their own amendment to DCP6 to remove the items, which, even if not adopted by Council, could be presented to the Minister for Planning with a request that the Minister direct the City to amend DCP6 in such a manner. This scenario may be unlikely, however is still a possibility that the land developers could pursue.

For these reasons, and the justification provided earlier in this report, Items 1.1 and 1.2 from DCP6 are recommended to be deleted.

STRATEGIC IMPLICATIONS

Outcome: Quality of Life / Ngalang moorditj wirrin (Our strong spirit)
Objective: Enhanced public spaces
Action in CBP: Administer and implement the Development Contribution Plans for community and standard infrastructure

How does this proposal achieve the outcomes and strategic objectives?

The proposal is consistent with proper management and review of development contribution plans administered under the local planning scheme.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle
 8 - Integrated and Transparent Decision-making

Sustainability Priority Area
 3 - Liveability

How does this proposal achieve the guiding principle and priority area?

Effective management of development contribution plans and the statutory planning framework is essential to facilitating development within the City.

LEGAL/POLICY IMPLICATIONS

For the purpose of Councillors and Officers considering a declaration of interest, ownership details of the land subject to Amendment 167 are described in Table 1 below.

Table 1: Ownership details within Amendment 167 area

Land Description	Landowner
Prior to subdivision, described as Part Lots 9002, 9006 and 11 Hoffman Road, and Lot 9019 Rowley Road, Mandogalup. Mandogalup East Local Structure Plan area.	Wandi Anketell Holdings Pty Ltd.
Prior to subdivision, described as Lot 682 and Lot 52 Rowley Road, Mandogalup. Mandogalup West Local Structure Plan area.	Qube Mandogalup Development Pty Ltd.
<i>Land within Development Contribution Area 6 - proposed to be removed</i>	
Lot 2 (No. 10) on Plan 11392 Rowley Road, Mandogalup	Quest Dale Pty Ltd.
Lot 10 on Plan 69890 Rowley Road, Mandogalup	Quest Dale Pty Ltd.

Acts and Regulations

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015

Schemes

Metropolitan Region Scheme

City of Kwinana Local Planning Scheme No. 2
Improvement Plan 47

State Planning Policies

State Planning Policy 3.6 - Infrastructure Contributions

Local Planning Policies

Local Planning Policy – Administration of Development Contributions

FINANCIAL/BUDGET IMPLICATIONS

The City's Operating Budget and Administrative Cost items of the DCPs cover the cost of preparing and processing this amendment, including advertising costs.

Should Amendment 167 be gazetted, within 90 days the City is required to prepare and adopt a revised cost apportionment schedule, in accordance with LPS2.

Crediting and/or Refunding of Contributions

As mentioned earlier, the City has completed a reconciliation process with both developers in relation to Council's 14 May 2025 decision to cease administering public open space as a contribution item under DCP6. The City has not 'refunded' any contributions, instead retained the funds in the applicable DCP6 Reserve account, to be 'credited' against the developer's future DCP liabilities.

Should Amendment 167 be gazetted as proposed, the City would need to undertake a further reconciliation process to address the contributions received from developers for Items 1.1 and 1.2.

Cl. 5.15.5.17.2 of LPS2 expressly states that if there is an excess in the total of cost contributions when all cost contributions have been made or accounted for within a DCA, the local government is to refund the excess funds to contributing owners for that DCA.

Based on the 8 December 2025 Cost Apportionment Schedule, the total cost of infrastructure (excluding POS) administered by DCP6 is \$8,597,221.30, including Items 1.1 and 1.2.

Removal of Items 1.1 and 1.2, as proposed, would considerably reduce the total cost of infrastructure administered by DCP6 to \$1,531,900.29.

As at 30 June 2025, the City held \$10,218,770.82 in the DCP6 Reserve, which does include funds made towards POS and being held in 'credit'.

Although there are several factors to consider in the reconciliation process, particularly interest earned in the Reserve account and apportioning that against contributions received, the City has no concern that there will be insufficient funds in the DCP6 Reserve to complete the reconciliation and refunding process, whilst ensuring that the contributions towards the remaining DCP6 infrastructure items is sufficient.

Furthermore, given the current stage and progression of subdivision within DCA6, it is possible that subdivision will be effectively complete in the next 12-24 months, at which point, all contributions will have been received under DCP6. It is anticipated that Amendment 167 will be gazetted within that timeframe, meaning that the City will be in a position to effectively 'close out' the first of its 15 DCPs.

Administering DCPs is highly technical and complex work that carries significant risk to the City. The collection and management of DCP funds require specialised staff, time and ongoing resources. Although contributions are collected through the DCPs towards the City's administrative costs, it is the City's view, and civic obligation, to ensure that the DCPs are managed efficiently, and only imposed where necessary to facilitate development and delivery of community assets.

The development industry is often critical of DCPs and the administration of them by Local Government. This proposed amendment is an opportunity to demonstrate to the land development industry that the City is proactively administering these complex matters responsibly, whilst ensuring excellent outcomes for the City's community.

ASSET MANAGEMENT IMPLICATIONS

Nil.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil.

COMMUNITY ENGAGEMENT

There is no requirement for community engagement prior to Council adopting Amendment 167, however both developers have been briefed on the aspects of Amendment 167. Officers have also discussed the proposed changes with Department of Planning, Lands and Heritage Officers.

Once granted consent to advertise by the Minister for Planning, Amendment 167 is then required to be advertised for public comment for a period of at least 60 days, after which the Council will be presented with a report on submissions and a recommendation on whether to proceed with the amendment, with or without modification. The authority to grant final approval of the amendment rests with the Minister for Planning.

Consultation will include key State government agencies, such as Main Roads WA, Westport, and the Department of Transport.

COUNCIL DECISION

OCM48

Moved: Deputy Mayor B Winmar

Seconded: Cr I Penny

That Council:

- 1. In accordance with Section 75 of the *Planning and Development Act 2005*, resolves to prepare Amendment No. 167 to the City of Kwinana Local Planning Scheme No. 2, as per Attachment 17.2.1.**
- 2. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 167 is a 'complex' amendment as Amendment No. 167 proposes to amend a development contribution area and development contribution plan.**

3. Subject to receiving advice that the Minister for Planning considers the amendment suitable for advertising, with or without modification, and the Environmental Protection Authority determining that an environmental review is not required, resolves in accordance with Regulation 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) to proceed to advertise the amendment in accordance with Regulation 38 of the Regulations.

