An aerial photograph of a stone observation tower in a lush forest. The tower is a circular stone structure with a metal railing on top. Two people are standing on the tower. The surrounding area is filled with dense green trees and shrubs. In the background, a cityscape with buildings and a large industrial facility with tall chimneys is visible under a clear blue sky.

Ordinary Council Meeting

Agenda

25 March 2026

Notice is hereby given of an Ordinary Meeting of Council to be held in the Bonesia Room, John Wellard Community Centre, Wellard, commencing at 6:00pm. Wayne Jack, Chief Executive Officer

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 to declare the meeting open and welcome all in attendance.

Presiding Member to announce 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 livestreaming 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 djoorapiny 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 Michael Brown to 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)

Apologies:

Unknown at the time of issuing the Agenda.

Leave(s) of Absence (previously approved):

Nil

5 PUBLIC QUESTION TIME

In accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, any person may during Public Question Time ask any question.

In accordance with Regulation 6 of the *Local Government (Administration) Regulations 1996*, the minimum time allowed for Public Question Time is 15 minutes.

A member of the public who raises a question during Question Time is to state his or her name and address.

Members of the public must provide their questions in writing prior to the commencement of the meeting. A public question time form must contain all questions to be asked, include contact details and the form must be completed in a legible form.

Please note that in accordance with Section 3.4(5) of the *City of Kwinana Standing Orders Local Law 2019* a maximum of two questions are permitted initially. An additional question will be allowed by the Presiding Member if time permits following the conclusion of all questions by members of the public.

6 RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

6.1 PETITIONS

A petition must –

- be addressed to the Mayor;
- be made by electors of the district;
- state the request on each page of the petition;
- contain at least five names, addresses and signatures of electors making the request;
- contain a summary of the reasons for the request;
- state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
- be respectful and temperate in its language and not contain language disrespectful to Council.

The only motion which shall be considered by the Council on the presentation of any petition are –

- that the petition be received;
- that the petition be rejected; or
- that the petition be received and a report prepared for Council.

6.2 PRESENTATIONS

In accordance with Clause 3.6 of the *Standing Orders Local Law 2019* a presentation is the acceptance of a gift, grant or an award by the Council on behalf of the local government or the community.

Prior approval must be sought by the Presiding Member prior to a presentation being made at a Council meeting.

Any person or group wishing to make a presentation to the Council shall advise the CEO in writing before 12 noon on the day of the meeting. Where the CEO receives a request in terms of the preceding clause the CEO shall refer it to the presiding member of the Council committee who shall determine whether the presentation should be received.

A presentation to Council is not to exceed a period of fifteen minutes, without the agreement of Council.

6.3 DEPUTATIONS

In accordance with Clause 3.7 of the *Standing Orders Local Law 2019*, any person or group of the public may, during the Deputations segment of the Agenda with the consent of the person presiding, speak on any matter before the Council or Committee provided that the person has requested the right to do so in writing addressed to the Chief Executive Officer by noon on the day of the meeting:

- setting out the agenda item to which the deputation relates;
- whether the deputation is supporting or opposing the officer's or committee's recommendation; and
- included sufficient detail to enable a general understanding of the purpose of the deputation.

A deputation to Council is not to exceed a period of fifteen minutes, without the agreement of Council.

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 FEBRUARY 2026

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 11 February 2026 be confirmed as a true and correct record of the meeting, except that Item 17.3 contained a typo in the recording of the resolution resulting in incorrect planning scheme and amendment numbers being recorded; and that the record be adjusted as follows:

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 <i>AMD 57 GG1/6/99</i>	13	SPECIAL USE
6	GENERAL INDUSTRY	14	CLUSTER/COMMUNAL RURAL SETTLEMENT <i>AMD 58 GG 2/5/03</i>
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*	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*	AA*

*** 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.

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

Section 5.65(1) of the *Local Government Act 1995* states:

A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —

in a written notice given to the CEO before the meeting; or
at the meeting immediately before the matter is discussed.

Section 5.66 of the *Local Government Act 1995* states:

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

9 REQUESTS FOR LEAVE OF ABSENCE

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

11 ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

11.1 RESPONSE TO MOTION FROM ANNUAL ELECTOR'S GENERAL MEETING 2026 - GLYPHOSATE

SUMMARY

At the Elector's General Meeting held on 11 February 2026, a motion was passed as follows:

That the City of Kwinana:

1. *Do not undertake glyphosate spraying within walking distance of schools during school drop-off and pick-up times;*
2. *Ensure clear and highly visible signage is installed whenever herbicides are used in those areas, and signage to remain until area is fully dried to prevent exposure to children, pets and wildlife;*
3. *Require the continual inspection and monitoring of contractors performing herbicide spraying, with inspection reports to be made available to Council ensuring compliance with policy and procedures.*

In accordance with section 5.33 of the *Local Government Act 1995*, the motion needs to be considered by Council.

The motion relates to the detailed management of the City's operational practices. Pursuant to section 5.41 of the *Local Government Act 1995*, responsibility for the day-to-day operations of the organisation rests with the Chief Executive Officer. While Council may note the resolution of the Annual Electors Meeting, it cannot direct specific operational practices.

It is further noted that the matters raised in the motion reflect community concern regarding herbicide use. However, glyphosate products are approved for use in Australia by the Australian Pesticides and Veterinary Medicines Authority (APVMA) and are considered safe when used in accordance with approved label directions. The available scientific and regulatory evidence does not support a causal link between glyphosate and cancer at typical exposure levels, nor does it indicate a high level of toxicity when used appropriately.

OFFICER RECOMMENDATION

That Council:

1. **Note the 2026 Annual Electors Meeting motion regarding the day-to-day operational management of Glyphosate; and**
2. **Note that the day-to-day operations of the City are the specific remit of the Chief Executive Officer, under section 5.41 of the *Local Government Act 1995*.**
3. **Note that use of glyphosate was considered previously by Council in April 2025 and considered safe for use when used in accordance with approved directions that are followed by the City of Kwinana and no changes are required to operational procedures.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

A summary of the scientific evidence, associated risks, and regulatory approval processes relating to glyphosate has previously been provided to Council in response to a resolution from the 2025 Annual Electors Meeting seeking to prohibit chemical weed control. That report, presented at the Ordinary Council Meeting on 16 April 2025, clarified misunderstandings regarding the World Health Organisation (WHO) classification and outlined the relevant science, comparisons with alternative methods (including high-temperature steam and organic compounds), and the applicable regulatory approval processes. Given this prior consideration, it is not necessary to resubmit that information in full.

At that time, Council also met with a scientist from Curtin University to gain a clearer understanding of glyphosate and its associated risks. The advice provided was that glyphosate is safe when used in accordance with regulatory requirements and does not pose a risk to the public at normal exposure levels. The meeting also clarified the WHO hazard classification system and explained the biological mechanism by which glyphosate acts on a specific enzyme pathway present in plants but not present in humans or animals.

The scientist also addressed potential alternatives to glyphosate. Key points included:

- Glyphosate is the most extensively researched and well-understood herbicide in the world; no alternative chemical is supported by a comparable body of scientific evidence regarding safety.
- A substance is not inherently safe simply because it is described as “organic”; many organic compounds are, in fact, highly toxic.
- Steam-based weed control methods present safety risks and are generally ineffective.
- A number of readily available products marketed as safe and effective alternatives lack demonstrated efficacy.

As outlined above, the resolution of the Annual Electors Meeting extends beyond the role of Council, as it seeks to direct the detailed management of the organisation’s day-to-day operations. Pursuant to section 5.41 of the *Local Government Act 1995*, responsibility for day-to-day operations rests with the CEO. Accordingly, the resolution has no operative effect.

In relation to the specific matters raised in the Annual Electors Meeting motion:

School drop-off and pick-up times. The City’s current contractor specifications already prohibit chemical spraying in areas adjacent to schools during school drop-off and pick-up periods. In practice, spraying during these times is also operationally impractical due to pedestrian and traffic volumes, which constrain safe and efficient operations. Accordingly, the operational intent of this aspect of the motion is already reflected in existing practice.

Signage. The application of herbicides requires the display of signage in accordance with regulatory requirements. The City’s contractors are required to install compliant signage at application sites. Where any product presents a material risk to human health, enhanced control measures are implemented, such as additional signage or temporary area restrictions. Current practices align with regulatory standards.

Inspection and monitoring. The City’s contract management framework includes site inspections, compliance monitoring and performance oversight of contractors undertaking herbicide spraying. Records are retained in accordance with procurement and governance requirements and are available through established reporting mechanisms.

As outlined above, while Council is required to consider the resolution of the Annual Electors Meeting, the matters raised relate to operational management, which falls within the responsibility of the CEO pursuant to section 5.41 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS

Outcome: Quality of Life / Ngalang moorditj wirrin (Our strong spirit)
Objective: Enhanced public spaces

How does this proposal achieve the outcomes and strategic objectives?

Weed management enhances streetscapes, and public parks and conservation areas, and reduces the risk of fire.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

2 - Community Wellbeing

Sustainability Priority Area

1 - Climate Action

3 - Liveability

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

Chemical weed control is an environmentally sensitive way to enhance conservation land and reduce the risk of fire. Chemical weed control adds to the overall aesthetic of the City and quality of public spaces, enhancing community pride.

LEGAL/POLICY IMPLICATIONS

As noted in the report.

FINANCIAL/BUDGET IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no adverse environmental or public health implications arising from the continuation of current practices, which comply with regulatory approvals and safety standards.

COMMUNITY ENGAGEMENT

The matter was raised at the 2026 Annual Electors Meeting and has previously been the subject of complaint investigation and Council reporting in April 2025.

ATTACHMENTS

Nil

11.2 RESPONSE TO MOTION FROM ANNUAL ELECTOR'S GENERAL MEETING 2026 - REVIEW OF CLASSIFICATION FOR CAMPERVANS

SUMMARY

At the Elector's General Meeting held on 11 February 2026, Motion 6.2.4 was passed as follows:

'That vehicles registered and/or designed as campervans of 7.5m or more in length not be classed as a commercial vehicle and therefore able to be stored on residential properties.'

In accordance with section 5.33 of the *Local Government Act 1995*, the motion needs to be considered by Council.

Parking or garaging of a 'commercial vehicle' requires development approval under the City's Local Planning Scheme No. 2 (LPS2), except in circumstances where the vehicle is engaged in work on the property, is making deliveries, or is associated with an approved industrial or commercial activity.

LPS2 includes a definition for 'commercial vehicle', which would classify a campervan greater than 7 metres in length as a 'commercial vehicle'.

It is noted that the City prepared Amendment 151 to LPS2 in 2015 which, amongst other things, proposed to change the definition of 'commercial vehicle' to make it clear that the definition would be based not just on the size of the vehicle but also on whether the vehicle is being used for a commercial purpose or in conjunction with a business. The City's definition would have allowed vehicles over 7 metres long and 4.5 tonnes that were not being used for a commercial business to be parked on residential properties.

The determination of Amendment 151 by the Minister for Planning in 2017 did not support the City's requested definition. The City was instead instructed to replace its proposed definition with a standard "model" definition of Commercial Vehicle. The model definition only uses the size and weight of the vehicle to determine whether it is classed as a commercial vehicle or not.

Since that time, the 'model definition' under the *Planning and Development (Local Planning Schemes) Regulations 2015* of 'commercial vehicle' has changed to remove the length dimension, however retain the minimum 4.5 tonne weight.

The City has prepared draft Local Planning Scheme No. 4 (LPS4) which will be advertised for public comment later in 2026, subject to receiving consent to advertise from the Minister for Planning. Draft LPS4 will replace LPS2 and proposes to modify the definition of 'commercial vehicle' to be consistent with the current 'model definition' – i.e. to remove the 7m length dimension (though retain the 4.5 tonne weight). The change requested by the EGM Motion is therefore already underway and no further action is required.

Advertising of draft LPS4 provides an opportunity to receive public feedback on the proposed definitions and related provisions.

OFFICER RECOMMENDATION**That Council:**

- 1. Note the 2026 Annual Electors General Meeting motion regarding the classification of caravans.**
- 2. Note that draft Local Planning Scheme No. 4 (LPS4) proposes to remove the length and height criteria of the ‘commercial vehicle’ definition to be consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*, and that draft LPS4 will be advertised for public comment later in 2026, subject to consent from the Western Australian Planning Commission.**
- 3. Take no further action to amend the definition of ‘commercial vehicle’.**

VOTING REQUIREMENT

Simple majority

DISCUSSIONElectors General Meeting – 11 February 2026

Motion 6.2.4 from the Electors General Meeting (EGM) on 11 February 2026 states:

‘That vehicles registered and/or designed as campervans of 7.5m or more in length not be classed as a commercial vehicle and therefore able to be stored on residential properties.’

Local Planning Scheme No. 2 – current statutory framework

The parking or garaging of a commercial vehicle on any land requires prior development approval under cl. 5.18.1 of the City’s Local Planning Scheme No. 2 (LPS2), except where:

- a) The parking occurs during a period where the commercial vehicle is engaged in work on the property (eg. earthmoving or harvesting);
- b) The parking is solely for the purpose of visiting the property for delivery or receiving goods, for a specified period of time (4 or 5 hours within a 24 hour period, depending on the zone); and
- c) The property is approved as a Transport Depot, or the parking is an incidental activity carried out with an approved commercial or industrial use.

‘Commercial vehicle’ is defined in LPS2 as:

‘means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes and/or which is a greater than 7 metres in length and 2.4 metres in height, including –

- (a) A utility, van, truck, tractor, bus or earthmoving equipment; and*
- (b) A vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a)’.*

A campervan of more than 7.5m in length, as referenced by the EGM Motion, would therefore be classified as a 'commercial vehicle' and require development approval to park or garage on a property within the City.

Amendment 151 to LPS2

Amendment 151 was prepared and initiated by the City on 16 December 2015, and received final approval by the Minister for Planning on 11 August 2017. Amendment 151 was prepared to amend specific provisions that regulate the parking of commercial sized vehicles on properties in the City.

Amendment 151 was modified by the then Minister for Planning before final approval. The modification is relevant to the EGM Motion in that the City's proposed definition for 'commercial vehicle' would have excluded a campervan where that vehicle was not used for business, trade or commercial purposes.

Consequently, LPS2 classes a campervan greater than 7 metres in length is classed as a 'commercial vehicle' and parking or garaging of the campervan requires development approval.

Number of development applications and compliance outcomes

Since the start of 2024, the City has granted development approval for the parking of commercial vehicles on 3 occasions, summarised as follows:

1. Two Prime Mover trucks and 4 trailers on a 'Rural Water Resource' zoned property in Casuarina.
2. One truck on a 'Special Rural' zoned property in Wellard.
3. One 'Coaster' sized bus on a 'Development' zoned property in Wellard (5 year term of approval as land to be developed for residential purposes).

The City has prosecuted a person on two separate occasions (same person) for parking of a commercial vehicle (motorhome) without development approval.

Local Planning Scheme No. 4 (draft)

Draft Local Planning Scheme No. 4 (LPS4) was adopted by Council on 5 March 2024 and is currently under assessment by the Western Australian Planning Commission (WAPC) for consent to advertise. LPS4 will replace LPS2 once approved.

Draft LPS4 proposes to modify the LPS2 definition of 'commercial vehicle' to align with the definition of 'commercial vehicle' under the 'Model Provisions' of the *Planning and Development (Local Planning Schemes) Regulations*. The effect of the change is shown with 'strikethrough' as follows:

'means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes and/or which is a ~~greater than 7 metres in length and 2.4 metres in height, including –~~

- (a) A utility, van, truck, tractor, bus or earthmoving equipment; and*
- (b) A vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a)'.
(a)'*

The EGM Motion is therefore already proposed to be implemented via the City's new LPS4.

The public will be able to provide a submission on draft LPS4 during the public consultation period, anticipated to occur later in 2026 following consent from the WAPC.

Alternatively, an amendment to LPS2 could be prepared to modify the definition of 'commercial vehicle' as moved by the EGM Motion. However, this option is not recommended at this time as:

1. Public consultation on LPS4 will occur in the near future. This presents an opportunity in the near term for the definition to be considered by Council with public feedback and provision of a recommendation to the Minister.
2. The issue is relatively minor compared to other strategic and statutory planning matters currently underway and there is an opportunity to address the definition via LPS4.
3. There have only been a small number of development applications and compliance outcomes on this matter. The low level of activity does not indicate the matter being a widespread concern amongst the community requiring urgent resourcing.

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.

Outcome: Leadership / Boordiya Katidjin (Leader of knowledge)
Objective: Accountable and ethical governance

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 Guiding Principle
2 - Community Wellbeing

Sustainability Priority Area
3 – Liveability

LEGAL/POLICY IMPLICATIONS

Modification of the definition of a land use under the Planning and Development Act requires a Scheme Amendment to the City's Local Planning Scheme and approval of the Minister for Planning.

FINANCIAL/BUDGET IMPLICATIONS

There are no financial / budget implications associated with this report and recommendation.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report and recommendation.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no environment / public health implications associated with this report and recommendation.

COMMUNITY ENGAGEMENT

No community engagement was undertaken or is required for this report and recommendation.

ATTACHMENTS

Nil

11.3 RESPONSE TO MOTION FROM ANNUAL ELECTOR'S GENERAL MEETING 2026 - REQUEST FOR PUBLIC NOTICE COMMUNICATIONS CHANNEL

SUMMARY

At the Elector's General Meeting held on 11 February 2026, a motion was passed as follows:

That the City of Kwinana consider managing its own public notice communication channel.

In accordance with section 5.33 of the *Local Government Act 1995*, the motion needs to be considered by Council.

The request was raised for the City of Kwinana to consider managing its own public communications channel in the form of a community-style Facebook discussion page. The request appears to arise from concerns regarding misinformation and inconsistent moderation practices within independently administered community Facebook groups.

The City currently maintains an official Facebook page which operates as its primary social media communication channel. This page is used to share information about City services, programs, decisions and community events, while allowing moderated public interaction in accordance with the City's social media guidelines. The City's website remains the formal source of record for statutory advertising, public notices and operational updates.

The request proposes that the City establish and manage a community-style discussion forum on Facebook. This would represent a significant shift in the City's role from an information provider to an active moderator of community debate.

Establishing and operating a City-managed discussion forum would introduce substantial governance, operational and legal considerations, including increased exposure to defamation risk, misinformation management responsibilities, record-keeping obligations and ongoing moderation requirements.

OFFICER RECOMMENDATION

That Council:

- 1. Not support the motion to establish a City-managed community discussion forum on Facebook; and**
- 2. Support the continued use of the City's existing communications channels, including its official Facebook page, as the authoritative sources of information from the City.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

The request raised at the Electors General Meeting appears to arise from concerns regarding misinformation and inconsistent moderation practices within independently operated community Facebook groups. These groups are privately administered and are not affiliated with or controlled by the City of Kwinana.

While these community groups can provide a platform for residents to share information and opinions, they operate independently of the City and are moderated according to the rules established by their administrators.

The City currently maintains an official Facebook presence for the purpose of disseminating information, promoting services and events, and responding to community enquiries in accordance with established moderation guidelines. The City's website remains the official source of record for statutory advertising and public notices.

The establishment of a City-managed community discussion forum would represent a significant change to the City's current communications model. Rather than providing information and responding to enquiries, the City would become responsible for moderating public discussion between community members.

Such a platform would introduce a range of governance, operational and legal considerations as well as the perception of controlling the narrative and censoring freedom of speech.