CARRIED
9/0

ATTACHMENTS

1. Attachment 17.2.1 - Amendment No. 167 to LPS 2 - Scheme Amendment Report [17.2.1 - 22 pages]

17.3 AMENDMENT NO. 8 TO TOWN PLANNING SCHEME NO. 3 AND AMENDMENT NO. 168 TO LOCAL PLANNING SCHEME NO. 2 - SHORT TERM RENTAL ACCOMMODATION

SUMMARY

This report seeks Council's decision to adopt amendments to the City of Kwinana's local planning schemes to implement the State Government's planning reforms for short-term rental accommodation (STRA):

- Amendment 8 to Town Planning Scheme No. 3 (TPS3); and
- Amendment 168 to Local Planning Scheme No. 2 (LPS2).

Draft Local Planning Scheme No. 4 (LPS4), which would replace both LPS2 and TPS3 and was adopted by Council on 5 March 2025, had already included the necessary planning provisions and is currently with the Western Australian Planning Commission (WAPC) awaiting consent to advertise. However, LPS4 won't be finalised for another 12-24 months and therefore the Department of Planning, Lands and Heritage (DPLH) have requested that the City initiate amendments to the current planning schemes in the interim.

The land use terms 'Hosted short-term rental accommodation' and 'unhosted short-term rental accommodation' are now included in the 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which then have the same force and effect as the City's local planning schemes. The terms cover accommodation offerings such as those found on popular online booking services. The accommodation is offered as 'hosted' where an owner or agent of the owner is at the property, or 'unhosted', where there is no owner present at the property (e.g. whole house is rented). Short-term rental accommodation (STRA) is associated with a 'dwelling', which is distinct from other forms of accommodation such as motels and holiday accommodation.

Since 1 January 2025, all STRA properties are required to be registered with the Department of Energy, Mines, Industry Regulation and Safety. As of 9 January 2026, there are 39 STRA properties registered in the City.

Changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* resulted in the following:

1. Hosted accommodation is permitted without development approval;
2. Unhosted accommodation is permitted without development approval, subject to conditions including:
 - a. If the STRA is registered under the *Short-Term Rental Accommodation Act 2024* Part 3.
 - b. Up to 3 months within a 12-month period.
 - c. If the zone does not prohibit the use.
3. Unhosted accommodation for longer than 3 months within a 12-month period requires development approval, depending on the use permissibility of the local planning scheme.
4. Introduction of the land use term 'tourist and visitor accommodation'. This consolidates and replaces several accommodation type land uses such as 'motel' and 'holiday accommodation'.

The State Government's planning approach to STRA is now set out in the Department of Planning, Lands and Heritage (DPLH) Planning Bulletin 115 published on 18 September 2024. This bulletin sets out the required amendments to all local planning schemes to bring into effect a consistent approach to managing STRA.

Amendment 8 and Amendment 168 follow this guidance and will bring the TPS3 and LPS2 into alignment with the State Government approach and terminology. It is important to note however, that these changes will not materially affect or alter the way in which the City administers STRA from a town planning perspective. In this regard the changes are mostly about standardising terms and provisions across multiple LGAs rather than making significant changes to how these activities are managed.

In summary, the amendments propose the following changes:

1. Include 'STRA - hosted' and 'STRA - unhosted' as land use terms (Amendment 168 only, as TPS3 does not contain land use terms but rather reverts to LPS2 for such definitions).
2. Assign 'STRA – hosted' as a permitted 'P' use in all zones where a dwelling is permissible.
3. Assign 'STRA – unhosted' as a use capable of approval ('AA') where a dwelling is permissible.
4. Assign STRA – hosted and STRA – unhosted as non-permitted 'X' uses where the dwellings are not permitted or the use would be in conflict with predominant uses in that zone.

Neither amendment is proposing to deal with changes to 'tourist and visitor accommodation' (point 4 earlier) as these changes are slightly more complicated to retrofit into the City's local planning schemes due to the age and format of the schemes. Draft LPS4 has already incorporated these changes and there is no regulatory concern waiting for LPS4 to progress to address 'tourist and visitor accommodation'.

The Officer Recommendation has been prepared in two parts as each amendment requires a specific resolution of Council.

Should Council determine to support the proposed amendments, they will be referred to the Western Australian Planning Commission (WAPC) to seek its consent to commence public advertising in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

OFFICER RECOMMENDATION

That Council:

Amendment 8 to Town Planning Scheme No. 3

1. In accordance with Section 75 of the *Planning and Development Act 2005*, resolves to prepare Amendment No. 8 to the City of Kwinana Town Planning Scheme No. 3 by:

Inserting the deemed land uses 'short term rental accommodation - hosted' and 'short term rental accommodation - unhosted' into Table 1 - Zoning and Use Classes with the following permissibility:

USE CLASSES	GENERAL TOWN CENTRE ZONE	TOWN CENTRE RESIDENTIAL ZONE	MARKET SQUARE ZONE	SHOPPING/ BUSINESS ZONE
Short Term Rental Accommodation - Hosted	X	P	X	P
Short Term Rental Accommodation - Unhosted	X	AA	X	AA

"P" A use that is permitted provided it complies with the relevant standards and requirements laid down in this Scheme and all conditions (if any) imposed by the Council in granting planning consent;

"AA" A use in respect of which the Council exercising discretionary powers available to it may approve under this Scheme;

"X" A use that is not permitted.

2. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), determines that Amendment No. 8 is a standard amendment for the following reasons:
 - a. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - b. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - c. the amendment is not considered a complex or basic amendment.

3. Subject to the Western Australian Planning Commission's advice that it considers the amendment suitable for advertising, with or without any modification, and the Environmental Protection Authority determining that an environmental review is not required, resolves in accordance with Regulation 37 of the Regulations to proceed to advertise the amendment in accordance with Regulation 38 of the Regulations.

Amendment No. 168 to Local Planning Scheme No. 4

4. In accordance with Section 75 of the *Planning and Development Act 2005*, resolves to prepare Amendment No. 8 to the City of Kwinana Town Planning Scheme No. 3 by:

Inserting the deemed land uses 'short term rental accommodation - hosted' and 'short term rental accommodation - unhosted' into Table 1 - Zoning and Use Classes with the following permissibility:

Key to Columns			
1	RESIDENTIAL	9	RURAL B
2	KWINANA TOWN CENTRE	10	RURAL WATER RESOURCE
3	COMMERCIAL	11	SPECIAL RESIDENTIAL
4	SERVICE COMMERCIAL	12	SPECIAL RURAL
5	MIXED BUSINESS AMD 57 GG1/6/99	13	SPECIAL USE
6	GENERAL INDUSTRY	14	CLUSTER/COMMUNAL RURAL SETTLEMENT AMD 58 GG 2/5/03
7	LIGHT INDUSTRY	15	DEVELOPMENT

8	RURAL A		
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USE CLASSES	1	2*	3	4	5	6	7	8	9	10*	11	12	13	14	15
Short Term Rental Accommodation – Hosted	P	P*	AA	AA	X	X	X	P	X	P*	P	P	P	P*	P*
Short Term Rental Accommodation – Unhosted	AA	AA*	X	X	X	X	X	AA	X	AA*	AA	AA	AA	AA*	A A*

** In these zones Table 1 defers land use permissibility to external documents such as adopted Structure Plans or Water Quality Protection Note 25 in the case of zone 10 – Rural Water Resource. These documents define whether a dwelling is permissible and therefore if the respective land uses of ‘short term rental accommodation – hosted’ and short-term rental accommodation – unhosted’ can be considered.*

5. In Appendix II – Interpretations:

- a. Delete the definition for ‘bed and breakfast’ in its entirety;
- b. Insert the following definitions:

Short-term rental accommodation – hosted means any of the following –

- (a) *short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;*
- (b) *short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the other dwelling on the same lot during the short-term rental arrangement;*
- (c) *short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.*

Short-term rental accommodation - unhosted means short-term rental accommodation that —

- (a) *is not hosted short-term rental accommodation;*
- (b) *accommodates a maximum of 12 people per night.*

6. Replace the terms ‘bed and breakfast’ and ‘bed and breakfast accommodation’ with ‘short-term rental accommodation – hosted’ in:

- a. Clause 5.15.6 – Public Drinking Water Resource Protection Area, paragraph k); and
- b. Schedule VII – Additional Uses, Lot 107 Thomas Road, Casuarina, and assign a ‘P’ use designation to short-term rental accommodation – hosted.

7. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), determines that Amendment No. 168 is a standard amendment for the following reasons:
 - a. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - b. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - c. the amendment is not considered a complex or basic amendment.
8. Subject to the Western Australian Planning Commission's advice that it considers the amendment suitable for advertising, with or without any modification, and the Environmental Protection Authority determining that an environmental review is not required, resolves in accordance with Regulation 37 of the Regulations to proceed to advertise the amendment in accordance with Regulation 38 of the Regulations.

VOTING REQUIREMENT

Simple majority

DISCUSSION

1. Introduction

The City has prepared amendments to its local planning schemes to implement the State Government's planning reforms for short-term rental accommodation (STRA):

- Amendment No. 8 to TPS3; and
- Amendment No. 168 to LPS2.

The amendments are required to ensure alignment with new deemed land use classes introduced into the state planning framework to reflect the deemed land use classes for 'short-term rental accommodation - hosted' and 'short-term rental accommodation - unhosted'.

The respective land use definitions are:

short-term rental accommodation - hosted means any of the following -

- (a) *short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;*
- (b) *short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the other dwelling on the same lot during the short-term rental arrangement;*
- (c) *short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.*

short-term rental accommodation - unhosted means *short-term rental accommodation that —*

- (a) *is not hosted short-term rental accommodation;*
- (b) *accommodates a maximum of 12 people per night.*

TPS3 does not include land use definitions and defers these to Local Planning Scheme No. 2 (LPS2). The respective land use definitions are therefore dealt with in the concurrent Amendment 168 to LPS2.

2. Background

STRA refers to the practice of renting out a property (or part of a property) for a relatively short period of time, usually on a nightly or weekly basis. This type of accommodation is usually booked through online platforms and is popular among travellers and visitors seeking temporary lodging for holidays, business trips or other short stays.

The State Government has commenced regulating STRA by implementing a registration system managed by the Department of Local Government, Industry Regulation and Safety (DLGIRS) and incorporating definitions and provisions for planning control of STRAs into local planning schemes in a standardised manner.

STRA tends to be most common in areas of high visitor appeal such as holiday locations and inner urban metropolitan areas close to entertainment and business activity. The number of registered STRA's in the City is relatively low. Current figures from the STRA Register managed by the Department of Local Government, Industry Regulation and Safety (DLGIRS) indicate that as of 9 January 2026 there are 39 registered STRA uses in the City. All of these are located on properties covered by LPS2, with no STRAs registered within the Kwinana Town Centre area where TPS3 applies.

3. State Planning Framework

The State Government's planning reforms for STRA are being implemented predominantly through the *Planning & Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), which in turn have been informed by policy direction provided through its *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement) and associated Guidelines.

The release of the Position Statement complemented other whole-of-government reforms relating to STRA, responding to recommendations made in the 2019 parliamentary enquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*. This included development of a state-wide registration scheme for STRA, as well as an incentive scheme to encourage transition of properties from the short to long term rental market. This latter element is primarily relevant to areas where the local economy is heavily tourism oriented, such as the south-west, where STRA affects local housing supply.

Position Statement

The Position Statement foreshadowed a series of amendments to the LPS Regulations with the overall aim of providing more certainty and consistency across jurisdictions in respect to the treatment of STRA. Key changes flagged in this document included dedicated land use classes for STRA to ensure a clear delineation between this use and traditional accommodation types, as well as a state-wide exemption for hosted STRA and a 90-night exemption for unhosted STRA within the Perth Metropolitan Area.

LPS Regulations

The LPS Regulations are a key component of Western Australia's planning system comprising of three major parts:

- Regulations proper, which set out the process for preparing or amending a local planning scheme;
- 'Model' provisions, set out in Schedule 1, which are to be used by local governments in preparing or amending a local planning scheme; and
- 'Deemed' provisions, set out in Schedule 2, read automatically into all local planning schemes, and override any existing scheme provision to the extent of any inconsistencies. Where there is a conflict between these provisions and the scheme, the deemed provisions prevail.

Amendments to both Schedules 1 and 2 of these regulations were gazetted on 18 September 2024 to facilitate the necessary planning changes of the State Government's short-term rental accommodation (STRA) reform initiatives, as envisaged by the Position Statement. These changes, most notably, include:

- i. New 'deemed' land use classes of 'short-term rental accommodation - hosted' and 'short-term rental accommodation – unhosted' to ensure these accommodation types are classified as dedicated land use classes in planning schemes;
- ii. New 'deemed' general terms to define 'short-term rental accommodation' and link to the overarching *Short-Term Rental Accommodation Act 2024*, which provides the legal framework for the STRA Register;
- iii. A state-wide development approval exemption for 'short-term rental accommodation - hosted' (this includes use of ancillary dwellings); and
- iv. A 90-night (cumulative) exemption from requiring development approval within a 12-month period for 'short-term rental accommodation - unhosted' in the Perth metropolitan area.