Moderation and Operational Requirements

A community discussion forum allows members of the public to initiate posts and discussions at any time. Unlike the City's existing Facebook page, which is primarily used to publish information, a discussion forum would require active and continuous moderation.

Moderation responsibilities would likely include:

- reviewing and moderating posts and comments
- removing abusive, offensive or defamatory content
- responding to misinformation or inaccurate statements
- monitoring discussion threads that escalate into disputes between users.

Given the nature of social media activity, this moderation would need to occur on a regular basis and potentially outside standard business hours. Without consistent monitoring, inappropriate or defamatory content could remain visible on the platform for extended periods, increasing reputational and legal risks.

Managing this level of moderation would require either the allocation of additional staff resources or the reallocation of existing communications resources from other priorities that would have a significant service level impact.

Defamation and Legal Risk

Operating a City-managed discussion forum would also increase the City's exposure to legal risks.

Australian court decisions have established that administrators of social media pages may be considered publishers of comments posted by third parties. As a result, organisations operating social media platforms can be held legally responsible for defamatory statements made by members of the public if those statements are not removed in a timely manner.

In a community discussion forum environment, posts and comments may include allegations or criticism of individuals, businesses or organisations. If defamatory material is published on a City-managed platform, the City may face potential legal liability.

The City's current communication model minimises this exposure by maintaining moderated interactions and limiting the ability for members of the public to initiate posts.

Misinformation and Effectiveness

The establishment of a City-managed discussion forum would not eliminate misinformation appearing within independently operated community Facebook groups.

Experience across local government demonstrates that residents continue to participate in a range of online forums regardless of whether an official discussion platform exists. As a result, misinformation can still circulate within external groups even if a local government operates its own discussion forum.

In many cases, the creation of an official discussion forum results in multiple parallel discussions occurring across different platforms, which can further fragment audiences and dilute the effectiveness of official communications.

The City's current approach allows misinformation to be addressed by providing accurate information through official communication channels when required, without assuming responsibility for moderating broader community discussions.

Behaviour and Governance Considerations

Community discussion forums can also attract inappropriate or hostile behaviour, including abusive comments, personal disputes between users and politically motivated commentary.

Moderating these interactions would require the City to regularly remove posts or comments that breach moderation guidelines. This can create perceptions that the City is censoring community views or selectively moderating discussions.

Maintaining the City's role as an information provider rather than a moderator of community debate helps preserve governance neutrality and ensures the City's communications remain focused on providing accurate and timely information about services and decisions.

Local Government Practice

Benchmarking across comparable local governments indicates that the majority adopt a similar approach to the City of Kwinana by maintaining a single official Facebook page as their primary social media channel.

These pages are typically used to provide information, promote events and respond to enquiries, while directing residents to the local government's website as the official source of record.

Few local governments operate open community discussion forums due to the moderation burden, legal exposure and governance considerations associated with managing such platforms.

The City's current approach aligns with this practice and supports the provision of clear, consistent and authoritative information to the community.

STRATEGIC IMPLICATIONS

Outcome: Leadership / Boordiya Katidjin (Leader of knowledge)
Objective: Connected, informed and engaged community
Action in CBP: Continue to implement customer experience Improvement initiatives

How does this proposal achieve the outcomes and strategic objectives?

Maintaining clear, authoritative and well-governed communication channels supports community confidence, reduces misinformation risk and ensures residents can access accurate and timely information about City services and decisions.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle
2 - Community Wellbeing

Sustainability Priority Area
3 - Liveability

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

Providing clear, consistent and well-managed communication channels enhances trust in local government, supports informed decision-making and contributes to a positive and respectful online community environment.

LEGAL/POLICY IMPLICATIONS

The establishment of a City-managed discussion forum would increase exposure to defamation risk, privacy considerations, public record retention obligations and moderation liabilities.

Continuation of the City's current communication model aligns with governance best practice and existing social media moderation policies.

FINANCIAL/BUDGET IMPLICATIONS

The creation of a City-managed community forum would require additional staff resources for moderation and monitoring, including potential after-hours response capability.

The recommended approach can be delivered within existing resourcing allocations.

ASSET MANAGEMENT IMPLICATIONS

Nil

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

The matter was raised at the 2026 Electors General Meeting.

ATTACHMENTS

Nil

11.4 RESPONSE TO MOTION FROM ANNUAL ELECTOR'S GENERAL MEETING 2026 - FEES AND CHARGES ON RATES

SUMMARY

At the Elector's General Meeting held on 11 February 2026, a motion was passed as follows:

That the City of Kwinana:

1. *Remove the Interest and Administration fees associated with the flexible payment options*
2. *Review of late payment fees and interest charged*

In accordance with section 5.33 of the *Local Government Act 1995*, the motion needs to be considered by Council.

The motion relates to the City's current practice of applying (1) a cost-recovery administrative fee to establish and manage flexible payment arrangements and (2) penalty interest on overdue rates. The administrative fee is intended to recover the reasonable costs of administering payment arrangements and is authorised under section 6.16(1) of the *Local Government Act 1995*.

Late payment interest is applied to encourage timely payment and promote equity between ratepayers, and is authorised under section 6.51 of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*. The City's current penalty interest rate is 7%, which is below the prescribed maximum rate (currently 11%).

OFFICER RECOMMENDATION

That Council:

1. **Note the 2026 Annual Electors Meeting motion regarding fees and interest relating to rates.**
2. **Not support removal of the administrative fee for flexible payment arrangements, on the basis that the fee is a cost-recovery charge that supports equitable service delivery and is authorised under section 6.16(1) of the *Local Government Act 1995*.**
3. **Not support removal or reduction of penalty interest for overdue rates at this time, noting the City's current interest rate (7%) is below the prescribed maximum (11%), is applied consistently, and supports timely payment and to ensure equity of ratepayers**

VOTING REQUIREMENT

Simple majority

DISCUSSION

The motion requests that the City remove interest and administration fees associated with flexible payment options and undertake a review of late payment fees and interest charged. Council is required to consider the motion; however, any decision must be made within the City's legislative framework and with regard to equitable treatment of ratepayers and recovery of reasonable administration costs.

BACKGROUND

The City offers flexible payment arrangements to assist ratepayers who are unable to pay their rates by the due date. These arrangements require administrative effort to establish, monitor, amend (where required) and finalise, including follow-up action and the management of dishonoured payments.

ADMINISTRATIVE FEE FOR FLEXIBLE PAYMENT ARRANGEMENTS

For the current financial year, the City applies a flat administrative fee of \$20 to flexible payment arrangements. This replaces separate charging of interest and an administration fee in the context of a payment arrangement and is intended to simplify the process and provide transparent, consistent treatment across arrangements.

The administrative fee is applied on a cost-recovery basis to recover the City's reasonable costs of providing this service (including establishing and monitoring arrangements and managing dishonoured payments). The fee is not intended to generate a profit or otherwise financially benefit the Council.

Section 6.16(1) of the *Local Government Act 1995* provides that a local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide (other than a service for which a service charge is imposed). The City considers the administration of flexible payment arrangements to be a service to which a cost-recovery fee can be applied.

LATE PAYMENT INTEREST ON OVERDUE RATES

Late payment interest is applied to overdue rates to encourage timely payment and to promote equity between ratepayers by applying a consistent consequence for overdue rates. It also assists to partially offset the financing and administrative impacts to the City associated with late payment. Section 6.51(1) of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* allow a local government to impose interest on amounts that remain unpaid after the due date. Section 6.51(2) provides that the interest rate is set by the local government but must not exceed the prescribed maximum rate set by regulation 70 (currently 11%).

The City has maintained its penalty interest rate at 7% since the COVID period. This rate is below the prescribed maximum.

Ratepayers opting to pay their rates by instalments are subject to an interest rate of 3%, rather than the prescribed maximum of 11%, pursuant to section 6.45(3) of the *Local Government Act 1995*. This provision authorises local governments to permit payment of rates and service charges by instalments and to establish specific conditions, such as the applicable interest rate on outstanding instalments. Additionally, any supplementary charge imposed under this section is deemed, for recovery purposes, to be a rate or service charge that is due and payable. This legislative framework is intended to enhance flexibility and affordability.

STRATEGIC IMPLICATIONS

Outcome: **Organisational Excellence**
Objective: Sound financial management and equitable service delivery

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 proposal relates to the City's approach to rates collection and associated administration. Maintaining equitable, transparent and legislatively compliant settings for payment arrangements and overdue rates supports the City's financial sustainability and service continuity.

SUSTAINABILITY FRAMEWORK**Sustainability Guiding Principle**

3 - Thriving Local Economy

Sustainability Priority Area

6 - Responsible Investment and Procurement

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

Maintaining fair, consistent and transparent rates-related charges supports community wellbeing by promoting equitable treatment of ratepayers and helping to sustain the City's capacity to deliver services. Any changes to fees or interest settings should be assessed for affordability and hardship impacts, balanced against the need for cost recovery and financial sustainability.

LEGAL/POLICY IMPLICATIONS

As noted in the report.

FINANCIAL/BUDGET IMPLICATIONS

Removal or reduction of the administrative fee and/or penalty interest would reduce cost recovery and/or interest revenue associated with the administration of payment arrangements and overdue rates. Any change would need to be considered as part of the annual budget process to determine the extent to which costs would be absorbed by the broader rate base or offset through other budget adjustments.

The annual total interest revenue generated from late payment of rates is approximately \$300,000, while the total administrative cost recovered by the City for managing flexible payment arrangements is around \$105,000. If this income were to be removed, it would have significant implications for the City's financial operations and equates to approx. 0.85% rate increase. The interest and administrative fees currently act as cost recovery mechanisms for Council, offsetting expenses associated with debt management, including the establishment, monitoring, and follow-up of payment arrangements.

Without these revenues, the Council would need to absorb these costs within its broader rate base or make corresponding budget adjustments, potentially impacting service delivery and financial sustainability.

ASSET MANAGEMENT IMPLICATIONS

Nil.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil.

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

Nil

12 RECOMMENDATIONS OF COMMITTEES

12.1 MINUTES OF THE BOOLA MAARA ABORIGINAL CONSULTATIVE COMMITTEE MEETING HELD ON 6 MARCH 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.

COMMITTEE RECOMMENDATION

That Council notes the Minutes of the Boola Maara Aboriginal Consultative Committee held on 6 March 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.

ATTACHMENTS

1. Minutes - Boola Maara Aboriginal Consultative Committee - 9 March 2026 [12.1.1 - 24 pages]

12.2 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

SUMMARY

The Audit, Risk and Improvement Committee is an advisory body formally established by the City of Kwinana Council. The Committees role is to support the Council in fulfilling its governance responsibilities. While the Committee provide recommendations and advice, it does not hold executive powers or possess delegated authority from the Council, nor does it participate in management functions, processes, or procedures.

COMMITTEE RECOMMENDATION

That Council:

1. **Notes the Minutes of the Audit, Risk and Improvement Committee held on 9 March 2026 as at Attachment 12.2.1, and;**
2. **Take to Council for adoption Item 8.1 Policy Adoption – Privacy and Responsible Information Sharing Act.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

The purpose of the Committee is to provide the oversight of:

- the robustness of the internal control framework;
- the integrity and appropriateness of external reporting, and accountability arrangements within the organisation for these functions;
- the robustness of internal risk management systems, including the City's processes, practices and procedures;
- internal and external audit;
- accounting policy and practice;
- significant projects and programs of work, with a focus on appropriate risk management;
- compliance with applicable laws, regulations, standards and best practice guidelines for public entities;
- the establishment and maintenance of controls to safeguard the City's financial and non-financial assets;
- Council's risk appetite and the acceptability of level of risk; and
- provide oversight and advise to support continuous improvement in governance, risk management, and internal controls, thereby enhancing the organisation's strategic direction and performance.

STRATEGIC IMPLICATIONS

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

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.

ATTACHMENTS

1. Minutes - Audit, Risk and Improvement Committee Meeting - 6 March 2026 [12.2.1 - 28 pages]

12.3 POLICY ADOPTION - PRIVACY AND RESPONSIBLE INFORMATION SHARING ACT

SUMMARY

The *Privacy and Responsible Information Sharing Act 2024* ('**PRIS Act**') received Royal Assent on 6 December 2024 and establishes, for the first time, a comprehensive and enforceable privacy and information-sharing framework applicable to Western Australian public sector agencies, including all local governments.

The PRIS Act introduces statutory privacy protections for individuals and imposes new governance, transparency and accountability obligations on Information Privacy Principle (IPP) entities, including local governments. While some administrative and oversight provisions have already commenced, the core privacy compliance provisions, including the Information Privacy Principles (IPPs) will commence 1 July 2026, with the mandatory notifiable information breach scheme commencing on 1 January 2027.

To ensure organisational readiness and demonstrate compliance with the PRIS Act, the City is required to adopt and implement governing privacy documents prior to the commencement of the substantive obligations. The following documents have been developed for this purpose and are provided for consideration and recommendation to Council for adoption:

- Privacy Policy (**Attachment 12.3.1**);
- Information Breach Policy (**Attachment 12.3.2**).

The City has additionally prepared the following administrative documents for internal use, which support the above framework and assist in meeting the City's obligations under the PRIS Act:

- Privacy Impact Assessment Guide;
- Privacy Impact Assessment Template; and
- Notifiable Data Breach Register.

Together, these documents establish the City's core privacy governance framework and will be integrated with existing information management, cyber security and risk management frameworks.

This report was presented at the Audit, Risk and Improvement Committee (Committee) meeting held on 9 March 2026. The Committee commended and acknowledged the City's proactive efforts in developing the initial versions of the documents, noting the importance of balancing regulatory compliance with accessibility for the community. Accordingly, the Committee endorsed the Officer Recommendation by a simple majority and recommends that Council adopt the below recommendation.

COMMITTEE RECOMMENDATION

That Council adopt the following:

- 1) Privacy Policy (**Attachment 12.3.1**); and
- 2) Information Policy (**Attachment 12.3.2**).

VOTING REQUIREMENT

Simple majority

DISCUSSION

Historically, the *Privacy Act 1988* (Cth) has not applied to Western Australian local governments, resulting in fragmented and inconsistent privacy protections across the public sector. The PRIS Act addresses this long-recognised regulatory gap by introducing a uniform, State based privacy framework overseen by an independent Information Commissioner.

The PRIS Act applies to Information Privacy Principle (IPP) entities, including:

- Ministers and Parliamentary Secretary;
- Public sector agencies;
- Local governments; and
- Contracted service providers performing functions on behalf of IPP entities.

Local governments are therefore directly subject to the PRIS Act requirements.

At the core of the PRIS Act are 11 Information Privacy Principles (IPPs), which regulate the collection, use, disclosure, security and disposal of personal information. IPP entities must not engage in a practice that is inconsistent with these IPPs, except where limited statutory exemptions apply (for example, law enforcement or emergency response functions).

In summary, the IPPs require IPP entities including the City to:

Principle 1: Collection

An IPP entity must not collect personal information (other than sensitive personal information) unless the information is necessary for one or more of the IPP entity's functions or activities.

At the time of (or as soon as practical after) collecting any personal information, an IPP entity must disclose:

- a) our identity and how we can be contacted;
- b) how the individual may access the information (if applicable);
- c) the purposes for which the information is collected and will be used or disclosed;
- d) whether the City usually discloses information of that kind and, if so, the persons or bodies or kinds of persons or bodies to which the information is usually disclosed;
- e) any law that requires the particular information to be collected;
- f) the main consequences (if any) for the individual if all or part of the information is not provided; and
- g) that individuals have the option of not identifying themselves when dealing with an IPP entity.

Example collection notice:

The City of Kwinana is committed to protecting your privacy. The personal information requested on this form is being collected by the City for the purpose of [insert purpose] or any other directly related purpose. The personal information will also be disclosed to [insert names of any other entities CoK will be disclosing the personal information to] for the purpose of [insert how those entities will be using the personal information]. It will not be disclosed to any other external party without your consent, unless required or authorised by law. If the personal information is not collected, [insert details of what will happen – can they still participate in the process, can they be anonymous etc].

If you wish to alter any of the personal information you have supplied to the City, please contact us via telephone [insert number for your work area] or email [insert email address for your work area].

Sensitive personal information cannot be collected unless additional criteria is met. For example, the entity must have either obtained the person's consent or have a legislative basis for collecting such information.

Principle 2: Use and disclosure

An IPP entity must not use personal information other than for the purpose for which it was collected unless an exemption applies.

Several examples of exemptions:

- a) the person would reasonably expect it to be used for the secondary purpose; or
- b) consent is obtained; or
- c) it's being used for research or analysis; or
- d) where authorised by law.

Where an IPP entity uses or discloses personal information for a secondary purpose, the entity must make a written record of the secondary purpose.

Principle 3: Information quality

An IPP entity must take such steps (if any) as are reasonable in the circumstances to ensure that personal information it collects, uses or discloses is accurate, complete and up-to-date.

Principle 4: Information security

An IPP entity must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

An IPP entity must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose, unless the IPP entity is expressly required or authorised to retain the information by or under another law.

Principle 5: Openness and transparency

An IPP entity must develop a document setting out policies on its handling of personal information and must make the document available to anyone who requests it.

On request by a person, an IPP entity must take reasonable steps to let the person know, generally —

- a) the kinds of personal information that the IPP entity collects and holds; and
- b) how the IPP entity handles personal information; and
- c) the purposes for which the IPP entity handles personal information; and
- d) whether any personal information held by the IPP entity is used for an automated decision-making process.

Principle 6: Access and correction

If an IPP entity holds personal information that relates to an individual, it must provide the individual with access to the information on a request made by the individual unless an exemption applies.

Examples of exemptions:

- a) Where necessary to prevent or lessen a threat to the life, health, safety or welfare of any individual due to family violence; or
- b) the request for access is frivolous or vexatious.

Principle 7: Unique identifiers

An IPP entity must not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable the IPP entity to perform any of its functions or activities efficiently.

Principle 8: Anonymity

Individuals must have the option of not identifying themselves when dealing with an IPP entity.

Does not apply where:

- a) the IPP entity is required or authorised by or under law to deal with individuals who have identified themselves in relation to that matter; or
- b) it is impracticable for the IPP entity to deal with individuals who have not identified themselves in relation to that matter.

Principle 9: Disclosures outside Australia

An IPP entity must not disclose personal information that relates to an individual to a person (other than the individual) outside Australia unless an exemption applies.

Exemptions include:

- a) where the person provides their consent; or
- b) the disclosure is required or authorised by law.

Principle 10: Automated decision-making

Additional requirements apply to IPP entities who have automated decision-making processes.

Includes:

- conducting an assessment of the impact of the automated decision-making process on those individuals; and
- periodically evaluate the operation and effectiveness of the automated decision-making process.

Principle 11: De-identified information

An IPP entity must take reasonable steps to protect the de-identified information it holds from misuse and loss and from unauthorised re-identification, access, modification or disclosure.

While the PRIS Act does not prescribe specific documents by name, it requires IPP entities to establish structured, demonstrable privacy governance arrangements. The proposed documents fulfil these obligations as follows:

- The Privacy Policy gives effect to IPP 5 (Openness and Transparency) by publicly documenting how the City collects, uses, stores and discloses personal information.
- The Privacy Impact Assessment Guide operationalises IPPs 3, 4 and 10 by providing a structured risk based methodology for assessing high privacy impact activities, including new systems, programs and automated decision making based methodology for assessing high privacy impact activities, including new systems, programs and automated decision making based methodology for assessing high privacy impact activities, including new systems, programs and automated decision making.
- The Information Policy establishes overarching governance expectations for the lawful, secure and responsible handling of information assets, supporting compliance across all IPPs.