4. Local Planning Context

The purpose of Amendment 8 and Amendment 168 is to align the City's TPS3 and LPS2 respectively, with the deemed STRA land uses and definitions as required under deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

LPS4 is currently being considered by the Western Australian Planning Commission and is expected to be gazetted in the coming 12-24 months. As the remaining lifespans of LPS2 and TPS3 is likely to be of a short duration, the proposed scheme amendment will effectively act as an interim measure ahead of the adoption of LPS4.

5. Proposed Amendment

Amendment 8 and Amendment 168 propose to introduce the new STRA deemed land use classes into TPS3. While the new exemptions for development approval are also deemed provisions and as such are already operative through the LPS Regulations, the amendments include changes to the zoning table to reflect the hosted STRA exemption as a permitted use and unhosted STRA as a discretionary use.

The amendments propose the following designations for these new land use classes.

Short-term rental accommodation – hosted:

- Permitted (P) use in all zones where any type of 'dwelling' is capable of approval, to reflect the state-wide exemption in the deemed provisions (both amendments).
- Discretionary (AA) use in the Mixed Business and Service Commercial zones where an incidental (IP) single house is capable of discretionary approval in LPS2. It is highly unlikely for the City to receive an incidental single house development (caretakers dwelling) application in the above zones.

- Non-permitted (X) use in the General Industry and Light Industry zones where an incidental (IP) single house (caretakers dwelling) is capable of discretionary approval. It is considered that permitting STRA uses in industrial areas could lead to land use conflicts and result in unduly negative amenity outcomes for visitors and potentially restrict industrial activity due to noise and emissions.

Short-term rental accommodation – unhosted:

- Discretionary (AA) use in zones where any type of ‘dwelling’ is capable of approval. An ‘AA’ classification means the use is not permitted unless approved by Council.
- Non-permitted (X) use in the Mixed Business, Service Commercial, General Industry and Light Industry zones where an incidental (IP) single house (caretakers dwelling) is capable of discretionary approval. It is considered that permitting unhosted STRA uses in such areas has a high chance of conflicting with existing land uses, given the use class can permit up to 12 visitors. It is nonetheless unlikely that the City will receive a development application for an incidental single house in the above zones.

LPS2 includes a term ‘bed and breakfast’. This is an outdated planning term, that is now superseded by ‘short-term rental accommodation – hosted’. Consequently, Amendment 168 proposes to replace the term ‘bed and breakfast’ with ‘short-term rental accommodation – hosted’ where applicable.

The City recommends not implementing the model land use of ‘tourist and visitor accommodation’ as part of either amendment. This land use is intended to consolidate and replace the various land uses that cover visitor accommodation in local planning schemes in Western Australia. For the purpose of simplifying the implementation of the respective STRA land uses in LPS2 and TPS3, the City proposes to defer adoption of the recommended ‘tourist and visitor accommodation’ land use to the forthcoming Local Planning Scheme No. 4 (LPS4). Adoption of LPS4 will replace both LPS2 and TPS3 and include the new definition. As adoption of LPS4 is certain but not imminent, and there is no request to address this definition, it is considered appropriate to allow the matter to be resolved through adoption of LPS4.

6. Conclusion

Should Council resolve to adopt the recommendations of the City to adopt Amendment 8 and Amendment 168 as proposed, the City must in accordance with Division 3 (46a) the LPS Regulations provide a copy of the amendments to the WAPC to seek the Minister for Planning’s approval to commence public advertising of the amendments.

STRATEGIC IMPLICATIONS

Outcome: Built Environment/ Ngalak Moort Mia Mia (Family gathering places)
Objective: Building communities

N/A - There is no specific action in the CBP, yet this report will help achieve the indicated outcomes and strategic objectives.

How does this proposal achieve the outcomes and strategic objectives?

STRA represents a small element of the local economy however it does serve a role in providing accommodation for people visiting the area for family or professional reasons that otherwise is not present as formal visitor accommodation, such as hotels.

SUSTAINABILITY FRAMEWORK**Sustainability Guiding Principle**

3 - Thriving Local Economy

6 - Resilient and Adaptable Communities

Sustainability Priority Area

3 - Liveability

How does this proposal achieve the guiding principle and priority area?

STRA serves to provide options for people needing to stay in the City of Kwinana for short periods

LEGAL/POLICY IMPLICATIONS

Nil

FINANCIAL/BUDGET IMPLICATIONS

Both amendments have been prepared by the City within its Operating Budget.

ASSET MANAGEMENT IMPLICATIONS

Nil

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Advertising of the amendments will be undertaken once the Western Australian Planning Commission has reviewed the proposed amendment and the Minister for Planning has provided consent to advertise in accordance with the LPS Regulations. A standard amendment is to be advertised for a minimum of 42 calendar days.

COUNCIL DECISION**OCM49****Moved: Cr E Sergeant****Seconded: Cr D Acker****That Council:****Amendment 8 to Town Planning Scheme No. 3**

- 1. In accordance with Section 75 of the *Planning and Development Act 2005*, resolves to prepare Amendment No. 8 to the City of Kwinana Town Planning Scheme No. 3 by:**

Inserting the deemed land uses ‘short term rental accommodation - hosted’ and ‘short term rental accommodation - unhosted’ into Table 1 - Zoning and Use Classes with the following permissibility:

USE CLASSES	GENERAL TOWN CENTRE ZONE	TOWN CENTRE RESIDENTIAL ZONE	MARKET SQUARE ZONE	SHOPPING/ BUSINESS ZONE
Short Term Rental Accommodation - Hosted	X	P	X	P
Short Term Rental Accommodation - Unhosted	X	AA	X	AA

"P" A use that is permitted provided it complies with the relevant standards and requirements laid down in this Scheme and all conditions (if any) imposed by the Council in granting planning consent;

"AA" A use in respect of which the Council exercising discretionary powers available to it may approve under this Scheme;

"X" A use that is not permitted.

2. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), determines that Amendment No. 8 is a standard amendment for the following reasons:
 - a. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - b. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - c. the amendment is not considered a complex or basic amendment.
3. Subject to the Western Australian Planning Commission’s advice that it considers the amendment suitable for advertising, with or without any modification, and the Environmental Protection Authority determining that an environmental review is not required, resolves in accordance with Regulation 37 of the Regulations to proceed to advertise the amendment in accordance with Regulation 38 of the Regulations.

Amendment No. 168 to Local Planning Scheme No. 2

4. In accordance with Section 75 of the *Planning and Development Act 2005*, resolves to prepare Amendment No. 168 to the City of Kwinana Town Planning Scheme No. 2 by:

Inserting the deemed land uses ‘short term rental accommodation - hosted’ and ‘short term rental accommodation - unhosted’ into Table 1 - Zoning and Use Classes with the following permissibility:

Key to Columns			
1	RESIDENTIAL	9	RURAL B
2	KWINANA TOWN CENTRE	10	RURAL WATER RESOURCE
3	COMMERCIAL	11	SPECIAL RESIDENTIAL
4	SERVICE COMMERCIAL	12	SPECIAL RURAL
5	MIXED BUSINESS AMD 57 GG1/6/99	13	SPECIAL USE

6	GENERAL INDUSTRY	14	CLUSTER/COMMUNAL RURAL SETTLEMENT AMD 58 GG 2/5/03
7	LIGHT INDUSTRY	15	DEVELOPMENT
8	RURAL A		

USE CLASSES	1	2*	3	4	5	6	7	8	9	10*	11	12	13	14	15
Short Term Rental Accommodation – Hosted	P	P*	A A	A A	X	X	X	P	X	P*	P	P	P	P*	P*
Short Term Rental Accommodation – Unhosted	A A	A A*	X	X	X	X	X	A A	X	A A*	A A	A A	A A	A A*	A A*

** In these zones Table 1 defers land use permissibility to external documents such as adopted Structure Plans or Water Quality Protection Note 25 in the case of zone 10 – Rural Water Resource. These documents define whether a dwelling is permissible and therefore if the respective land uses of ‘short term rental accommodation – hosted’ and short-term rental accommodation – unhosted’ can be considered.*

5. In Appendix II – Interpretations:

- a. Delete the definition for ‘bed and breakfast’ in its entirety;
- b. Insert the following definitions:

Short-term rental accommodation – hosted means any of the following –

- (a) *short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;*
- (b) *short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the other dwelling on the same lot during the short-term rental arrangement;*
- (c) *short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.*

Short-term rental accommodation - unhosted means short-term rental accommodation that –

- (a) *is not hosted short-term rental accommodation;*
- (b) *accommodates a maximum of 12 people per night.*

6. Replace the terms ‘bed and breakfast’ and ‘bed and breakfast accommodation’ with ‘short-term rental accommodation – hosted’ in:

- a. Clause 5.15.6 – Public Drinking Water Resource Protection Area, paragraph k); and
- b. Schedule VII – Additional Uses, Lot 107 Thomas Road, Casuarina, and assign a ‘P’ use designation to short-term rental accommodation – hosted.

7. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*, determines that Amendment No. 168 is a standard amendment for the following reasons:

- a. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- b. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- c. the amendment is not considered a complex or basic amendment.

8. Subject to the Western Australian Planning Commission's advice that it considers the amendment suitable for advertising, with or without any modification, and the Environmental Protection Authority determining that an environmental review is not required, resolves in accordance with Regulation 37 of the Regulations to proceed to advertise the amendment in accordance with Regulation 38 of the Regulations.

**CARRIED
9/0**

NOTE: That the Council Resolution was correctly resolved at the Ordinary Council Meeting held on 25 March 2026 at the Confirmation of Minutes section, item 7.1, to reflect the correct Planning Scheme and amendment number references.

ATTACHMENTS

Copy of Scheme Amendment Documents

1. Amendment 168 to LP S 2 - Short Term Rental Accommodation - Amendment Report [17.3.1 - 11 pages]
2. Amendment 8 to TP S 3 - Short Term Rental Accommodation - Amendment Report [17.3.2 - 10 pages]

18 REPORTS - CIVIC LEADERSHIP

18.1 DISPOSITION BY WAY OF LEASE, SUITES 1-6 PARMELIA HOUSE, PART OF 10 HUTCHINS WAY KWINANA TOWN CENTRE BETWEEN CITY OF KWINANA AND INSTITUTE OF INDIGENOUS WELLBEING AND SPORT OF WA ABORIGINAL CORPORATION

Deputy Mayor Winmar declared Impartiality Interest due to being CEO of the Institute

Deputy Mayor Winmar exited the Chambers at 6:26pm

SUMMARY

The City of Kwinana (**the City**) is the owner of Parmelia House located at 10 Hutchins Way, Kwinana, more particularly described as Lot 3 on Deposited Plan 34151 (**the Premises**). The Premises is approximately 445m², comprising six office suites ranging from 21m² to 87m² and is presently occupied by the not-for-profit Institute of Indigenous Wellbeing and Sports WA Aboriginal Corporation (ABN 51 051 399 025) (**IIWSWA**).

The City's lease agreement with IIWSWA recently expired and they have requested to renew for a term of three years, with two further options of three years each.

This report recommends Council resolve to authorise the CEO to negotiate and, subject to terms being agreed, execute a new lease agreement of the Premises with IIWSWA. It further recommends that Council approve a concessional rent over the initial three-year term and a 2% cap on CPI rental reviews, for the purpose of supporting the important community service performed by IIWSWA.

As IIWSWA is a not-for-profit organisation the objects of which are charitable, cultural, educational or of a similar nature, the lease is exempt for requiring public notice pursuant to regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*.

OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer to:

- 1. Authorise the Chief Executive Officer to negotiate and execute a lease agreement between the City and the Indigenous Wellbeing and Sports WA Aboriginal Corporation (IIWSWA) in relation to Suites 1 – 6 Parmelia House, more particularly described as part of Lot 3 on Deposited Plan 34151 being part of the land comprised in Certificate of Title Volume 2615 Folio 984.**
- 2. Approve tiered concessional rent structure for the initial three-year lease term and a capped annual rental review of the lesser of CPI or 2%.**

VOTING REQUIREMENT

Absolute majority

DISCUSSION

The IIWSWA is an Aboriginal community controlled not-for-profit organisation governed by a Board of Management. IIWSWA was formed in 2006 and is committed to developing partnerships that maximise opportunities for Aboriginal and Torres Strait Islander peoples. These partnerships encourage participation in sport and recreation in order to produce health, education, social and cultural benefits for individuals and their respective communities.