These documents form part of a broader privacy and information governance framework that also includes the City's Cyber Security Manual and supporting internal procedures.

STRATEGIC IMPLICATIONS

Outcome:	Leadership / Boordiya Katidjin (Leader of knowledge)
Objective:	Accountable and ethical governance
Objective:	Continuous improvement and efficiency
Objective:	Proactive leadership

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

8 - Integrated and Transparent Decision-making

Sustainability Priority Area

3 – Liveability

LEGAL/POLICY IMPLICATIONS

Privacy and Responsible Information Sharing Act 2024

73. Public entity must prepare information breach policy

- 1) A public entity must prepare a policy setting out the procedures to be followed by the public entity in complying with the requirements of Subdivisions 2 and 3.*
- 2) The public entity must make the policy publicly available.*

74. Register of notifiable information breaches

- 1) A public entity must establish and maintain a register of notifiable information breaches.*
- 2) The register must include the following information in relation to each assessed notifiable information breach of the public entity —*
 - a) whether the notifiable information breach is of a kind referred to in section 57(1), (2) or (3);*
 - b) whether the Information Commissioner was notified of the notifiable information breach under section 62;*
 - c) whether affected individuals were notified of the notifiable information breach under section 63 and, if so, the names of the affected individuals notified;*
 - d) details of the steps taken by the public entity to contain, and mitigate the harm caused by, the notifiable information breach;*
 - e) details of any action taken to prevent future notifiable information breaches of the same kind;*
 - f) the estimated cost of the notifiable information breach to the public entity.*
- 3) If an assessment conducted under section 61 by a public entity in relation to a suspected notifiable information breach determines that there are not reasonable grounds to believe that a notifiable information breach has occurred, the register must include the following —*
 - a) whether or not the assessment determined that an information breach involving personal information held by the public entity has occurred;*

- b) *if the assessment determined that an information breach involving personal information held by the public entity has occurred —*
 - i) *whether the information breach involved unauthorised access to, unauthorised disclosure of, or loss of, personal information; and*
 - ii) *details of any steps taken by the public entity to contain, and mitigate the harm caused by, the information breach; and*
 - iii) *details of any action taken to prevent future information breaches of the same kind; and*
 - iv) *the estimated cost of the information breach to the public entity.*
- 4) *The register is not required to be published or otherwise made publicly available.*

75. Annual report to include information about notifiable information breaches

- 1) *A public entity that is required to prepare an annual report under the Financial Management Act 2006 or another written law must include in the report the information referred to in section 74(2)(a) to (f) in relation to each assessed notifiable information breach of the public entity the assessment of which concluded in the relevant year.*
- 2) *Despite subsection (1), the annual report is not required to include the names of affected individuals notified of an assessed notifiable information breach.*
- 3) *Subsection (1) does not apply to an assessed notifiable information breach in relation to which the public entity is not required to comply with section 63 (either wholly or to an extent).*
- 4) *Subsection (1) does not limit any provision of the written law under which the annual report is required.*

79. Privacy impact assessment relating to high privacy impact function or activity

- 1) *A function or activity of an IPP entity is a high privacy impact function or activity if the performance of the function or activity —*
 - a) *involves the handling of personal information; and*
 - b) *is likely to have a significant impact on the privacy of individuals.*
- 2) *Before an IPP entity first performs a high privacy impact function or activity, or makes a significant change to the way in which personal information is handled as part of a high privacy impact function or activity, the IPP entity must —*
 - a) *conduct an assessment (a privacy impact assessment) of the function or activity; and*
 - b) *prepare a written report on the assessment in accordance with subsection (3).*
- 3) *The report on the privacy impact assessment must —*
 - a) *set out an assessment of the likelihood that the performance of the function or activity will result in an interference with the privacy of any individual; and*
 - b) *identify the impact that the performance of the function or activity might have on the privacy of individuals; and*
 - c) *set out recommendations for managing, minimising or eliminating that impact; and*
 - d) *include any other information the IPP entity considers is relevant.*
- 4) *In complying with the requirements of this section, the IPP entity must have regard to —*
 - a) *any privacy guidelines referred to in section 81; and*
 - b) *any other privacy guidelines relating to privacy impact assessments.*

- 5) *On request by the Information Commissioner, the IPP entity must give the Commissioner a copy of the report on the privacy impact assessment.*
- 6) *If the IPP entity is a contracted service provider, this section has effect subject to section 137.*

Local Government Act 1995

2.7. Role of council

- 1) *The council governs the local government's affairs and, as the local government's governing body, is responsible for the performance of the local government's functions.*
- 2) *The council's governing role includes the following —*
 - a) *overseeing the allocation of the local government's finances and resources;*
 - b) *determining the local government's policies;*
 - c) *planning strategically for the future of the district;*
 - d) *determining the services and facilities to be provided by the local government in the district;*
 - e) *selecting the CEO and reviewing the CEO's performance;*
 - f) *providing strategic direction to the CEO.*

FINANCIAL/BUDGET IMPLICATIONS

Adopting the Privacy Policy and related documents does not have immediate budget impacts. However, ongoing compliance with the Privacy and Responsible Information Sharing Act 2024 (WA) will require internal resources for reviews, incident response, and policy updates, which can be managed within staffing budget allocations.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications as a result of this proposal.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no environmental or public health implications as a result of this proposal.

COMMUNITY ENGAGEMENT

The adoption of these privacy documents constitutes an internal governance and compliance initiative. Accordingly, formal community consultation is not mandated for this process. However, the City will implement the necessary amendments to ensure community awareness of the City's privacy obligations.

Upon adoption, the privacy documents will be published on the City's website to promote transparency and support public confidence in the City's privacy practices.

ATTACHMENTS

1. Privacy Policy [12.3.1 - 10 pages]
2. Information Breach Policy [12.3.2 - 8 pages]

13 ENBLOC REPORTS

14 REPORTS - COMMUNITY

14.1 KWINANA REGIONAL OPEN SPACE

SUMMARY

The City of Kwinana has developed a Feasibility Study and Business Case for a future Kwinana Regional Open Space (KROS) to address population growth, community needs, and infrastructure gaps in the southern metropolitan area, covering the whole City of Kwinana, northern Cockburn and eastern Rockingham catchments. This project aims to centralise sport and recreation services and resolve key shortfalls identified in the Community Infrastructure Plan (CIP) (2011–2036, revised 2022). The proposed facility is intended to support both present and future generations by providing accessible, high-quality recreational facilities and opportunities.

OFFICER RECOMMENDATION

That Council:

1. **Adopt the Kwinana Regional Open Space Feasibility and Business Case, as at Attachment 14.1.1.**
2. **Acknowledges the Regional Open Space as a key advocacy position for the City of Kwinana.**
3. **Note that the Western Australian Government has committed to providing approx. 47ha land in Postans and \$500,000 for the City to commence detailed planning and site investigations of the Kwinana Regional Open Space.**
4. **Note that a major review of the Community Infrastructure Plan (CIP), 2011 – 2036 will commence in 2026 to include and consider the Kwinana Regional Open Space as part of broader community facility provision context.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

The impetus for this project lies in the opportunity to centralise future sport and recreation services, directly catering to the needs of Kwinana's forecast population growth beyond the current City of Kwinana's Community Infrastructure Plan (2011–2036, revised 2022). Establishing a regional open space will bring considerable benefits to the community and asset management by providing accessible, high-quality facilities that support recreation, wellbeing, and social connection. Furthermore, consolidating infrastructure investment into a central, multipurpose site will streamline maintenance and optimise resource allocation.

While the CIP includes facilities with localised benefits, it does not account for the scale of forecast population growth beyond 2036 or increasing demand for community sport infrastructure, leaving

the current reliance on distributed facilities and shared-use school sites unsustainable for the City's long-term needs. A more strategic, consolidated approach is therefore required to support projected growth, ensure equitable access, and foster participation across a diverse and expanding population.

Compounding this need, the City's transformation into a key regional hub within Perth's southern corridor with major employment and infrastructure developments such as Westport, the establishment of the Defence Precinct at Henderson (Ship Building) and AUKUS is expected to attract a significant and diverse workforce and further increase in population growth.

In recognition of this, the State Government has already allocated 47 hectares in Postans and \$500,000 for further planning and site investigations for the Kwinana Regional Open Space (KROS).

Methodology

The City engaged Otium Planning Group, leisure consultants to undertake the feasibility study and business case.

The process included demographic analysis, stakeholder engagement, a needs assessment, site evaluations, and the development of concept plans. Management options, risks, financial viability, and funding sources were assessed, concluding with key recommendations and technical investigations for the preferred site.

This comprehensive approach ensured that all relevant factors, including community needs, financial sustainability, and potential partnerships, were carefully considered. As a result, the City is well positioned to make informed decisions regarding the future development of sporting infrastructure, guided by robust analysis and clear strategies for implementation.

Demonstrated Need and Gap Analysis

The need for a Regional Open Space in the City of Kwinana is clear as rapid population growth is projected to rise by over 33,000 residents by 2041, and a younger demographic profile driving strong demand for sport and recreation infrastructure. A comprehensive gap analysis, conducted in line with Parks and Leisure Australia (WA) Guidelines and informed by AusPlay participation rates, identified that substantial deficiencies exist/will exist in both indoor and outdoor sporting provision.

There is a current and growing shortfall in indoor sports courts, with an immediate need for ten full-sized indoor courts, as well as marked deficits in outdoor facilities including AFL ovals, cricket pitches, rectangular fields for soccer and rugby, and netball courts. Many existing community-level sites rely on shared-use school grounds, which lack essential amenities like changerooms, storage, lighting, and unrestricted access, falling short of meeting regional-level standards.

Spatial mapping of open space across the southern metropolitan area further underscores the strategic gap in Kwinana's catchment. Using 15-minute drive time thresholds, the analysis reveals that central and eastern parts of Kwinana are entirely outside the service areas of existing and planned regional-level facilities.

Projected demand compared to current provision, along with the additional facilities required through to 2041, has been assessed based on PLAWA Community Facility Guidelines, sports participation benchmarking (including court, pitch and oval capacity, and projected participation levels), and input from State Sporting Associations regarding high-participation sports and outlined below.

These figures are based on City of Kwinana statistics, however the need for a regional facility within the catchment area has also been highlighted in the City of Cockburn Community Infrastructure Plan, which identifies a shortfall in regional level facilities.

Facility	Current	2021	2031	2046	Additional Provision Required to 2046
AFL	5	7	9	11	6
Soccer	11	10	13	15	4
Athletics	4 Grass tracks	-	-	-	Nil
Diamond	2	3-5	5-7	6-8	4-6
Cricket	5 x senior 1 x junior	5-6	7-9	8-10	3-5
Rugby	2 pitches	1-2	1-3	2-4	0-2
Netball	5 (excluding school provision and Kwinana Recquatic Centre)	5	6	7	Consolidated 10 court provision
Basketball	Kwinana High School – 1 court plus Kwinana Recquatic – 2 courts	7	9	10	Indoor 8-10 court facility
Hockey	2 grass	Local Need	Local Need	Local Need	Synthetic Turf

Quantitative data and spatial mapping make a compelling case for developing a Regional Open Space in Kwinana. Without this investment, the City will face increasing inequity in access to quality sport and recreation infrastructure, suppressed participation in key sports, and mounting pressure on outdated or inadequate facilities. The Regional Open Space project directly addresses these gaps and stands as a strategic investment in the health, wellbeing, and connectedness of current and future communities.

Location

Following an extensive review of potential sites for a future Regional Open Space, six locations within the City of Kwinana were identified for preliminary assessment. These were evaluated based on land availability (minimum 40–60ha), accessibility, environmental constraints, servicing capacity, tenure, and proximity to growth areas. Through this process, two sites emerged as viable candidates for detailed feasibility testing: the Postans site (Abercrombie Road) and the Mandogalup site (Lot 23).

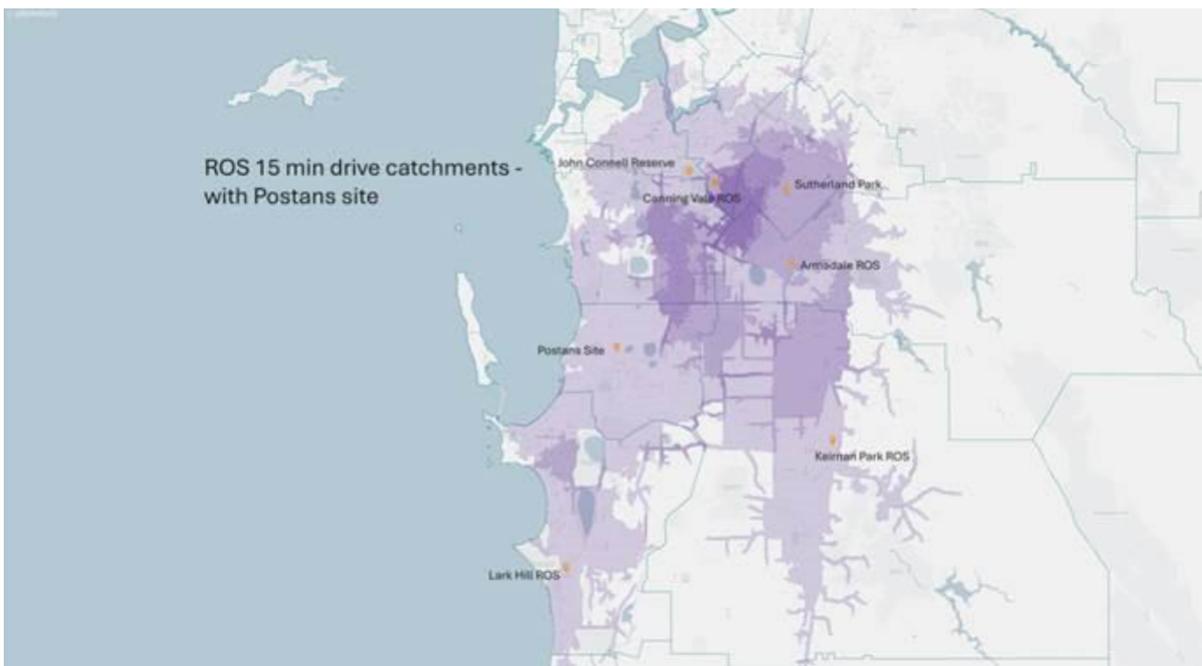
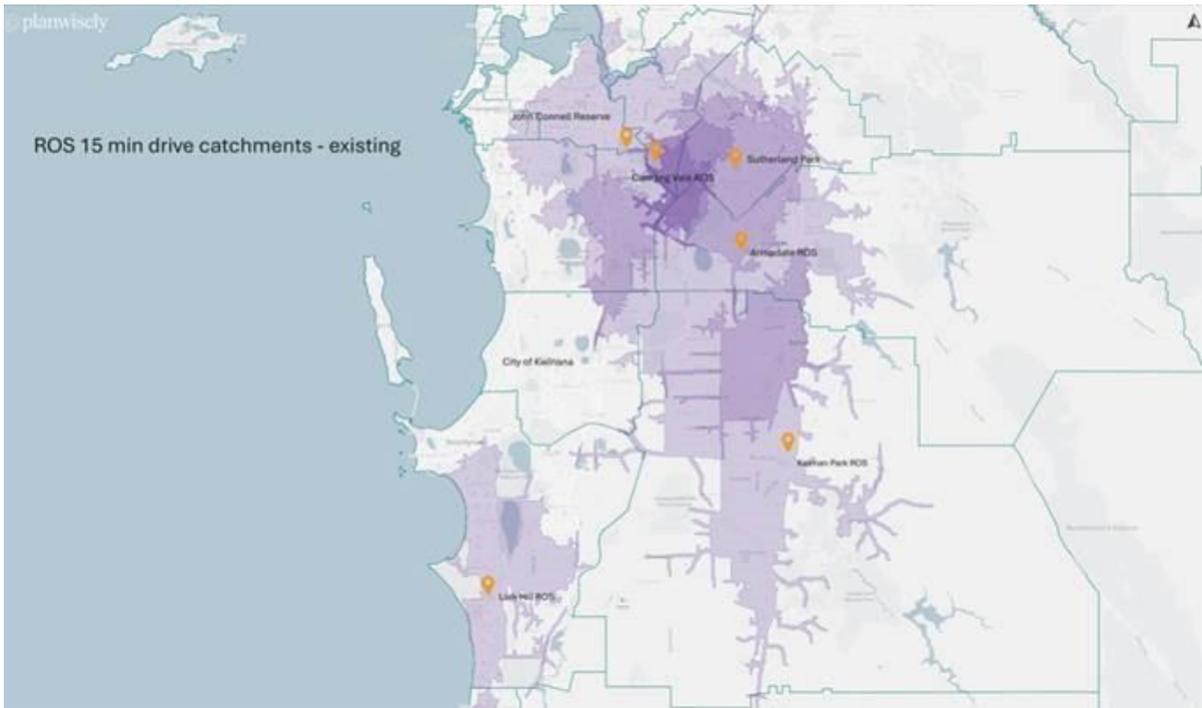
After comprehensive analysis, the Postans site was identified as the preferred location for the development of the KROS.

The Postans site is located immediately north of the Kwinana Town Centre on Abercrombie Road. The land is currently owned by the State Government and previously used by the Department of Agriculture. This ownership structure offers a clear opportunity for public land repurposing and removes many of the complexities associated with multiple private landholders, which affect the Mandogalup site. In addition, Postans is situated closer to existing urban infrastructure, including arterial roads, and benefits from better potential integration with the broader Kwinana activity centre.

The catchment analysis for Postans showed a significant population base within a 15-minute drive, with a 47.3% increase in catchment population from 2011 to 2023. While Mandogalup showed a slightly higher growth rate in the same period, Postans remains well-positioned to service key residential areas such as Bertram, Orelia, Medina, and Calista, which are more established and have demonstrated consistent demand for access to formalised sport and recreation infrastructure.

The location is strategically positioned to capture a catchment extending into northern Cockburn and eastern Rockingham, helping to address the broader shortfall of regional infrastructure across the southern metropolitan corridor.

15min Drive Catchment Mapping (Regional Open Space participants place of residence)



The Postans site is in close proximity to the town centre and future urban expansion corridors. It presents fewer environmental constraints than Mandogalup and offers greater certainty in terms of site control, land assembly, and timely delivery. From a planning and advocacy perspective, it is considered highly advantageous that the land is already in public ownership, allowing for more direct negotiation with the State Government on its release and activation.

The site's elevation and topography are suitable for the development of multi-sport facilities, with concept testing confirming its capacity to accommodate the full range of sporting infrastructure identified through the needs analysis.

In contrast, the Mandogalup site, while larger and showing high catchment growth, is more constrained due to fragmented private ownership, longer development lead times, and limited integration with current City of Kwinana infrastructure. It is likely to be more difficult and costly to secure, service, and activate in a timeframe that meets the City's medium-term needs.

While both sites could theoretically accommodate a Regional Open Space, the Postans site is the preferred and most practical option, offering greater certainty, faster delivery potential, better alignment with existing infrastructure, and fewer barriers to land access and use.

Design and Staging

The design of the Regional Open Space has been structured around a staged or phased approach, guided by community need, population growth, modelling of demand for facilities, and strategic infrastructure planning. The staging of the project has been carefully prioritised to maximise community benefit while ensuring financial viability and scalability.