IIWSWA have leased Suites 1 and 6 within Parmelia House since 2019. In 2020 they expanded to incorporate Suites 2 through 5. Both leases have now expired and IIWSWA seek to enter into a new lease for an initial term of three years with two further terms of three years each.

As required under the *Local Government Act 1995* when entering new leases, the City sought an independent valuation for the premises in November 2025. That valuation was undertaken by Sullivans Commercial Pty Ltd, who advised that the current rental valuation for the Premises was \$85,000 net per annum (\$120,000 gross).

As IIWSWA is a not-for-profit organisation and meet the criteria outlined in the City's Leasing Policy, they are entitled to a rental concession of 30%. However, even with this discount applied, IIWSWA would experience a significant increase to their existing rental payments, resulting in a substantial strain on their finances and impacting their ability to provide services to the community.

It is therefore proposed that Council approve the following rental concession:

- **Year 1:** 45% concession
- **Year 2:** 40% concession
- **Year 3:** 35% concession
- **Year 4:** 30% concession

In addition, it is proposed that the annual rental reviews be capped at 2% or CPI (whichever is the lesser).

The following tables illustrate the effect of the proposed concession structure:

Table 1 – Comparison: Market Rent with Proposed Concessions

Lease Year	Market Rent (100%)	Proposed Concession	Net Rent Payable
Year 1	\$85,000 pa	45%	\$46,750.00
Year 1	\$85,000 pa	30%	\$59,500.00
Variance Year 1			\$12,750.00

This table demonstrates the Variance for the first-year rental payment from a higher initial concession to the standard 30% concession currently applied.

Table 2 – Comparison: Current Rent vs Proposed Year 1 45% Rent Concession

Description	Annual Amount
Current Annual Rent	\$30,483.60
Proposed Market Rent	\$85,000.00
Proposed Year 1 Rent (45% Concession)	\$46,750.00
Net Increase (Current rent to proposed 45% concession)	\$16,266.40

This comparison highlights the immediate financial impact of the new lease and demonstrates how the increased first-year concession mitigates a sharp cost escalation.

Failing to apply the tiered concession would result in a \$29,016.40 rent increase, creating unsustainable financial strain for IIWSWA and jeopardising community services.

The current market rent review represents the first review undertaken in approximately 6 years. During this period:

- Commercial market rents in Western Australia have increased materially;
- Statutory and non-statutory outgoings (including insurance, utilities, maintenance, and contractor costs) have escalated significantly; and
- The combined increase in rent and outgoings creates a substantial financial impost in a single step change rather than a gradual adjustment.

Due to the organisation's reliance on government funding, such a significant increase would place pressure on operational budgets and could adversely impact service delivery provided to the community.

The organisation has consistently provided substantial and ongoing benefit to the community, demonstrating alignment with Council's strategic objectives, and continuing to deliver high-value services. A stepped phased concession approach enables IIWSWA to gradually transition to standard concession rent, supporting both organisational sustainability and continuity of positive community outcomes.

In addition to base rent, outgoings have increased substantially over the last six-year period, including (but not limited to):

- Insurance premiums;
- Utilities and energy costs;
- Cleaning, security, and maintenance contracts;
- Gardening supplies and labour; and
- Statutory charges and compliance costs.

These increases compound the impact of the revised market rent and reinforce the need for a moderated rental transition period.

The disposition of the Premises is not required to be advertised in accordance with section 3.58 of the *Local Government Act 1995*, as the lease to the proposed tenant is an exempt disposition under regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*.

STRATEGIC IMPLICATIONS

Outcome: Quality of Life / Ngalang moorditj wirrin (Our strong spirit)
Objective: Improved health and wellbeing
Action in CBP: Implement the Arts and Culture Strategy
Objective: Thriving local economy

N/A - There is no specific action in the CBP, yet this report will help achieve the indicated outcomes and strategic objectives.

Outcome: Built Environment/ Ngalak Moort Mia Mia (Family gathering places)
Objective: Building communities
Action in CBP: Implement the Arts and Culture Strategy

How does this proposal achieve the outcomes and strategic objectives?

It enables continued delivery of programs that build community connection and cultural participation, aligning with the objective of Building communities and the CBP action to implement the Arts and Culture Strategy.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

- 1 - Social Inclusion
- 2 - Community Wellbeing
- 3 - Thriving Local Economy
- 6 - Resilient and Adaptable Communities
- 7 - Generational Value Creation

Sustainability Priority Area

- 4 - Engagement and Social Inclusion

How does this proposal achieve the guiding principle and priority area?

The proposal strengthens engagement and social inclusion by ensuring ongoing access to programs that promote participation, cultural connection, and equitable community support.

LEGAL/POLICY IMPLICATIONS

Section 3.58 (3) and (4) of the *Local Government Act 1995* states:

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Section 30 of the *Local Government (Functions and General) Regulations 1996* states:

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or*
 - (b) *the land is disposed of to a body, whether incorporated or not —*

- (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; or*
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government; or*
 - (d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
- (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of Statewide public notice under section 3.59(4) of the Act, and if the Business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned; and*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) *A disposition of property other than land is an exempt disposition if —*
- (a) *its market value is less than \$20 000; or*
 - (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

FINANCIAL/BUDGET IMPLICATIONS

This lease will provide an initial annual income of \$46,750 plus GST and outgoings after the concession has been applied.

ASSET MANAGEMENT IMPLICATIONS

The implications for this report are the ongoing management and administration of the City's leased property

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no direct environmental or public health implications arising from this report.

COMMUNITY ENGAGEMENT

As a result of leasing the Premises to IIWSWA, there will be various and continued positive community engagement implications.

COUNCIL DECISION**OCM50****Moved: Cr E Sergeant****Seconded: Cr D Acker**

That Council authorise the Chief Executive Officer to:

- 1. Authorise the Chief Executive Officer to negotiate and execute a lease agreement between the City and the Indigenous Wellbeing and Sports WA Aboriginal Corporation (IIWSWA) in relation to Suites 1 – 6 Parmelia House, more particularly described as part of Lot 3 on Deposited Plan 34151 being part of the land comprised in Certificate of Title Volume 2615 Folio 984.**
- 2. Approve tiered concessional rent structure for the initial three-year lease term and a capped annual rental review of the lesser of CPI or 2%.**

**CARRIED
8/0**

Deputy Mayor Winmar returned to the Chambers at 6:28pm

ATTACHMENTS

1. Edited valuation - Parmelia House 10 (Pt Lot 3) Hutchins Wy Kwinana 20.11.25 [18.1.1 - 32 pages]

18.2 QUARTERLY PERFORMANCE REPORT - STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN - QUARTER 2, OCTOBER TO DECEMBER 2025

SUMMARY

Council has endorsed a 'Plan for the Future' made up of the City's Strategic Community Plan (SCP) and the Corporate Business Plan (CBP). These plans set out the outcomes, strategic objectives and actions that have been developed to achieve the community's vision for the City.