Prioritisation was informed by participation data, including AusPlay research, Parks and Leisure Australia (WA) guidelines, and the City's Community Infrastructure Plan. High-demand sports and recreation activities such as basketball, football (soccer), AFL, and netball are given early focus, in particularly with the indoor court stadium and outdoor netball courts. The initial stages aim to address current shortfalls and provide foundational infrastructure that can support broad community use and club growth.

While there are currently shortfalls for a number of sports, the most pressing need is indoor court space, with the demand being for 10 courts and the current need continues to grow. Long term, it is expected that the KROS will be the premier sporting facility for the City and surrounding area, and is expected to include specialised facilities, such as a synthetic turf hockey pitch, and potential land allocation for expansion of the recreation centre to include future aquatic provision in 20+ years' time.

Concept Plan



LEGEND

- ROADWAY**
7-12m wide | black asphalt with flush shoulders
- UNSEALED TRACK**
emergency access | overflow events parking | red gravel
- CAR PARK**
one line every 5 bays | 4m WGLD inside between aisles
- DUAL USE PATH**
2.5m wide | broomed concrete | clean or natural grey
- SERVICES EASEMENT**
10% powerlines | combined drainage easement | lower local
- STORM WATER DETENTION BASIN**
native vegetation | filtration media | 1 - 6 bottles
- PROPOSED TREES**
locally indigenous species | 100% pot size
- CONSERVATION AREA**
ferns | low vegetation | interpretive trails | wayfinding
- FIELD LIGHTING**
LED luminaires (50+ lux)
- BUILDING FACILITIES**
club house | pavilion | refer accommodation schedule
- HARDCOURTS**
pickleball or rebound size surface
- RECREATION CENTRE**
indoor aquatic facility | gymnasium | kids creche
- CAFE / KIOSK**
small commercial lease | potential to service events
- AQUATIC FACILITY**
20m swimming pool | splash pad | changerooms
- PLAYGROUND**
nature play | shade sails | picnic facilities
- PICNIC SHELTER**
universal access | tables + seating | barbecue
- AFL OVAL**
senior size oval | goal posts | wire faced turf goal squares
- DIAMOND SPORTS**
baseball | softball | portable netting to home
- CRICKET GROUND**
senior sized | synthetic pitch | shared pavilion
- SOCCER PITCH**
senior sized | shared pavilion
- NETBALL COURTS**
dedicated facilities | shared pavilion
- BASKETBALL COURTS**
dedicated facilities | shared pavilion
- TENNIS COURTS**
dedicated facilities | shared pavilion
- HOCKEY PITCH**
synthetic surface | shared pavilion
- RUGBY PITCH**
natural turf | shared pavilion

SPORTS PITCH ORIENTATION

MORNING WINDS
AFTERNOON WINDS

SUMMER
WINTER

Project Stages / Phasing

Due to the significance and scale of the entire KROS, development will need to be progressed in several phases based on priorities, land tenure arrangements and funding availability.

The proposed phasing is funding dependent as follows:

Phase 1: The initial site headworks and first phase of the recreation centre development to include 10 indoor courts, outdoor netball courts, oval development and associated pavilion, car parking infrastructure, which, in turn, is split into three sub-phases which include:

- Phase 1a: The indoor courts and associated infrastructure (including netball courts) (within 5yrs estimated)
- Phase 1b: First stage of the oval development and associated pavilion (5 – 8 yrs estimated)
- Phase 1c: Second stage of the oval development and associated pavilion (8 – 12yrs estimated)

Phase 2: The additional sporting fields - hockey (inc. synthetic pitch), rugby and outdoor hardcourts for tennis with associated infrastructure. (12-15yrs estimated)

Phase 3: The potential long-term development of an aquatic facility and gym development (20+yrs)

Funding Model

The funding model for the Kwinana Regional Open Space is designed to be multi-faceted, balancing City investment with a proactive pursuit of external capital sources. Already, the State Government has committed \$500,000 to support further planning and allocated ~47 hectares of land, indicating a strong foundation of support. \$1 million has also been committed by a local business owner to support development of the courts.

The funding strategy proposes leveraging Developer Contribution Plans (DCPs), particularly following a major review of the City's Community Infrastructure Plan (CIP), which will commence in 2026, to ensure alignment and appropriate classification of district and regional infrastructure. Additional funding opportunities will be sought from Federal and State government programs, including Community Sport and Recreation Facilities Fund (CSRFF), albeit the program is currently in review, Lotterywest, and infrastructure funds aligned with major projects such as AUKUS and Westport.

The City will also explore commercial partnership opportunities, tenancy agreements with sporting associations, and private investment where appropriate, particularly for ancillary and revenue-generating infrastructure. The Long Term Financial Plan will be adjusted to reflect the phased capital and operational expenditure associated with the development.

Next Steps

A number of immediate and medium-term actions are recommended in the Business Case to progress the Regional Open Space development.

Sections of the site will need to undergo a resource recovery process, being the extraction of Basic Raw Materials (BRM) comprising sand and limestone, prior to development, which introduces further uncertainty regarding finished ground levels and potential implications for site preparation and service installation.

Additional detailed planning and site investigations are required to confirm exact service connections, earthworks requirements, environmental considerations, and any unforeseen ground conditions that may influence the works.

Positioning the KROS as a key advocacy priority, the City of Kwinana's next step is to actively champion the project with all levels of government and potential corporate partners, ensuring it secures the shared investment needed to support the region's future growth and wellbeing. Advocacy to date has been successful in attaining \$500k, the land and \$1m commitment to seed funding. With Council's commitment to the project, the KROS will become a key advocacy position, supported by key messages and a sound business case.

A review and amendment of the City's Community Infrastructure Plan (CIP) will ensure that future planning incorporates regional and district-level facilities, and reflects the risks associated with the current reliance on shared-use school ovals. Particular attention will also be given to the provision of floodlighting infrastructure, which is currently absent from many new developments and significantly limits club growth, especially in the peak, high participation winter season.

Technical investigations will be commissioned to further assess land servicing, including geotechnical investigations, and to further understand environmental considerations associated with the subject site. This work will support the refinement of the concept plan and ensure readiness for capital investment.

The City will progress discussions with the State Government regarding land tenure and, land use/zoning, to secure funding for detailed design, and to prepare submissions for external funding. The implementation plan outlined in the business case will be adopted as the framework for delivery, including integration with the Long-Term Financial Plan and the Corporate Business Plan.

The City will also initiate community and club engagement at the appropriate time to co-design and support future facility development, ensuring the KROS becomes a shared and celebrated asset for the growing population.

STRATEGIC IMPLICATIONS

Outcome: Environmental Stewardship / Ngalla djoorapiny ngank boodjar (Looking after mothers' beautiful country)

Objective: Transition to net zero emissions

Action in CBP: Integrate the Sustainability Framework

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

Objective: Improved health and wellbeing

Objective: Enhanced public spaces

Action in CBP: Regional Open Space - Detailed Planning and Site Investigation

Objective: Pride in our place

Action in CBP: Regional Open Space - Detailed Planning and Site Investigation

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

Objective: Building communities

Action in CBP: Implement the Community Infrastructure Plan

How does this proposal achieve the outcomes and strategic objectives?

The KROS aligns with the City's strategic priorities by enhancing quality of life through the creation of inclusive, accessible, and activated public spaces that support health and wellbeing, for current and future generations. It fosters pride in place through thoughtful design and revitalisation, creating a sense of ownership and belonging for the community. KROS also supports the built environment by delivering adequate sport and recreation facilities for a growing population which strengthens social cohesion and providing a central, regionally significant space for families and communities to gather, connect, and thrive.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

1. Social Inclusion
2. Community Wellbeing
3. Resilient and Adaptable Communities

Sustainability Priority Area

1. Liveability
2. Engagement and Social Inclusion

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

The KROS supports the Sustainability Framework by promoting social inclusion, community wellbeing, and resilience through the delivery of a high-quality, accessible regional open space that meets the diverse needs of the growing Kwinana community. By creating a welcoming, safe, and inclusive environment that encourages active lifestyles, cultural connection, and social interaction, the KROS strengthens community bonds and supports liveability outcomes. The project also contributes to financial sustainability by centralising services and infrastructure, enabling more efficient use of resources for asset management.

LEGAL/POLICY IMPLICATIONS

Nil

FINANCIAL/BUDGET IMPLICATIONS

The KROS Feasibility and Business Case provides a detailed plan to meet the projected community needs for sport and recreation facilities. To deliver the required infrastructure, the City will need to advocate strongly for funding from State and Federal Governments, as well as explore opportunities with commercial and potential corporate partners to secure the shared investment needed to support the region’s future growth and wellbeing. Given the magnitude and associated cost of this project, external funding will be essential, as it cannot be delivered relying solely on City of Kwinana resources.

At this early stage of planning, the cost estimate for external services and works associated with the KROS is presented in the Business Case as a range across the entire project to account for the inherent uncertainty in defining the final scope, design details, and site-specific requirements.

The table below shows the recommended phases, noting that the initial focus and emphasis will be on Phase 1a.

Table 13: Overall Cost Parameters (current day)

	Overall Cost	Phase 1	Phase 1a	Phase 1b	Phase 1c	Phase 2 - Medium term priority (ten to twenty years)	Phase 3 - Long term priority (twenty years plus)
Buildings & Facilities	\$115,029,900*	\$65,459,900	\$47,114,900	\$13,000,000	\$5,345,000	\$12,570,000	\$37,000,000
Building facilities and Other Construction costs**	\$229,948,365	\$153,382,975	\$74,015,725	\$51,645,120	\$27,722,130	\$33,302,390	\$43,263,000

*Overall cost is the cost of developing the site (buildings and facilities) based on current day costs and excluding additional landscaping and reticulation costs associated with phases. **Overall construction costs used in the financial analysis in subsequent sections – this includes external works, landscaping, reticulation, site services, etc.

Furthermore, allowances for general contingencies, builders' preliminaries and margins, and cost escalation (currently estimated at 4.5% p.a.) must be considered to reflect potential variability in market conditions and delivery requirements. While these factors are currently incorporated as indicative allowances in the attachment, the actual costs cannot be accurately determined until the design process commences for specific stages of development, at which point a Quantity Surveyor / Cost Manager will be engaged as part of cost management strategies to refine and monitor the estimates.

ASSET MANAGEMENT IMPLICATIONS

The City has a current and growing shortfall in sporting space, that ultimately will need to be addressed if the lifestyle, health and safety outcomes for the community are to be achieved.

The KROS will provide the required community space in a way that creates efficiencies for the operations of the facility. Ultimately, the KROS approach will result in lower operating costs, compared to the current fragmented approach, while also providing opportunities for alternative management models.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

The establishment of the KROS is expected to bring significant public health improvements to the community. Sport and recreation facilities like KROS are especially valuable and crucially needed in Kwinana, where in 2024 approximately 43.1% of adults were obese, significantly higher than the Western Australia average of 37.3% (Department of Health, Health & Wellbeing Profile: City of Kwinana 2015 – 2024). Rates of childhood obesity were 12.6% compared with the state average of 10.2%.

In 2024, 46.4% of City of Kwinana residents aged 18 years and above did not complete the recommended amount of weekly physical activity. This was higher than the state prevalence (39.1%). 72.6% of City of Kwinana residents aged 5-15 years did not complete the recommended amount of weekly physical activity. This was higher than the state prevalence (62.3%).

In 2024, an estimated 29.4% of City of Kwinana residents aged 16 years and above were told by a doctor in the past 12 months that they had a mental health condition. This was higher than the state prevalence (25.0%).

For stress-related conditions, an estimated 18.3% of City of Kwinana residents aged 16 years and above were told by a doctor in the past 12 months that they had a stress-related condition. This was higher than the state prevalence (13.5%).

For anxiety, 19.6% of City of Kwinana residents aged 16 years and above were told by a doctor in the past 12 months that they had anxiety. This was higher than the state prevalence (16.3%).

For depression, 15.8% of City of Kwinana residents aged 16 years and above were told by a doctor in the past 12 months that they had depression. This was higher than the state prevalence (13.7%).

The KROS's accessible sport and recreation facilities will help support and facilitate increased physical activity, social interaction, community connectedness while offering restorative environments that help lower stress and improve overall physical and mental health and wellbeing.

COMMUNITY ENGAGEMENT

Recognising that the primary objective of this project was to assess the necessity and optimal location for a long-term regional facility, the conscious decision was made not to undertake broad community engagement at this preliminary stage. This approach ensured that early

recommendations were guided by robust quantitative data, land availability, and the strategic input of key stakeholders such as State Sporting Associations (SSAs) who possess detailed insight into current and future sport participation trends.

The targeted engagement that was undertaken as part of the development focussed on key internal and external stakeholders who influence or contribute to the provision of sport and recreation infrastructure.

The City engaged with relevant City staff, State Government agencies, and a wide range of State Sporting Associations (SSAs) to inform the needs assessment and validate projected facility demand. Letters of support were received from several SSAs, including Basketball WA, Sport West and Volleyball WA, highlighting strong sectoral endorsement for a new Regional Open Space within Kwinana. These stakeholders acknowledged both the current infrastructure shortfall and the strategic importance of a consolidated, regional-level facility to address participation growth, improve accessibility, and support club sustainability. The feedback received has been instrumental in shaping the facility mix, staging approach, and advocacy priorities outlined in the business case.

When individual phases commence, the community engagement approach will be determined based on the specific project. This will ensure the City engages with the appropriate community members and stakeholders at the right time.

Boola Maara Aboriginal Consultative Committee

The Boola Maara Aboriginal Consultative Committee (BMACC) were provided an overview of the provision of sport and recreation facilities in the City of Kwinana along with the identified needs beyond 2040.

The presentation included an overview of future community needs and discussed the 2 potential locations for a Regional Open Space in the City. The BMACC were supportive of the planning work and more broadly the notion of a KROS, given the many benefits such facilities and amenities it would provide to the community and the region into the future. The BMACC will be engaged on an ongoing basis as the detailed planning and site investigations progress.

ATTACHMENTS

1. City of Kwinana Regional Open Space Business Case [**14.1.1** - 79 pages]

15 REPORTS - ECONOMIC

Nil

16 REPORTS - NATURAL ENVIRONMENT

Nil

17 REPORTS - BUILT INFRASTRUCTURE

17.1 REVISED DEVELOPMENT CONTRIBUTION PLAN (DCP) REPORTS AND COST APPORTIONMENT SCHEDULE (CAS) DEVELOPMENT CONTRIBUTION AREAS 2-7 (COMMON/CIVIL INFRASTRUCTURE ITEMS)

SUMMARY

The purpose of this report is for Council to affirm and endorse the Development Contribution Plan Reports (DCP Reports) and Cost Apportionment Schedule (CAS) for Development Contribution Areas 2-7 (DCAs 2-7) following the 2025 Annual Review. DCAs 2-7 comprise the areas of Wellard East, Casuarina, Anketell, Wandi, Mandogalup and Wellard West/Bertram under Schedule V of the City of Kwinana Local Planning Scheme No. 2 (LPS2).

The DCP Reports and CAS are reviewed regularly in accordance with clause 5.15.5.11.2 of LPS2 and State Planning Policy 3.6 - Infrastructure Contributions (SPP 3.6).

The 2025 Annual review was comprehensive, incorporating the detailed review of land areas, cost estimates, as well as the recent actual costs for the purpose of calculating the current value of the items to be delivered under the DCAs. A minor review was subsequently undertaken and published on 8 December 2025, primarily to update the CAS with changes in land area affecting the apportionment of costs.

Estimated construction costs for the infrastructure still to be delivered and/or coordinated by the DCAs have increased in line with broader increases in construction costs experienced throughout the economy and development sector. Similarly, land value has increased substantially since the last review. These increases result in broad increases between 3% and 52% in the per hectare contribution rates for all DCAs.

Where infrastructure has been delivered by the developers, the updated CAS replaces the estimated costs with 'actual' costs, thereby fixing the cost of that infrastructure. It is also noted that the annual review attributes any interest earned on the DCA reserve funds back into the DCA, partially offsetting infrastructure cost increases.

It is recommended that Council endorses the revised DCP Reports and 2026 CAS for DCAs 2-7, as per the Officer Recommendation.

OFFICER RECOMMENDATION

That Council:

1. **Endorse the revised Development Contribution Reports (DCP Reports) and Cost Apportionment Schedules (CAS) as detailed in Attachments, for Development Contribution Areas 2-7, under Schedule V of the City of Kwinana Local Planning Scheme No. 2.**
2. **Note that Administration will notify all active developers of the revised DCP Reports and CAS.**

VOTING REQUIREMENT

Simple majority

BACKGROUND

The City of Kwinana currently operates 15 Development Contribution Plans (DCPs) over 15 separate Development Contribution Areas (DCAs).

DCAs 2-7 were gazetted on 3 October 2017 and coordinate funding and delivery of the following infrastructure items summarised in Table 1 below.

Table 1: Summary of standard infrastructure items under DCAs 2-7

Roads	Drainage	Public Open Space (POS)	Land acquisition for Community Facilities not located on POS
<ul style="list-style-type: none"> • Sunrise Boulevard • Treeby Road • Millar Road • Lyon Road • Honeywood Avenue • Hammond Road extension • Mandogalup Road • Mortimer Road • Anketell Road 	<ul style="list-style-type: none"> • Peel Sub N Drain • Peel Sub N1 Drain • Peel Sub N2 Drain • Peel Sub P Drain • Peel Sub P1 Drain • Peel Sub P1A Drain • Peel Sub O Drain 	<ul style="list-style-type: none"> • Casuarina Public Open Space • Anketell North Public Open Space • Wandi Public open space • Wandi playing fields • Mandogalup Public Open Space • District Sporting Ground 	<ul style="list-style-type: none"> • Branch Library (District A & B) • District Youth Centre • Local Community Centre

A major review of the DCP Reports and CAS for DCAs 2-7 was endorsed by Council on 14 May 2025. The review covered the period until 30 June 2024.

Also at its meeting on 14 May 2025, Council endorsed a process whereby the City’s Administration would undertake regular minor reviews of the DCP Reports and CAS’s when required, and in between major reviews.

Table 2 below details what constitutes a minor and major review.

Minor reviews (to be undertaken by Administration)	Major reviews (to be endorsed by Council)
Areas and projected development to be updated with local structure plans (including amendments), subdivision approvals, deposited cards and developed land.	Annual review of estimated infrastructure costs.
Areas and projected development to be updated with changes to the Metropolitan	Annual valuation of land.

Minor reviews (to be undertaken by Administration)	Major reviews (to be endorsed by Council)
Region Scheme, Local Planning Scheme and Planning Control Areas.	
Received contributions and interest earned on reserve funds.	
Funds expended by DCP on infrastructure.	

A minor review of the DCP Reports and CAS for DCAs 2-7 was undertaken and published on 8 December 2025.

This 2025 major review includes contributions received up to the end of 30 June 2025.

It is also worth noting that Amendment 167 to LPS2 that was adopted for advertising by Council on 11 February 2026. Amendment 167 proposes, in part, to remove the infrastructure items (Hammond Road and Internal Connector Road) from DCP8. Amendment 167 has been forwarded to the Western Australian Planning Commission and Environmental Protection Authority for consent to advertise.

DISCUSSION

LPS2 sets out that estimated infrastructure costs (including land) contained in the Infrastructure Cost Contribution Schedule (or CAS) will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.

In undertaking this annual review, the City has:

- Comprehensively reviewed the lot creation and development data that has occurred over the preceding year to 30 June 2025;
- Updated projected development area and lot yields based on amended and approved Local Structure Plans;
- Incorporated changes to development area and lot yields due to slight variances between local structure plans, subdivision and final deposited plans;
- Incorporated changes to projected development area and lot yields due to the modified Anketell Road Planning Control;
- Sought updated costings for land, DCP infrastructure items and landscaping from appropriately qualified independent persons (see **Attachment 17.1.7 – 17.1.10**).
- Updated the CAS and including costing updates and lot/land area information; and
- Reviewed the list of priority works in the DCP Reports for currency and timeframe revision, if necessary.

DEVELOPMENTAL ACTIVITY

Between 1 July 2024 and 30 June 2025 approximately 44.96 ha of land (GSA) was created through subdivision clearances being issued and \$5,495,899.03 was collected by the City for DCA's 2-7 as shown below:

DCA	Development	Gross Subdivisible Area	Developable Area	Amount paid or credit (C) utilised
DCA2	Sunrise Estate Stage 9A	2.5692	2.5692	\$204,128.31
DCA3	Nil	Nil		Nil
DCA4	Albero Estate Stage 4	0.2972	0.30	\$110,307.35
	Lot 30 Treeby Road Anketell Stage 3	1.6433	1.64	\$529,787.46
	Lot 30 Treeby Road Anketell Stage 4	0.2155	0.22	\$79,983.96
	Honey Grove Estate Stage 1	2.5788	2.58	\$957,135.21
	Honey Grove Treeby Road Stage 2	3.7851	0.24	\$1,039,711.82
	Honey Grove Treeby Road Stage 3	2.9403	2.37	\$1,091,307.84
	Catena Stage 1	2.2802	2.28	\$846,308.25
	Catena Stage 1B	0.2263	0.23	\$83,992.44
DCA5	670 Lyon Road, Wandi (Lot 1)	0.5194	0.52	\$140,163.44
DCA6	Florence Estate Stage 6B and 7	3.8848	3.88	\$192,564.22
DCA7	Oakebella Estate Stage 8A Phase 1	0.2175	-	\$1,333.14
	Oakebella Estate Stage 8A Phase 2	1.2484	-	\$7,651.91
	Oakebella Estate Stage 8B	1.1217	-	\$6,875.32
	Oakebella Estate Stage 14	1.6192	-	\$9,924.68
	Tamblyn Estate Wellard Stage 3A	1.1881	-	\$7,282.31
	Tamblyn Estate Wellard Stage 3B	1.5683	-	\$9,612.70
	Little Bert Stage 2 Invoice 16672	2.9184	-	\$17,887.97
	Providence Estate Stage 18 Lot 83 Wellard Rd	0.3753	-	\$2,300.35
	Providence Estate Stage 18 Lot 17 Wellard Rd	0.0542	-	\$332.20
	Providence Estate Stage 18 Lot 85 Wellard Rd	1.5711	-	\$9,629.86
	Providence Estate Stage 19	1.6864	-	\$10,336.58
	Providence Estate Stage 20	2.1595	-	\$13,236.39
	Providence Estate Stage 21,22 and 23	7.8495	-	\$48,112.53
	Providence Estate - Subdivisions 164021 (Childcare Lot)	0.2768	-	\$1,696.61
Total		44.96	16.8292	\$5,495,899.03

LAND VALUATION

The City engaged McGees Property to independently review the indicative land values in respect to the market value for a typical landholding within the DCAs assuming a valuation date of 6 November 2025. McGees Property’s advice and report is contained as **Attachment 17.1.10** – City of Kwinana’s DCAs 3 – 7 Annual Englobo Valuations – 2025 Review McGees Property.

Specific land valuations were prepared for Lot 28 and Lot 59 Mortimer Road, Wellard in DCA 2, where specific portions of this land are marked for acquisition (**Attachments 17.1.8** and **17.1.9**).

Table 3 below compares the land valuation per hectare rate from the previous 23 February 2024 valuation to the current 6 November 2025 valuation. Evidently, there has been significant increases in land value across all DCAs, which affects infrastructure items relating to public open space, acquisition for community sites, and road widening or construction.

Table 3: DCA land values 2024 to 2025

Development Contribution Area	Land rate / ha (Valuation date 23 February 2024)	Land rate / ha (Valuation date 6 November 2025)	Change
2 (Wellard) (Lot 28 and Lot 59) Mortimer Road)	\$670,000	\$1,250,000	≈ \$580,000 (87%)
3 (Casuarina)	\$750,000	\$1,250,000	≈ \$500,000 (67%)
4 (Anketell North)	\$950,000	\$1,300,000	≈ \$350,000 (37%)
5 (Wandi)	\$1,320,000	\$1,800,000	≈ \$480,000 (36%)
6 (Mandogalup)	\$1,170,000	\$1,800,000	≈ \$630,000 (54%)
7 (Wellard/Bertram West)	\$700,000	\$1,200,000	≈ \$500,000 (71%)

INFRASTRUCTURE COSTS

The estimated costs of the individual infrastructure items coordinated by the DCPs were independently reviewed by ‘Rawlinsons Cost Management’, a quantity surveying and construction cost consultancy. The full breakdown of items and cost estimates is provided in **Attachment 17.1.7** – DCP Cost Update 2025 Report Rawlinson’s Cost Management. The report analysed the previous cost estimates from the prior CAS and conducted a review using current rates, benchmark information, together with recent actual costs for the purpose of calculating the current value of the items to be delivered under the DCPs.

Costs have increased across most infrastructure items with a summary of total infrastructure cost to each DCA provided below. The contribution of each DCA towards the infrastructure items is detailed in the DCP Reports (**Attachment 17.1.1 - 17.1.6**) and respective Cost Apportionment Schedules (**Attachment 17.1.11 - 17.1.16**).

Table 4 below compares the total infrastructure costs between 2024 and 2025.

Table 4: DCA infrastructure costs 2024 to 2025

DCA	2024 Review CAS (dated 14 May 2025) Total Infrastructure Cost	2025 Review CAS (dated 25 March 2026) Total Infrastructure Cost	Change	% change	Comment
DCA2	\$7,787,154.47	\$9,525,918.16	\$1,738,763.71	22.3%	Increase due largely to Mortimer Road costs.
DCA3	\$84,916,779.29	\$97,570,647.57	\$12,653,868.28	14.9%	Increase due largely to Mortimer Road and POS costs.
DCA4	\$33,662,529.04	\$37,009,811.23	\$3,347,282.19	9.9%	Increase due largely to Anketell Road and POS (north) costs.
DCA5	\$59,863,136.06	\$62,534,506.99	\$2,671,370.93	4.5%	Lesser increase as most infrastructure costs are actual (fixed).
DCA6	\$8,216,718.62	\$12,488,327.07	\$4,271,608.45	52.0%	Increase due largely to Hammond Road and Internal Collector Road construction and earthworks (and land acquisition). Both items proposed to be removed by Amendment 167.
DCA7	\$2,787,686.90	\$1,531,916.98	(\$1,255,769.92)	-45.05%	DCA7 only collects proportionally towards the District Hard Courts (to be located in Casuarina). The 'total infrastructure cost' reduction reflects changes in land area apportionment made during the minor review of 8 December 2025.
Total	\$197,234,004.38	\$220,661,128.02	\$23,427,123.64	11.9%	

The impact of the cost changes to the total rate per hectare of development is detailed below in Table 5, compared against the current per hectare from the 8 December 2025 CAS:

Table 5: Contribution rates per hectare – 2025 to 2026

DCA		8 Dec 2025 CAS Rate per ha	25 March 2026 CAS Rate per ha	Change \$/ hectare	% change	Comment
DCA2	GSA	\$37,072.27	\$46,681.90	\$9,609.63	25.9%	Proportionate increase from land related items shared across DCAs.
	DA	\$57,159.90	\$69,130.94	\$11,971.04	20.9%	Increase due largely to Mortimer Road costs.
DCA3	GSA	\$590,021.38	\$691,981.15	\$101,959.77	17.3%	Proportionate increase from land related items shared across DCAs. Also land value for POS within DCA3.
	DA	\$83,955.87	\$83,308.13	-\$647.74	-0.8%	Due to reapportionment of costs due to changed land areas.
DCA4	GSA (north)	\$310,015.37	\$383,169.75	\$73,154.38	23.6%	Due largely to increase in land values (POS).
	GSA (south)	\$18,631.92	\$25,281.79	\$6,649.87	35.7%	Proportionate increase from land related items shared across DCAs.
	DA	\$93,696.74	\$117,480.96	\$23,784.22	25.4%	Due to increases in Anketell Road costings.
DCA5	GSA	\$369,577.04	\$416,855.94	\$47,278.90	12.8%	Proportionate increase from land related items shared across DCAs.
	DA	\$162,367.73	\$173,534.97	\$11,167.24	6.9%	Lesser increase due to actual costs, increase due to Anketell Road.
DCA6	GSA	\$21,104.26	\$28,381.41	\$7,277.15	34.5%	Proportionate increase from land related items shared across DCAs.
	DA	\$134,045.58	\$216,223.05	\$82,177.47	61.3%	Due to increased construction costs (notably earthworks) and land value.
DCA7	GSA	\$15,050.36	\$25,135.35	\$10,084.99	67.0%	Due to increased land value (POS).

1. GSA refers to Gross Subdivisible Area.
2. DA refers to Developable Area.

Future Minor Review

Two amendments to the Metropolitan Region Scheme are currently proposed and if approved, will result in additional developable land (both GSA and DA) within existing development contribution areas. Where necessary the City will seek concurrent rezoning under LPS2 and inclusion within the respective DCA. The two amendments are:

1. Lifting of Urban Deferred to become Urban – Western side of Bollard Bulrush. Land within DCAs 1 and 7. This proposal is the subject of a separate report on this Council agenda.
2. Lifting of Urban Deferred to become Urban – Southeastern corner of Wellard East (bounded by Millar Road and Woolcoot Road). Land to be included in DCA 2.

Should the MRS amendments be gazetted, the City's Administration will undertake a minor review of the affected DCAs to ensure infrastructure costs are apportioned correctly and fairly.

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

LEGAL/POLICY IMPLICATIONSActs 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

State Planning Policies

State Planning Policy 3.6 - Development Contributions for Infrastructure

Local Planning Policies

Local Planning Policy 4 - Administration of Development Contributions

The City is obliged to conduct an annual review of estimated costs within the Cost Apportionment Schedule under cl. 5.15.5.11.2 of LPS2. Clauses 5.15.5.11.6 and 5.15.5.12.3 of LPS2 afford landowners the right to object to a cost contribution or associated land valuation through a process of arbitration, within 28 days after being informed of the cost contribution or land valuation.

FINANCIAL/BUDGET IMPLICATIONS

The expense of undertaking the review is funded by the 'Administration component' of DCP.

It is important that the revised CAS be affirmed or adopted, ensuring the Development Contributions continue to be costed and distributed in an equitable, timely and appropriate basis.

Adhering to the principles of the DCP, this process provides certainty to the City, landowners and the developers.

All infrastructure items revised costings and funding sources have been reflected in the City's Long-Term Financial Plan.

ASSET MANAGEMENT IMPLICATIONS

The City will be financially responsible for maintaining roads, road landscaping, POS landscaping and footpaths within DCAs 2-7 once the area has been developed and maintained for the required period.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no environment/public health implications arising from this report.

COMMUNITY ENGAGEMENT

Once endorsed by Council, the revised DCP Reports and CAS will be available on the City's website and associated informing documents (including land valuation, actual costings, and estimates) can be made available upon request. The City will advise affected active developers of the revised CAS.

ATTACHMENTS

1. Att 17.1.1 DCP Report - DCA 2 - Wellard (East) - 25 March 2026 [**17.1.1** - 19 pages]
2. Att 17.1.2 DCP Report - DCA 3 - Casuarina - 25 March 2026 [**17.1.2** - 20 pages]
3. Att 17.1.3 DCP Report - DCA 4 - Anketell - 25 March 2026 [**17.1.3** - 17 pages]
4. Att 17.1.4 DCP Report - DCA 5 - Wandi - 25 March 2026 [**17.1.4** - 17 pages]
5. Att 17.1.5 DCP Report - DCA 6 - Mandogalup - 25 March 2026 [**17.1.5** - 14 pages]
6. Att 17.1.6 DCP Report - DCA 7 - Wellard- Betram - 25 March 2026 [**17.1.6** - 11 pages]
7. Att 17.1.7 - DC Ps 2-7 Infrastructure Costs Review - Rawlinsons - 11.12.25 [**17.1.7** - 111 pages]
8. Att 17.1.8 - DCA 2 - (Pt Lot 28) Mortimer Rd, Wellard - 12.02.26 valuation [**17.1.8** - 59 pages]
9. Att 17.1.9 - DCA 2 - (Pt Lot 59) Mortimer Rd, Wellard - 12.02.26 valuation [**17.1.9** - 72 pages]
10. Att 17.1.10 - DC A's 3 - 7 - 24.11.25 valuation [**17.1.10** - 55 pages]
11. Att 17.1.11 - Cost Apportionment Schedule DCA 2 Wellard East - 25 March 2026 [**17.1.11** - 2 pages]
12. Att 17.1.12 - Cost Apportionment Schedule DCA 3 Casuarina- 25 March 2026 [**17.1.12** - 4 pages]
13. Att 17.1.13 - Cost Apportionment Schedule DCA 4 - Anketell - 25 March 2026 [**17.1.13** - 3 pages]
14. Att 17.1.14 - Cost Apportionment Schedule DCA 5 Wandi - 25 March 2026 [**17.1.14** - 3 pages]
15. Att 17.1.15 - Cost Apportionment Schedule DCA 6 Mandogalup- 25 March 2026 [**17.1.15** - 1 page]
16. Att 17.1.16 - Cost Apportionment Schedule DCA 7 Wellard West Bertram - 25 March 2026 [**17.1.16** - 5 pages]

17.2 METROPOLITAN REGION SCHEME LIFTING URBAN DEFERMENT - LOTS 69-71, 73, 75, 77, 79 AND 81 BERTRAM ROAD, WELLARD

SUMMARY

The City of Kwinana (the City) has received a request from the Department of Planning, Lands and Heritage (DPLH) (email dated 6 January 2026) seeking the City's comments on a proposal to lift the Metropolitan Region Scheme (MRS) 'Urban Deferred' zoning over Lots 69-71, 73, 75, 77, 79 and 81 Bertram Road, Wellard (Bollard Bulrush West) as shown in **Attachments 17.2.1 and 17.2.2**.

This report is presented as several Council resolutions have been made in the past relating to the use and zoning of Bollard Bulrush West, and due to the proponent also requesting a concurrent amendment to the City's Local Planning Scheme No. 2 (LPS2) to rezone the land 'Development', thereby enabling the preparation and approval of a local structure plan.

The area referred to as 'Bollard Bulrush West' is approximately 12.12 hectares and situated on the western side of Bollard Bulrush Swamp as shown in the location plan at Figure 1. This 12.12ha portion of the subject lots is that which remains for development after the wetland areas are reserved for conservation.

The proposed lifting of the urban deferred zoning would result in the Bollard Bulrush West area being zoned 'Urban' in the MRS. Currently, most of the land is not zoned or reserved under the City's LPS2 and consequently, the proponent is also requesting LPS2 be amended concurrently to zone the Bollard Bulrush West area 'Development'. The Development zone will enable a local structure plan to be prepared and adopted by the Western Australian Planning Commission (WAPC).

The City is satisfied that Bollard Bulrush West is suitable for residential development, subject to several detailed planning matters being resolved at subsequent stages of the planning framework, as discussed in this report.

The proposed lifting of the urban deferred zoning to enable development is consistent with the:

- a) South-Metropolitan Peel Sub-Regional Framework (WAPC)
- b) City of Kwinana Local Planning Strategy
- c) Proposed MRS Amendment Wellard Road Widening
- d) Kwinana Loop Trail Plan (City of Kwinana)

It is recommended that the request to lift the MRS urban deferred zoning and the concurrent zoning of the Bollard Bulrush to 'Development' in LPS2 be supported.

Bollard Bulrush Swamp is a Conservation Category Wetland that forms part of a regional network of wetlands in the area. Council has previously resolved that the wetland should be reserved under the Metropolitan Region Scheme as 'Parks and Recreation' to recognise this regional significance. It is also recommended that Council reiterate this position and request that the WAPC consider an amendment to the MRS to that effect.

OFFICER RECOMMENDATION**That Council:**

- 1. Support the lifting of the 'Urban Deferred' zone on Lots 69-71, 73, 75, 77, 79 and 81 Bertram Road, Wellard (Bollard Bulrush West) and zoning of the land 'Urban' under the Metropolitan Region Scheme (MRS), subject to:**
 - 2. The boundary of the Urban zone being aligned with the boundary of the Conservation Category Wetland; and**
 - 3. Approval of a Local Water Management Strategy for the area by the Department of Water and Environmental Regulation, in consultation with the City of Kwinana.**
- 4. Support the concurrent rezoning of the land to Development under City of Kwinana Local Planning Scheme No. 2 to facilitate preparation of a local structure plan to guide development of the land.**
- 5. Request that the Western Australian Planning Commission consider initiating an amendment to the Metropolitan Region Scheme to reserve the Bollard Bulrush Conservation Category Wetland as 'Parks and Recreation' in recognition of its regional environmental significance.**
- 6. Note that detailed urban planning and design matters will be addressed through subsequent local structure planning, subdivision and development assessment process.**

VOTING REQUIREMENT

Simple majority

BACKGROUND

The site the subject of the proposed lifting the urban deferred is approximately 12ha and situated on the western side of Bollard Bulrush Swamp, as shown in Figure 1 below. Figure 2 shows the ‘Urban’ zoned land within proximity to the subject land.

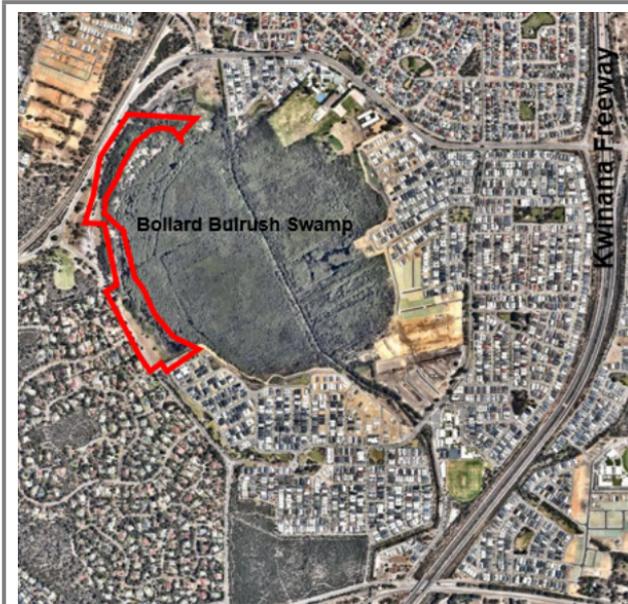


Figure 1: Location of proposed MRS Urban Deferred lifting.