Each quarter, Council is provided with a report detailing the City's progress against the adopted actions within the SCP and CBP. The report for the second quarter of the 2025/2026 financial year is provided at Attachment 18.2.1 for Council's information and noting.

OFFICER RECOMMENDATION

That Council note the Quarterly Performance Report (Quarter 2, October to December 2025) detailed in Attachment 18.2.1.

VOTING REQUIREMENT

Simple majority

DISCUSSION

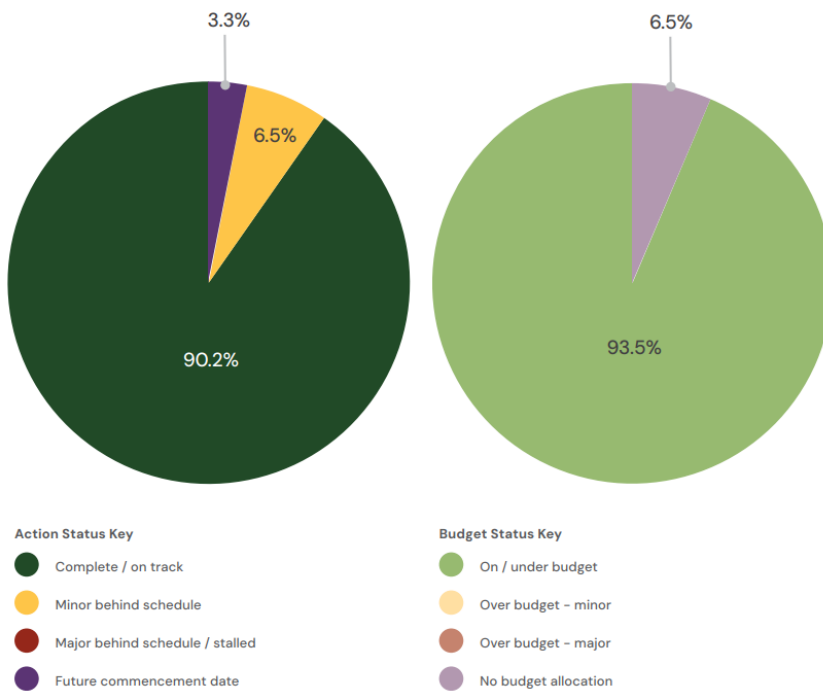
The Integrated Planning and Reporting - Framework and Guidelines 2016 (Department of Local Government and Communities) recommends implementing quarterly reporting to inform Council of the City's performance against community outcomes, enabling the City to respond to changing priorities. A Quarterly Strategic Community Plan and Corporate Business Plan Performance Report is provided to Council each quarter.

Highlights for the quarter include:

- The engagement of a consultant to develop a Dieback Infrastructure Management Plan;
- Completion of the initial review of the Community Engagement Framework;
- Progress being made on the development of the 'Report it 24/7' and 'Your City Services' campaigns;
- A successful grant application for \$197,000 was obtained to secure the northern border of the Medina Off-Road Vehicle Area to restrict illegal access and dumping;
- Implementation of the CCTV Strategy continuing, with all eight Automatic Number Plate Recognition (ANPR) cameras coming online to support WA Police;
- Two initial meetings were held to develop an Artisans Collective Group;
- Completion of DCPs 2-7 cost apportionment schedules minor review; and
- Community engagement for the Bike and Walk Plan was conducted throughout September and October 2025.

The majority of actions in the report are being progressed and are on track. However, some actions have been delayed, in this instance an explanation of the delay has been provided. A summary of the quarter's actions overall progress is provided below:

Progress updates summary



STRATEGIC IMPLICATIONS

Outcome: Leadership / Boordiya Katidjin (Leader of knowledge)
Objective: Proactive leadership

There is no specific action in the CBP, however this report will help achieve the indicated outcomes and strategic objectives through transparent performance reporting and informed decision-making.

How does this proposal achieve the outcomes and strategic objectives?

The report provides Council with regular, transparent reporting on progress against the SCP and CBP, supporting informed decision-making, accountability and proactive leadership in responding to emerging issues and priorities.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle
 2 - Community Wellbeing
 8 - Integrated and Transparent Decision-making

Sustainability Priority Area
 3 - Liveability
 4 - Engagement and Social Inclusion

How does this proposal achieve the guiding principle and priority area?

By providing regular performance reporting, the proposal supports transparent decision-making, strengthens community confidence in governance, and ensures progress toward liveability and inclusive engagement outcomes is monitored and communicated.

18.3 MONTHLY FINANCIAL REPORT DECEMBER 2025

SUMMARY

The Monthly Financial Reports has been prepared and includes the monthly financial variance between actual and budget for the period ending 31 December 2025.

OFFICER RECOMMENDATION

That Council:

1. **Accepts the Monthly Statements of Financial Activity for the period ended 31 December 2025, as detailed at Attachment 18.3.1; and**
2. **Accepts the explanations for material variances for the period ended 31 December 2025, as detailed at Attachment 18.3.1.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

The purpose of this report is to provide a monthly financial report in accordance with Section 6.4 of the *Local Government Act 1995*. This report is a summary of the financial activities of the City at the reporting date 31 December 2025 and includes the following key reporting data:

- Statement of Financial Activity by Nature or Type
- Statement of Financial Position
- Net Current Funding Position
- Outstanding debtors (Rates and Sundry Debtors)
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Operating and Non-Operating Grants and Contribution

Closing Surplus Position

As of December 2025, the municipal surplus is \$39,865,987, while the budgeted position is \$25,026,244. The variance is mainly affected by timing of expenditure and revenue items and adjustments that will be processed at end of the year.

Revenue Summary for December 2025

Year-to-date income for the period ending December 2025 is \$75,272,333 compared to the current budgeted income of \$74,735,716 resulting in a favourable variance of \$536,617. This is mainly due to additional fees and charges received.