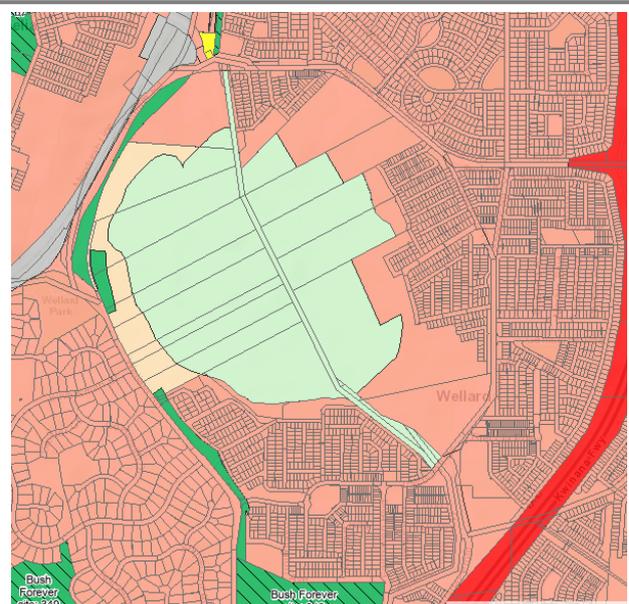


Figure 2: MRS zoning showing surrounding ‘Urban’ land (orange) and ‘Urban Deferred’ (light orange).

Land surrounding Bollard Bulrush has a detailed planning history in its progression to development. Council has passed several resolutions, beginning in 2005, that reflect the evolution of the land’s zoning and use. Relevant aspects of these resolutions and events are summarised as follows and numbered for ease of reference.

Before 2005

1. Council’s position was that Bollard Bulrush and surrounds should be reserved under the MRS as ‘Parks and Recreation’ and acquired by the State for this purpose due to its environmental values.
2. Several submissions were made to the State Government supporting the above position in one form or another, according to Council minutes 14 June 2006 (page 28) and 13 May 2009 (page 32).

12 October 2005

3. Council endorsed draft District Structure Plan (Eastern Residential Intensification Concept – ‘ERIC’) for advertising.
4. ERIC did not designate a land use or zoning to the land surrounding Bollard Bulrush (Figure 3 below), instead noting that *‘Future Urbanisation may be considered following full technical*

environmental review of impacts of urbanisation on wetland area (to be undertaken by landowner/developer in consultation with DoE).

5. ERIC was not finalised as it became superseded by the WAPC's Jandakot District Structure Plan 2007 (referred to later in this report).

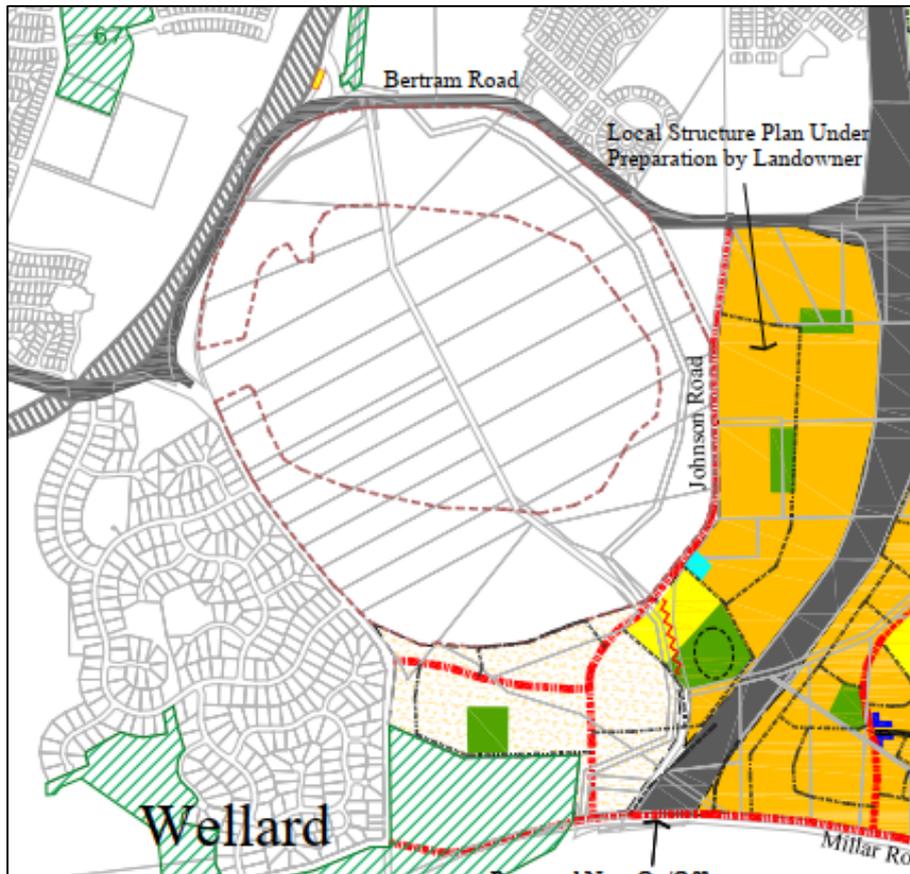


Figure 3: Extract from Eastern Residential Intensification Concept (City of Kwinana, 2005)

12 April 2006

6. Council motion passed that Officers prepare a report to initiate a scheme amendment to rezone land surrounding, and including Bollard Bulrush wetland, from 'Recreation/Park' and 'Rural', to 'Recreation/Park' only.
7. Follow up report presented to 14 June 2006 Council meeting on the implications of the rezoning proposal, namely injurious affection and possible compensation to affected landowners.

Council decided to defer the item to a workshop, and it does not appear that the rezoning motion was presented back to Council.

August 2007

8. Western Australian Planning Commission (WAPC) approves Jandakot District Structure Plan.
9. Land surrounding Bollard Bulrush identified for 'short-term urban' (refer Figure 4), though annotated with '*area subject to further investigations to determine specific areas that may be available for future urban land uses*'.

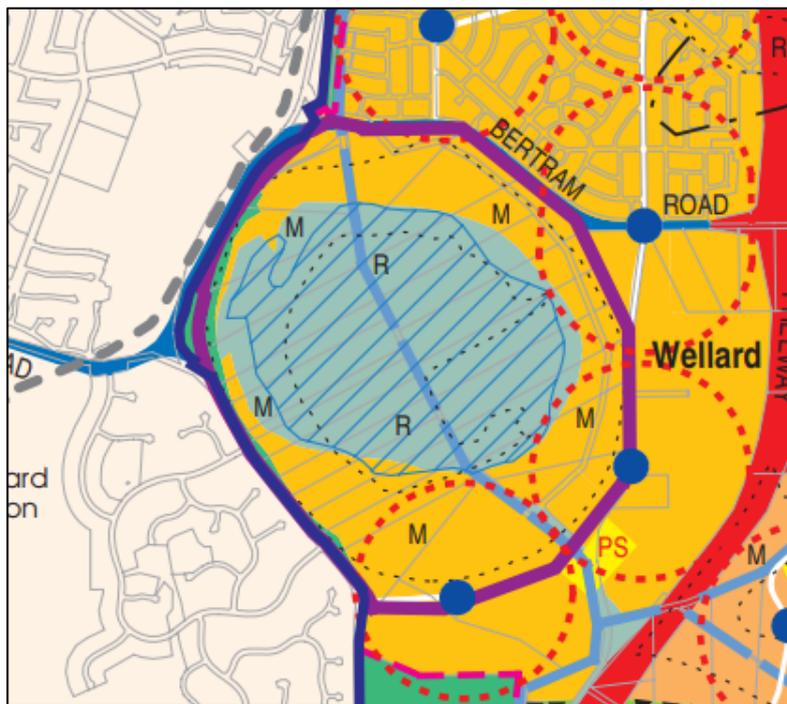


Figure 4: Extract from Jandakot District Structure Plan (WAPC, 2007)

23 July 2008

10. Council decided to support advertising and progression of a rezoning proposal from landowners to:
 - Rezone land on the western and southern sides of Bollard Bulrush to 'Special Residential' under Town Planning Scheme No. 2; and
 - Rezone land on the eastern side of Bollard Bulrush from 'Rural' to 'Urban Deferred' under the MRS.
11. The Town Planning Scheme No. 2 rezoning proposal does not appear to have progressed.

13 May 2009

12. Council considered the above rezoning request after advertising and consultation with the Department of Planning.
13. Recognising the hierarchy of the Jandakot Structure Plan, Council resolved to support a modified, combined MRS amendment to rezone the land surrounding Bollard Bulrush from 'Rural' to 'Urban Deferred' (refer Item 14.1, Decision #499). Council also resolved to advise the WAPC that:
 - Only land outside of the Bollard Bulrush wetland and its buffer should be rezoned;
 - The wetland and buffer boundaries should be determined by a full assessment by the (then) Department of Environment and Conservation of the environmental studies prepared by the proponent;
 - The wetland and buffer should be reserved as Crown land, and 'Parks and Recreation' under the MRS; and
 - That conceptual structure plans prepared at that time would be subject to further detailed assessment.

30 November 2010

14. MRS1189/57 was approved to rezone land to the west and south of Bollard Bulrush from 'Rural' to 'Urban Deferred', including the land subject to this report.
15. A District Water Management Strategy was to be prepared to the satisfaction of the (then) Department of Water before the land could be zoned 'Urban'.
16. It is noted that the 'Urban Deferred' boundary followed the boundary of Bollard Bulrush Swamp as set out in the *Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004*. This

policy was repealed in 2015, with wetland boundary mapping and development control to be governed by other statutory measures.

17. The recognised boundary of Bollard Bulrush Swamp now follows wetland mapping administered by the Department of Biodiversity, Conservation and Attractions (DBCA). This point will be discussed further later in this report.

27 July 2011

18. Following preparation and approval of a Local Water Management Strategy, Council resolved to support lifting of urban deferment for land subject to MRS1189/57 south of Bollard Bulrush (now Providence Estate) and Lot 61 Bertram Road on the northern side (recently commenced development as Wellard Green Estate), however:

- Did not support an 'Urban' zone for the land on the western side of Bollard Bulrush (the land subject to this report); and
- Sought the preparation of a separate TPS2 amendment to introduce a 'Development Area' zone for the western side, along with specific scheme provisions *'which will better ensure that development is sensitive to the landscape and environmental values of this area.'* (Refer Item 14.3, decision #366).
- It appears the above-mentioned amendment was not prepared or progressed.

25 October 2011

19. Land subject to MRS1189/57, to the south of Bollard Bulrush and Lot 61 Bertram Road zoned 'Urban' following lifting of urban deferment (refer MRS1224/27).

20. The land to the east of Bollard Bulrush and subject to this report, remained as 'Urban Deferred'.

25 July 2014

21. MRS1188/57 approved to rezone the eastern side of Bollard Bulrush from 'Rural' to 'Urban Deferred'.

22. The Urban Deferred zoning was then lifted on 21 April 2015, rezoning the land to 'Urban' (refer MRS1296/27).

Figure 5 shows the MRS zoning of the land surrounding Bollard Bulrush and the dates when rezoning was approved.

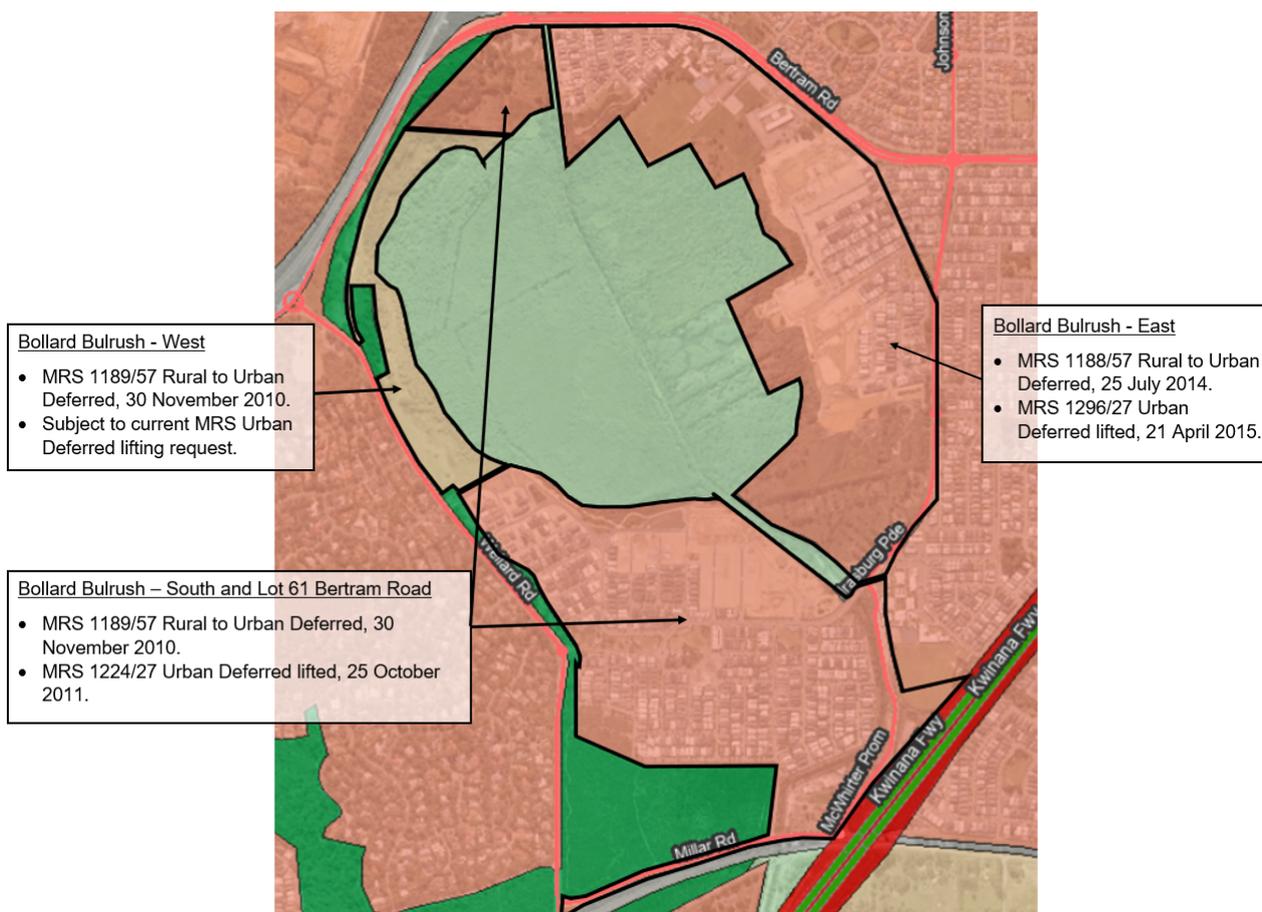


Figure 5: Metropolitan Region Scheme zoning of land surrounding Bollard Bulrush

PROPOSAL

As shown in Figure 5 above, the eastern side of Bollard Bulrush is the last remaining portion of land zoned Urban Deferred.

Planning consultants, Rowe Group (Proponent), have prepared the request to lift the urban deferred zoning on behalf of the landowners (**Attachment 17.2.2**). The Proponent is also requesting that the City support a concurrent amendment to LPS2 to concurrently zone the land 'Development' under LPS2, thereby enabling the lodgement and approval of a local structure plan to guide subdivision and development.

The request is supported by a draft local structure plan map (Figure 6 below) and several technical reports:

1. Bushfire Management Plan;
2. Transportation Noise Assessment;
3. Flora and Fauna Assessment;
4. Local Water Management Strategy;
5. Wetland and Buffer Management Plan;
6. Engineering Servicing Report; and
7. Transport Impact Assessment.

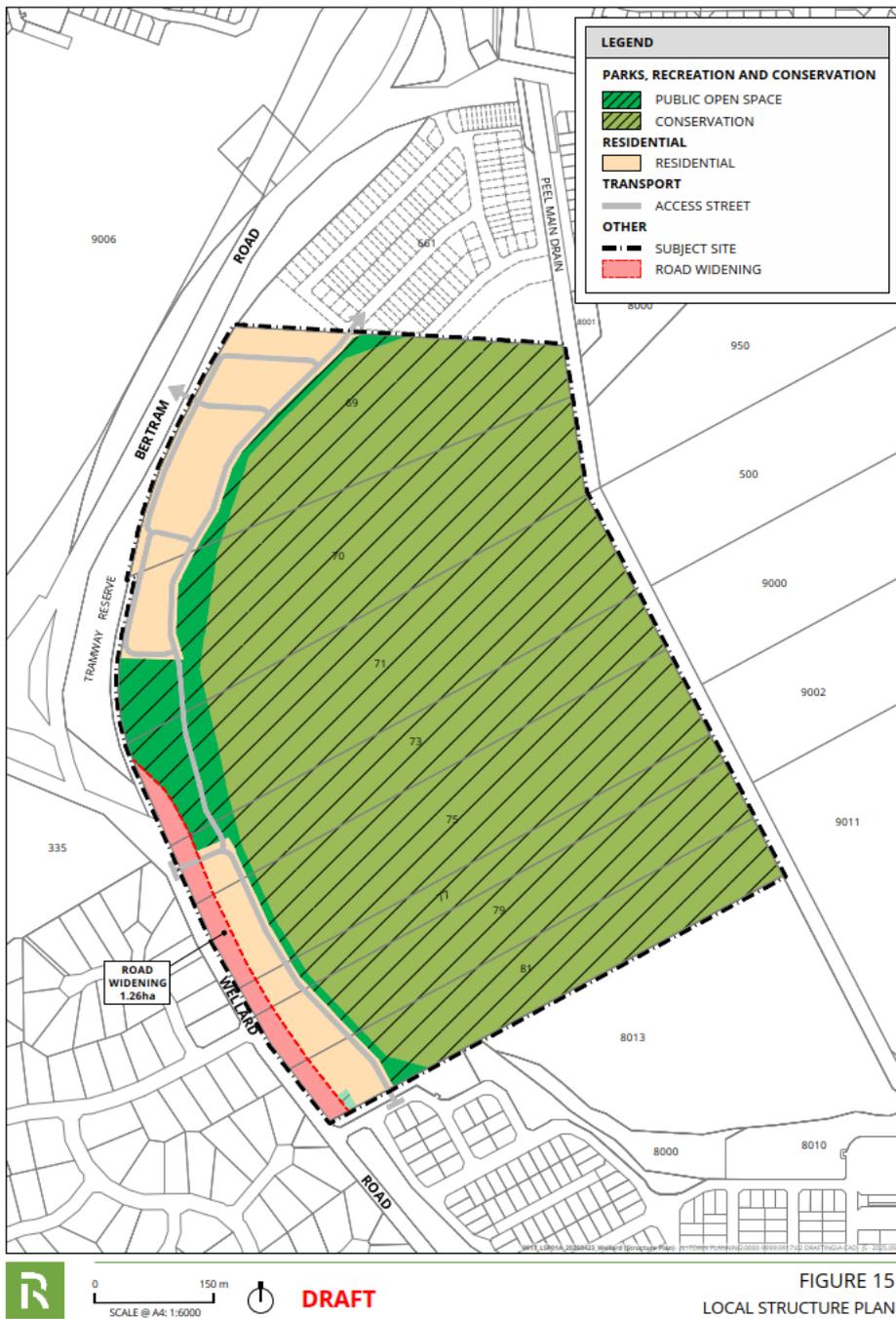


Figure 6: Draft local structure plan map

As explained earlier under ‘Background’, the land was deferred from being zoned Urban due to a requirement to prepare a District Water Management Strategy. The Urban Deferred zone has been lifted for other land surrounding Bollard Bulrush based on a Local Water Management Strategy being prepared consistent with the Jandakot Drainage and Water Management Plan 2009.

Draft local structure plan

Although not under assessment yet, the following summary of the draft local structure plan is provided to demonstrate the intended form of development, should the rezoning request be approved (Table 1).

Table 1: Summary details of draft local structure plan

Item	Area (approximate)	Comment
Total area covered by the draft LSP	55.5ha	Includes core area of Bollard Bulrush (Conservation Category Wetland)
Area subject to lifting request	12.12ha	
Residential	6.01ha	Estimated 97 lots, 97 dwellings, 261 people
Open Space	48.25ha	
Wellard Road Widening	1.26ha	Consistent with City's MRS amendment request to facilitate Wellard Road duplication
Estimate area of Open Space:		
- Conservation Category Wetland (CCW)	38.66ha	Aligns with the CCW core area.
- CCW buffer	5.86ha	50 metre buffer distance from the CCW boundary, within the proposed Urban zone.
- Public Open Space	2.65ha	
- Regional Open Space	1.11ha	Already reserved under the MRS – no change

COMMENT

The City has reviewed the request against the WAPC 'Lifting of Urban or Industrial Deferment Guidelines', March 2025 (Guidelines). Table 2 below summarises this review against the Guidelines criteria.

	Guidelines criteria	Comment
1.	Land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services.	Standard servicing is near the site.
2.	Planning is sufficiently advanced to depict an acceptable overall design to guide future development.	<p>The Jandakot District Structure Plan has been in place since August 2007. The proposed Urban zoning is consistent with this strategic plan, albeit with minor variations in the northeastern corner where extent of the wetland boundary has since been clarified. The proposed zoning is also consistent with the WAPC's South Metropolitan Peel Sub-regional Planning Framework, March 2018.</p> <p>Planning surrounding Bollard Bulrush has advanced to development and the proposed Urban area is a continuation (and finalisation) of that process.</p> <p>The lifting request is accompanied by a draft local structure plan and supporting technical appendices. Although the LSP and technical reports will require further detailed assessment, there are no fundamental flaws to the land progressing to an Urban zone.</p>
3.	The proposed urban or industrial development is in accordance with the endorsed strategic planning framework.	As above, the strategic planning framework has been in place since 2007, with the Urban Deferred zoning in place since November 2010. The proposed lifting is a logical continuation and finalisation of the urbanisation process.
4.	Regional requirements (such as regional roads, open space and public purposes) have been satisfied or providing made for them.	<p>The request, and draft local structure plan, recognise the existing Parks and Recreation reserve and proposed widening area for Wellard Road.</p> <p>Public open space will be determined through the local structure planning process, with subsequent subdivision processes formalising the ceding of this land to the Crown.</p>
5.	Any constraints to urban development, including in relation to environmental, hazard and risk issues can be satisfactorily addressed.	<p>A LWMS has been prepared consistent with the Jandakot Drainage and Water Management Plan 2009, and consistent with other LWMS's prepared around Bollard Bulrush. This meets the requirement for the Urban Deferment.</p> <p>Notwithstanding, the LWMS has not yet been approved by the Department of Water and Environmental Regulation. As water management is a critical matter for this area, the management arrangements should be approved by DWER, in consultation with the City, before the land is zoned Urban.</p> <p>Other supporting technical reports (referred to earlier) have been prepared and demonstrate no fatal flaws to the rezoning proposal. Notwithstanding, the reports will be considered in further detail as part of the local structure plan assessment, and support for the rezoning request will not prejudice the City's later detailed assessment and position on the local structure plan.</p>

Other matters for consideration*Wetland and buffer boundary*

As mentioned above, the current Urban Deferred zoning boundary follows the former wetland boundary determined by a now repealed Environmental Protection Policy (EPP). The boundary of the wetland has now been determined by DBCA as a Conservation Category Wetland (CCW). It is recommended that the Urban rezoning align with the boundary of the CCW rather than the repealed EPP boundary. Figure 7 below shows the difference.



LAND USE OVERLAY
 VARIOUS LOTS - WELLARD ROAD
 WELLARD



DRAWING: 9917-FIG-18-A
 DATE CREATED: 2025-02-10
 PROJECTION: NZGD2016
 COORDINATE: UTM
 AREA: 1000000
 This document may not be reproduced without the written consent of Rowe Group. All areas and dimensions are subject to survey.



Figure 7: Urban Deferred boundary compared to Conservation Category Wetland boundary

It is further recommended that the WAPC consider initiating an amendment to the MRS to formally reserve the CCW area of Bollard Bulrush as Parks and Recreation, rather than remaining in its current Rural zoning. Bollard Bulrush Swamp is recognised as part of the regional linkage of wetlands in the region and should be reserved appropriately under the MRS and formally protected.

Kwinana Loop Trail / Tramway

The Kwinana Loop Trail and regional Tramway Trail are intended to run along the western side of Bollard Bulrush. The proposed Urban zoning, and subsequent development, of this land presents an opportunity to incorporate these trails into the public open space design of the development, rather than the trails being alongside Wellard Road. As the public open space will likely abut the CCW buffer area, a well designed public open space and trail will provide an opportunity for the public to connect and experience the area's natural attributes as envisaged by the Trail Network Masterplan.

The proposed Urban zoning will enable design of the public open space and buffer treatments will be determined through the local structure plan and subdivision process.

Primary School site

Previous correspondence from Department of Education (DoE) in 2020 indicated a desire for an early childhood centre site to be provided within the land. DPLH will consult with DoE in relation to a possible site as part of the urban deferred lifting request, and this matter can be further considered during local structure planning.

Design matters for local structure plan assessment

In addition to the above matters, several other aspects are noted for further consideration during the future assessment of a local structure plan:

1. Provision of a 50m buffer between the Conservation Category Wetland (CCW) boundary and residential lots and roads.
2. Preparation of Wetland Management Plan.
3. Preparation of a Tree Retention Strategy in accordance the City's Local Planning Policy No. 1: Landscape Feature and Tree Retention.
4. Preparation of a Bushfire Management Plan to the satisfaction of the Department of Fire and Emergency Services and the City.
5. Preparation of a Traffic Impact Assessment to the satisfaction of the City.
6. Public Open Space Schedule and Landscape Master Plan demonstrating how drainage and recreational functions will be integrated.
7. Description of the potential impact of noise from trains on the Perth-Mandurah rail line on residences, and management of these noise impacts.
8. Preparation of a Mosquito Management Plan.

2020 Response to Urban Deferred Lifting Request

On 18 September 2020, the City responded to a preliminary request from DPLH to lift the Urban Deferred zoning for the Bollard Bullrush West land, raising several matters that required addressing (**Attachment 17.2.3**). The current request has addressed most matters raised in the

City’s 2020 response, or the matters will be addressed at local structure plan and subdivision stages as explained in this report.

Concurrent Amendment to Local Planning Scheme No. 2 Map

Most of the land subject to the proposed Urban zoning is not zoned under the City’s LPS2, with small portions zoned Rural A (Figure 8 below). Under s. 126(3) of the *Planning and Development Act 2005*, a concurrent zoning of a local planning scheme can occur at the time of an MRS rezoning.

The Proponent has requested that the proposed Urban land be concurrently rezoned to ‘Development’ under the City’s LPS2. A ‘Development’ zone then provides the statutory basis for a local structure plan to be prepared and approved over the land.

The land is already within Development Contribution Areas 1, 7 and 12, thereby enabling the apportionment of costs associated with standard and community infrastructure. The land is also subject to several other scheme provisions relating to landscape protection and drainage that will inform the assessment of the future local structure plan and subdivision. No additional scheme provisions are considered necessary.

It is recommended that the City support the concurrent LPS2 rezoning request so the land can proceed to development in an efficient manner.

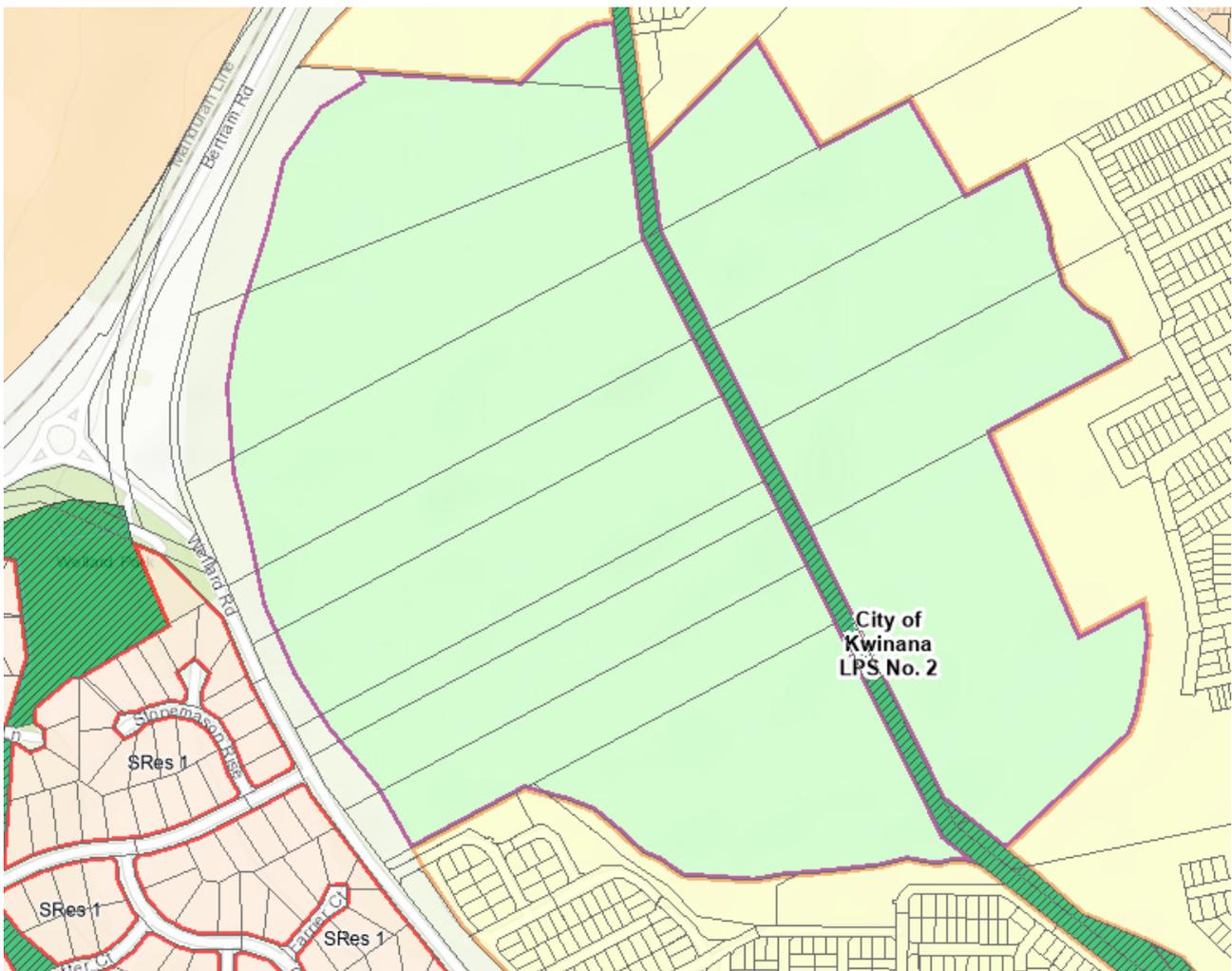


Figure 8: Local Planning Scheme No. 2 map extract

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
Action in CBP: Implement and review the Integrated Mosquito and Midge Management Plan
Action in CBP: Implement the Urban Forest Strategy

Outcome: **Quality of Life / Ngalang moorditj wirrin (Our strong spirit)**
Objective: Improved health and wellbeing
Action in CBP: Implement the Kwinana Loop Trail Master Plan
Action in CBP: Enhanced public spaces
Action in CBP: Implement the Kwinana Loop Trail Master Plan
Action in CBP: Implement the Local Planning Strategy

Outcome: **Built Environment/ Ngalak Moort Mia Mia (Family gathering places)**
Objective: Building communities
Action in CBP: Implement the Local Planning Strategy
Objective: Accessible and connected community
Action in CBP: Implement the Kwinana Loop Trail Master Plan
Action in CBP: Implement the Local Planning Strategy
Action in CBP: Implement the Bike and Walk Plan

Outcome: **Leadership / Boordiya Katidjin (Leader of knowledge)**
Objective: Continuous improvement and efficiency
Action in CBP: Implement the Kwinana Loop Trail Master Plan
Action in CBP: Implement the Local Planning Strategy

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

- 1 - Social Inclusion
- 2 - Community Wellbeing
- 6 - Resilient and Adaptable Communities
- 8 - Integrated and Transparent Decision-making

Sustainability Priority Area

- 2 - Environment and Biodiversity
- 3 - Liveability
- 4 - Engagement and Social Inclusion

LEGAL/POLICY IMPLICATIONS

For the purpose of Elected Members considering a financial or impartiality interest only, the proponent is Rowe Group (planning consultants), acting on behalf of Guantai Investment Pty Ltd, owner of Lots 69-71, 73, 75, 77, 79 and 81 Bertram Road, Wellard.

The request to lift the urban deferment from the subject land has been lodged with the WAPC under Clause 23 of the MRS. The clause authorises the WAPC to transfer land from 'Urban Deferred' zone to 'Urban' by resolution and notice in the Government Gazette.

FINANCIAL/BUDGET IMPLICATIONS

The cost of preparing the documentation supporting the request to lift urban deferment has been borne by the proponent.

ASSET MANAGEMENT IMPLICATIONS

The lifting of urban deferment will enable a local structure plan to be assessed by the City and adopted by the WAPC.

The City will be financially responsible for maintaining public open space, roads, verge trees and footpaths once the area has been developed.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Environmental implications will be assessed in greater detail at later stages of the planning framework, particularly the impact on remnant vegetation and wetland management.

COMMUNITY ENGAGEMENT

The WAPC is not required to publicly advertise a proposal to lift the urban deferred zoning, as it is considered the planning issues associated with the rezoning are considered at the time of the rezoning or urban deferred (refer WAPC 'Lifting of Urban and Industrial Deferment Guidelines, March 2025).

If the urban deferred zoning is lifted and the subject land is zoned urban in the MRS and 'development' under LPS2, a local structure plan may be prepared. Assessment of a local structure plan requires public consultation which would be undertaken by the City.

ATTACHMENTS

1. Att 17.2.1 - WAPC request for City comment - MRS Urban Deferment lifting - Bollard Bulrush West [17.2.1 - 2 pages]
2. Att 17.2.2 - Bollard Bulrush West Lifting of Urban Deferment Request [17.2.2 - 284 pages]
3. Att 17.2.3 - Co Kw reply - MRS Urban Deferment lifting - Bollard Bulrush West - 18 Sept 2020 [17.2.3 - 3 pages]

17.3 URBAN FOREST STRATEGY - REPORT ON SUBMISSIONS AND FINAL ADOPTION

SUMMARY

On 11 December 2024, Council adopted the draft Urban Forest Strategy (UFS) for the purpose of community consultation. This report presents the outcomes of consultation and recommends that Council adopt the UFS, with minor modification.

The UFS outlines a coordinated and holistic approach to preserve, expand and manage the City's urban forest on both public and private land. The UFS defines goals and targets for management of the urban forest and prescribes actions to achieve them. Notably, the UFS proposes to increase overall tree canopy coverage from 19.8% to 22.6% over the next 20 years. This target comprises of increasing canopy coverage within the following areas by:

- Residential 14.7% to 18.3%
- Industrial 6.6% to 9%
- Public open space 24% to 30%
- Streetscapes 10.9% to 22.9%

The City plays a key role in land management and planting and therefore the ability to improve tree canopy coverage. To achieve the above targets on City managed land (primarily public open space and streetscapes), it is estimated that 29,889 new trees are needed. To accelerate this process the City applied for and was successful in receiving an Australian Government grant of \$1.84 million over 3 years for tree planting. This enables an immediate boost to the City's planting efforts. Achieving the other canopy coverage targets will rely on landowner actions, and through local planning and design such as increasing street trees and open space plantings in new suburbs.

Community consultation took place over a four-week period between 7 May 2025 and 6 June 2025, where the UFS and complementary documents were advertised, and a survey offered. The survey asked 3 questions:

1. What suburb do you live in.
2. Do you support our proposal to implement the UFS. Options were:
 - a. Slow Rate:
 - i. Approximately 50% of plantings (14,945 trees) over the 20-year period.
 - ii. Approximate property rate implication of an increase of \$9.50 for the first year, then \$2.10 per year thereafter.
 - b. Fast Rate:
 - i. All 29,889 trees planted over the 20-year period.
 - ii. Approximate property rate implication of an increase of \$9.50 for the first year, then \$4.20 per year thereafter.
 - c. Do not progress with the business case for this project.
3. Do you have any other feedback on the UFS.

Twenty-four survey responses were received. Whilst the number of responses is lower than expected, trees and urban canopy are consistently raised by the community as priority issues. For instance, during the consultation phases undertaken for the Strategic Community Plan in 2024-25, 'streetscapes and trees' were ranked as a top 6 community priority out of 1,198 responses, providing a strong indication of the community's interest in the matter.

Of the twenty-four responses received on the UFS, twenty respondents (83.3%) supported the Fast Rate, two respondents (8.3%) supported the Slow Rate, and two respondents (8.3%) did not want to progress the UFS implementation.

The comments received to the third question covered various related aspects of the UFS and the City's role. The comments are discussed further in this report, as well as **Attachment 17.3.3** that provides a schedule of submissions with the City's response.

Following a review of the submissions, and further internal review of the UFS, minor modifications are recommended to be made to the advertised version as detailed in this report. The modifications are minor and will improve the implementation of the UFS.

The length of time since public advertising of the UFS and this report is acknowledged and is due to competing environmental and planning matters, including detailed negotiations with the State government on the Casuarina local structure plan, progression of the Coastal Adaptation Hazard Reduction and Mitigation Plan, and high levels of subdivision and development activity involving complex wetland management plans and environmental assessments.

Notwithstanding the delay, many of the actions of the UFS represent a continuation of work already being implemented by the City, and as such delivering on many of the actions in the UFS has not been affected. For instance, securing the Australian Government grant for tree planting, and increasing the City's own tree planting have occurred since advertising of the UFS.

It is recommended that Council receive the outcomes of consultation, and adopt the UFS with minor modification.

OFFICER RECOMMENDATION

That Council:

- 1. Receive the outcomes of community consultation as detailed in this report and Attachment 17.3.3.**
- 2. Adopt the updated Urban Forest Strategy 2026 – 2046 as per Attachment 17.3.1.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

Background

Preparation of an Urban Forest Strategy (UFS) was a specific action of the City's Corporate Business Plan 2021 – 2025. Following a procurement process, the City engaged consultants, Arbor Carbon, to prepare the UFS in 2024.

On 11 December 2024, Council resolved to:

- 1. Adopt the Draft Urban Forest Strategy 2024-2044 for the purposes of community consultation.*
- 2. Note the Draft Urban Forest Strategy 2024-2044 will be advertised for a period of 4 weeks in early 2025.*
- 3. Note that as part of the major review of the Strategic Community Plan process, Council will consider options relating to achieving the Draft Urban Forest Strategy 2024-2044 targets.*

It is also noted that prior to Council's adoption of the draft UFS, that the Boola Maara Aboriginal Consultative Committee considered the draft UFS on 2 December 2024, advising:

- *The Committee agreed with retaining trees as much as possible.*
- *Suggested to approved (sic) the Kwinana Industrial Area to 'adopt' trees.*
- *Confirmed there is a culturally significant tree retained at Thomas Oval which is protected.*
- *Confirmed there are more trees being cleared than re-planted with development.*
- *Support priority action and education with developers to understand which tree types are suitable for certain areas.*
- *Confirmed timeframe 2024-2044 for full canopy.*
- *The Boola Maara Aboriginal Consultative Committee support the Urban Forest Strategy.*

The above comments were noted prior to the adoption of the UFS, though didn't result in modifications to the document.

Community Consultation

The draft UFS was advertised for public comment on the City's community engagement platform, Love My Kwinana, for a period of four weeks from 7 May 2025 to 6 June 2025. The draft UFS was available for viewing, along with a Factsheet and Flyer (refer to **Attachment 17.3.2**).

The following statistics detail the level of public engagement in the consultation.

Love My Kwinana Project Webpage

- Total Visits: 1,200
- Aware Visitors: 983 - Spent time reviewing project page information
- Informed Visitors: 130 (13.2%) - Interacted with other elements on the page i.e. Documentation
- Engaged Visitors: 22 (2.2%) completed the survey

Document Engagement

- Urban Forest Strategy Final.pdf – 44 downloads
- A4 Factsheet V3.pdf – 38 downloads
- A5 Flyer V4.pdf – 23 downloads

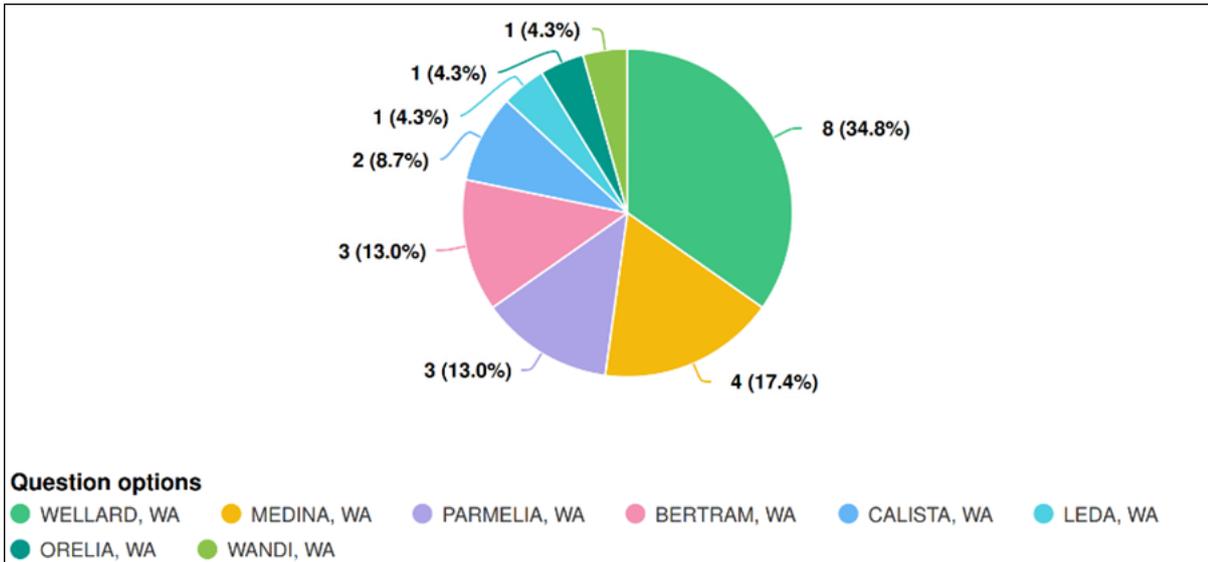
Traffic Sources

- Facebook (mobile and desktop): Over 950 visits combined
- Google: 60+ visits
- Instagram: 3 visits

Survey Questions and Responses

An online survey was provided, asking the public three questions. The responses received are shown in the images below. All the questions were 'optional' meaning that although 24 surveys were lodged, not every question has 24 responses.

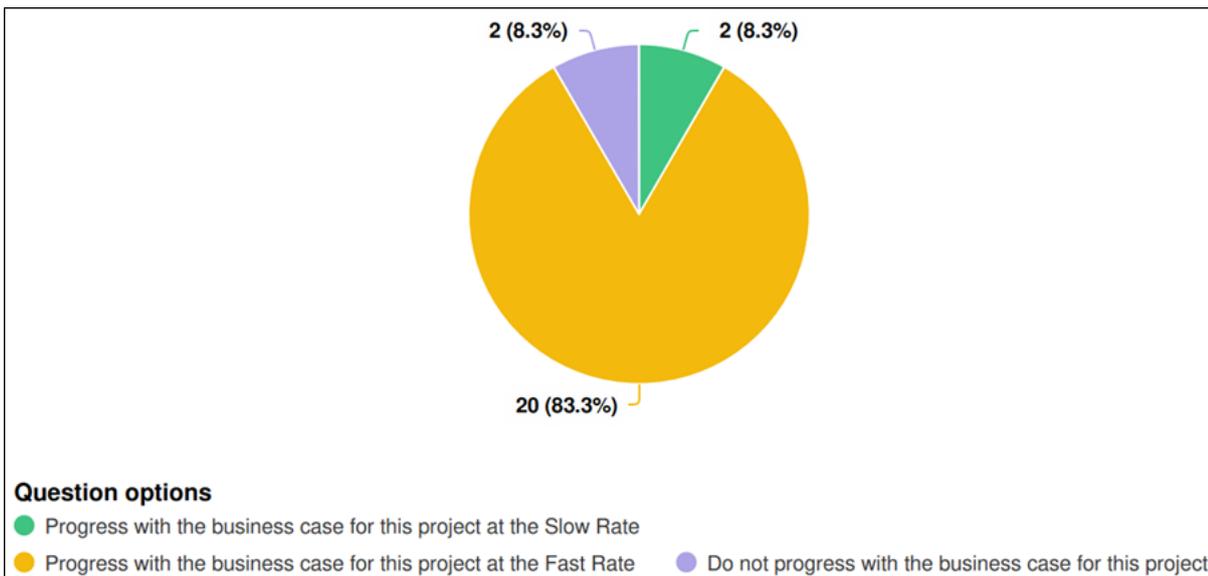
Question 1: Your suburb.



Question 2: Do you support our proposed to implement the Urban Forest Strategy.

The response options for this question were:

- Progress with the business case for this project at a Slow Rate.
- Progress with the business case for this project at a Fast Rate.
- Do not progress with the business case for this project.



Response option	Number	Percentage
Progress with the business case for this project at the Slow Rate	2	8.3%
Progress with the business case for this project at the Fast Rate	20	83.3%
Do not progress with the business case for this project	2	8.3%

The majority of respondents supported the City adopting the ‘Fast Rate’. Further discussion on what this means and implications are discussed under ‘Financial Implications’ heading.

Question 3: Do you have any other feedback on the Urban Forest Strategy.

Several matters were raised in the 21 written responses received, summarised as follows with the City’s response.

	Summarised matter	City response
1	Native tree planting should be prioritised over non-native, ornamental or fruit trees (3 responses).	<p>Council’s existing Policy, ‘Street Trees and Verge Treatments’ considers planting of <i>‘endemic, native and exotic trees’</i> to achieve goals identified in the City’s Climate Change Mitigation and Adaptation Plan. The type of tree selected depends on several factors, including location, maintenance, intended purpose for tree, watering regimes etc.</p> <p>Action 4.6 is <i>‘Following the completion of the tree audit, analyse the data to determine the species and age-class profile, and develop a desired genus, species and age-class profile for the City.’</i></p> <p>Determination of appropriate species will consider native tree plantings.</p>
2	Concern about clearing of trees for land development (7 responses).	<p>Although the City plays a role in the planning and development process, zoning, subdivision and approval processes are governed by State legislation, regulation and policy. Retention and integration of trees during land development is considered by the City in its assessment of proposals and its advice to the State government decision makers. However, factors such as site leveling and filling, sewer gradients, infrastructure requirements, road construction and drainage standards, combined with mandated lot densities, significantly limit the ability to retain trees in new suburban estates.</p> <p>Where trees are unable to be retained, new plantings are required within the streetscape and on private property, such as the R-Codes requiring the planting of generally 1 tree per new residential lot.</p>
3	Suggestion for more information on the benefits of tree canopy (2 responses).	Several implementation actions are included in the UFS under the heading ‘Collaborate, Educate and Incentivise’, that speak directly to information and education initiatives to promote tree retention and planting. Refer to page 67 of the UFS.
4	Concern about City planting and pruning practises (2 responses).	The responses referred to specific examples where trees are growing near powerlines or in road medians. The comments have been referred to the City’s Infrastructure Directorate for information and consideration.
5	Concern about cost implications on ratepayers (2 responses).	The responses did not support any increase in rates to fund implementation of the UFS. Further discussion on this point is contained under the ‘Financial Implications’ heading. An aim of increasing the urban tree canopy is to reduce direct and indirect costs to the community through improved environmental factors such as energy costs and health and wellbeing benefits.
6	General support for the UFS (4 responses)	Responses noted.
7	Concern about removal of existing trees (and houses), particularly in Medina (1 response)	<p>Demolition of housing in Medina is a separate matter to the UFS and will be considered further with progression of the City’s new Local Planning Scheme No. 4 and related town planning policies.</p> <p>Development approval is not required for removal of individual trees on private property within Medina or other</p>

	Summarised matter	City response
		general residential areas. Implementation Action 4.1 of the UFS is to <i>‘review initiatives for tree protection on private land’</i> . This action is listed as a ‘high’ priority.

Modifications to UFS

No modifications to the advertised UFS are recommended due to matters arising from community consultation. However, since advertising and following further review, Officers recommend the following modifications to the Implementation Plan, described as follows.

	Proposed modification	Reason
1	Retitle the UFS from ‘2024-2044’ to ‘2026-2046’.	To reflect the adoption date of Council.
2	Number each action of the Implementation Table.	For ease of reference when referring to individual actions in future.
3	For the first action, replace ‘Development Assessment’ with ‘Strategic Planning’ as the responsible team.	To reflect the appropriate team within the City.
4	<p>For the second action, include ‘Strategic Planning’ as the responsible team to review Local Planning Policy No. 1.</p> <p>Review of the Council Policy ‘Street Trees and Verge Treatments’ will remain the responsibility of the ‘Tree Management Team.’</p>	To reflect the appropriate team within the City.
5	Delete the third action that states, <i>‘Define what is considered a ‘significant’ tree, and create a Significant Tree Register for the City.’</i>	<p>The first action of the Implementation Table is to review initiatives for tree protection on private land. Such initiatives could include a Significant Tree Register should it be considered appropriate.</p> <p>It is proposed to delete the third action as a Register will be considered under the first action, and the current wording of the third action pre-empts the outcome of the first action.</p>
6	For the fifth action, delete ‘Development Assessment’ from the responsible team column.	This action will be undertaken by the Tree Management Team alone. The modification is to reflect the appropriate team within the City.
7	<p>For the eighth action:</p> <ul style="list-style-type: none"> • Replace the term ‘amend’ with ‘review’. • Include ‘Strategic Planning’ as the responsible team to review Local Planning Policy No. 2. 	To better describe the action as a ‘review’ of LPP2, rather than pre-empting an outcome, and to reflect the appropriate team within the City.
8	Replace the term ‘Development Assessment’ with ‘Statutory Planning’ throughout.	To reflect the nomenclature used by the City’s teams.

The above modifications are considered minor and subject to Council's endorsement, will be undertaken to the UFS prior to publication.

STRATEGIC IMPLICATIONS

Outcome: Environmental Stewardship / Ngalla djoorapiny ngank boodjar
(Looking after mothers' beautiful country)
Objective: Support biodiversity and natural landscape conservation
Action in CBP: Implement the Urban Forest Strategy
Objective: Retain and improve our streetscapes and open spaces
Action in CBP: Implement the Urban Forest Strategy

Outcome: Quality of Life / Ngalang moorditj wirrin (Our strong spirit)
Objective: Improved health and wellbeing
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.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

4 - Environmental Stewardship
 6 - Resilient and Adaptable Communities
 7 - Generational Value Creation

Sustainability Priority Area

1 - Climate Action
 2 - Environment and Biodiversity
 3 - Liveability

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

The draft UFS ensures that the City's urban greening efforts are aligned with broader environmental, social, and economic goals, creating a sustainable, liveable urban environment for the future.

LEGAL/POLICY IMPLICATIONS

Supporting Strategies and Policies include:

- Local Planning Strategy (2022–2036)
- Environment Strategy (2024–2034)
- Streetscape Upgrade Strategy (2019–2029)
- Climate Change Plan (2021–2026)
- Sustainability Framework (2023)
- Local Biodiversity Strategy (2022)
- Water Plan (2024–2028)
- Local Planning Policies on landscape features, streetscapes, and tree retention.
- Policy on Street Trees and Verge Treatments.

There are no known legal implications associated with adopting the UFS.

FINANCIAL/BUDGET IMPLICATIONS

On 25 June 2025, Council adopted the City's Strategic Community Plan 2025 – 2035 (SCP) and Corporate Business Plan 2025 – 2029 (CBP), following a period of community consultation (refer Item 12.4, Minutes 25 June 2025).

The consultation activities for the SCP and CBP included the financial implications of implementing the UFS, presenting the expected cost to the average ratepayer for the 'Slow Rate' and 'Fast Rate' options.

Both options include an initial allocation of \$250,000 for the first year (FY 2026/27), representing an average cost of \$9.50 (or \$0.18 per week). The costs for 'Slow Rate' and 'Fast Rate' differ from Year 2 onwards, as follows:

- Slow Rate: \$2.10 per year (\$0.04 per week); and
- Fast Rate: \$4.20 per year (\$0.08 per week).

Respondents were also able to select 'Do not proceed'. 40 responses were received, with the following results:

- 67.5% of respondents (27) supported the 'Fast Rate';
- 25% of respondents (10) supported the 'Slow Rate'; and
- 7.5% of respondents (3) selected 'Do not proceed'.

In adopting the SCP and CBP, Council endorsed the 'Fast Rate' of implementation, though noting that future budget commitments, including the initial allocation of \$250,000 for the first year, will be subject to normal budget processes that may adjust the allocated funds depending on circumstances at the time.

Federal Government Grant

On 29 January 2026, the Australian Government announced a \$1.84 million grant awarded to the City to plant more trees and increase our tree canopy to cool local suburbs. The project is expected to deliver around 1,800 new trees across parks, streets and public open spaces, and will be delivered over a four-year period.

The grant will provide an immediate boost to the City's planting actions as set out in the Urban Forest Strategy and will enable the City to significantly increase its annual planting. In 2025, 430 trees were planted, with the City on track to plant 760 trees this year.

ASSET MANAGEMENT IMPLICATIONS

The majority of trees to be planted to achieve the UFS targets will be located on City managed land, and therefore will become assets that the City manage and account for. The initial proposed budget allocation of \$250,000 is to bolster the City's management capacity with dedicated staff and resources. Improved resourcing will not only enable delivery of the tree planting, but importantly, provide resource to better monitor and manage the trees growth, thereby improving tree survival rates.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Rising temperatures and the urban heat island effect significantly increase heat stress within communities negatively impacting the environmental and public health. Efforts to enhance tree cover and create cooler urban environments are critical in combating these challenges.

Tree canopy provides significant economic, social, health, environmental, and aesthetic benefits. Trees can deliver critical ecosystem services, such as air and water filtration, carbon sequestration, and habitat for wildlife.

Urban trees also enhance community well-being, offering shaded spaces for recreation, improved air quality, and better soil and water management. A well-managed and diverse urban forest creates liveable cities and connects people to nature, improving overall quality of life.

The draft Urban Forest Strategy focuses on enhancing urban greenery to support sustainability, resilience, and the well-being of current and future generations.

COMMUNITY ENGAGEMENT

Community engagement is discussed earlier in this report. Should Council adopt the UFS, the City will promote the document with a media release and publication on the website.

Several of the actions included in the UFS will also involve further community engagement. The section titled 'Collaborate, Educate and Incentivise' includes several initiatives aimed at fostering the community's interest and involvement in greening programs. Some of these initiatives are already underway such as resident engagement in street tree planting programs and subsidies for native seedling plantings. The UFS will assist to build community engagement through its strategic framework and guide implementation of these programs over the coming years.

ATTACHMENTS

1. Urban Forest Strategy - As advertised [17.3.1 - 77 pages]
2. Advertised Flyer and Factsheet [17.3.2 - 4 pages]
3. Schedule of Submissions [17.3.3 - 2 pages]

17.4 LOCAL PLANNING SCHEME 2 - AMENDMENT 166 - REPORT ON SUBMISSION AND FINAL ADOPTION

SUMMARY

On 25 June 2025, Council adopted Amendment 166 to Local Planning Scheme No.2 (LPS2) for the purpose of community consultation. Consent to advertise Amendment 166 was received from the Minister for Planning on 17 November 2025, and the amendment advertised from 8 December 2025 to 13 February 2026 (60 days).

Three submissions were received during advertising. This report presents the outcomes of consultation and recommends that Council adopt Amendment 166, without further modification.

Amendment No.166 was prepared by the City of Kwinana to:

- a) Extend the area encompassed by Development Contribution Area 8 (DCA8) in Mandogalup to align with the extended Development zone shown on the LPS2 Scheme Map (**Attachment 17.4.1**), to enable development contributions to be collected for community infrastructure; and
- b) Make minor administrative changes to the description of common/civil infrastructure items in DCPs 2 – 7 to better align these with the relevant descriptor in DCPs 8 – 15 for community infrastructure items (**Attachment 17.4.2**).

No matters were raised by submitters during advertising that give rise to any recommended modifications to Amendment 166. It is therefore recommended that Council receive the outcomes of consultation and adopt Amendment 166, without further modification.

OFFICER RECOMMENDATION

That Council:

1. In accordance with Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the submissions received in respect to Amendment No. 166 to the City of Kwinana Local Planning Scheme No. 2 and endorses the response to the submissions as contained in this report.
2. In accordance with Regulation 41(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines to support Amendment No. 166 to the City of Kwinana Local Planning Scheme No. 2 as shown in Attachment 17.4.2.
3. In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that the amendment referred to in 2. above is a complex amendment for the following reason:
 - a. Amendment No. 166 is to amend a development contribution area.

VOTING REQUIREMENT

Simple majority

DISCUSSION

Background

Since October 2023, additional land has been zoned Urban under the Metropolitan Region Scheme and Development under LPS2, that extend the land capable of residential development within Mandogalup. Approximately 90 additional hectares are now capable of residential development, bringing the total residential area in Mandogalup up to 201 hectares.

Amendment 166 to Local Planning Scheme No.2 has two components:

- The first component of Amendment 166 is to expand the Development Contribution Area (DCA) over the rezoned land in Mandogalup. Development within this area will generate a need for community infrastructure currently coordinated and funded by Development Contribution Plan 8 (DCP8), and therefore the contribution area needs to be expanded to enable contributions to be charged.
- The second component is to address the minor administrative changes such as the descriptions of standard infrastructure items in DCPs 2 – 7 to better align these with the relevant descriptor in DCPs 8 – 15 for community infrastructure items.

On 25 June 2025, Council resolved to:

1. *In accordance with Section 75 of the Planning and Development Act 2005, resolves to prepare Amendment No. 166 to the City of Kwinana Local Planning Scheme No. 2 as shown in Attachment 17.1.2.*
2. *In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 166 to the City of Kwinana Local Planning Scheme No. 2 is a complex amendment