Expenditure Summary for December 2025

The total expenditure for December 2025 was \$55,171,149 which is \$2,818,442 less than the current budget of \$57,989,591. This amount includes both operating and capital expenses, detailed as follows:

- Operating expenses: \$44,761,491
- Capital acquisitions: \$10,409,658

For detailed information on significant variances on operating and capital expenditure against the current budget, refer to Note 1 and Note 5 in the Monthly Financial Report attached as **Attachment 18.3.1**.

Rates Receivables

The outstanding rate balance for December as per note 4 of the Monthly Financial Report is 29.75%, representing a decrease from 31.25% in the previous year. Active follow-up and ongoing review of outstanding rate balances are being conducted.

Investment Summary

The City currently has \$111,396,283 in its investment portfolio, managed in accordance with the City's Investment Policy. A primary objective is to ensure these funds are invested in sustainable and ethical instruments that align with the City's Sustainability Framework initiatives. As of December 2025, 16.65% of the total portfolio is allocated to fossil fuel-free investments. For further information on the City's investment portfolio, please refer to Note 3 in the Monthly Financial Report.

STRATEGIC IMPLICATIONS

There are no strategic implications as a result of this proposal.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

3 - Thriving Local Economy

Sustainability Priority Area

3 - Liveability

LEGAL/POLICY IMPLICATIONS

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

FINANCIAL/BUDGET IMPLICATIONS

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed at **Attachment 18.3.1**.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

No environmental or public health implications have been identified as a result of this report or recommendation.

COMMUNITY ENGAGEMENT

There are no community engagement implications as a result of this report.

COUNCIL DECISION**OCM52****Moved: Deputy Mayor B Winmar****Seconded: Cr D Acker****That Council:**

- 1. Accepts the Monthly Statements of Financial Activity for the period ended 31 December 2025, as detailed at Attachment 18.3.1; and**
- 2. Accepts the explanations for material variances for the period ended 31 December 2025, as detailed at Attachment 18.3.1.**

**CARRIED
9/0****ATTACHMENTS**

- 1. Monthly Financial Report December 2025 [18.3.1 - 32 pages]**

18.4 ACCOUNTS FOR PAYMENT FOR THE MONTH ENDED 31 DECEMBER 2025

SUMMARY

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the month ended 31 December 2025 as required by the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the list of accounts, totalling \$14,915,115.74 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 December 2025, as detailed at Attachment 18.4.1**
- 2. Accepts the detailed transaction listing of credit card expenditure of \$34,670.0 for the period ended 05 December 2025, as detailed at Attachment 18.4.2**

VOTING REQUIREMENT

Simple majority

DISCUSSION

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid is to be provided to Council, where such delegation is made.

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within **Attachment 18.4.1**.

Payment Type	Amount (\$)
Automatic Payment Deductions *	\$ 957,399.33
Cheque	\$ 595.30
EFT Payments	\$ 12,117,758.76
Payroll Payments	\$ 1,839,362.35
Total Attachment 22.7.1	\$ 14,915,115.74

*Automatic Payment deductions include a payment of **\$34,670.08** for credit card payments. A detailed transaction listing of credit card expenditure paid for the period ended 05 December 2025, is included at **Attachment 18.4.2**.

A detailed listing of December 2025 payments, including short descriptions for each payment, is provided in **Attachment 18.4.1**.

STRATEGIC IMPLICATIONS

Outcome: Quality of Life / Ngalang moorditj wirrin (Our strong spirit)

Objective: Thriving local economy

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

3 - Thriving Local Economy

Sustainability Priority Area

3 - Liveability

LEGAL/POLICY IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

1. *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - a. *the payee's name; and*
 - b. *the amount of the payment; and*
 - c. *the date of the payment; and*
 - d. *sufficient information to identify the transaction.*
2. *A list of accounts for approval to be paid is to be prepared each month showing*
 - a. *for each account which requires council authorisation in that month —*
 - i. *the payee's name; and*
 - ii. *the amount of the payment; and*
 - iii. *sufficient information to identify the transaction, and*
 - b. *the date of the meeting of the council to which the list is to be presented.*
3. *A list prepared under sub-regulation (1) or (2) is to be —*
 - a. *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - b. *recorded in the minutes of that meeting.*

FINANCIAL/BUDGET IMPLICATIONS

All expenditure included in the list of payments is in accordance with City's annual budget. Any expenditure in relation to Perth South West Metropolitan Alliance (PSWMA) are made by the City and reimbursed by the Alliance.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications that have been identified as a result of this report.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no implications on any determinants of health as a result of this report.

COMMUNITY ENGAGEMENT

There are no community engagement implications as a result of this report.

<u>COUNCIL DECISION</u>	
OCM53	
Moved: Cr S Wood	Seconded: Cr M Rowse
That Council:	
<ol style="list-style-type: none"> 1. Accepts the list of accounts, totalling \$14,915,115.74 paid under delegated authority in accordance with Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i> for the period ended 31 December 2025, as detailed at Attachment 18.4.1 2. Accepts the detailed transaction listing of credit card expenditure of \$34,670.0 for the period ended 05 December 2025, as detailed at Attachment 18.4.2 	
CARRIED	
9/0	

ATTACHMENTS

1. AP Payment Listing Summary - December 2025 [**18.4.1** - 9 pages]
2. Credit Card Transactions - December 2025 [**18.4.2** - 6 pages]

19 NOTICES OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20 NOTICES OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING

Nil

21 LATE AND URGENT BUSINESS

Nil

22 REPORTS OF ELECTED MEMBERS

Councillor David Acker

Councillor Acker attended a Senior Citizens Committee Meeting and reported that accounts are looking good and all up to date. Councillor Acker completed his DAP training and attended two Citizenship ceremonies.

Councillor Erin Sergeant

Councillor Sergeant attended her first Access and Inclusion Reference Group, where the Group reviewed its Terms of Reference.

Councillor Sherilyn Wood

Councillor Wood would like to encourage community and carers to get involved in the Access and Inclusion Reference Group.

23 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Nil

24 MAYORAL ANNOUNCEMENTS

Mayor Feasey attended the launch of the Early Years Strategy which was well attended by most service providers in the area that deal directly with young people. It was a great launch after a lot of effort to make the Strategy happen.

Mayor Feasey extended his thanks to local Emergency Services volunteers who have been integral in keeping our communities safe during recent hot and dry months. There has been almost one bushfire a day over the summer period and Mayor Feasey extends his thanks for all the hard work you do.

25 CLOSE OF MEETING

The Mayor declared the meeting closed at 6:37pm.

Chairperson

Date: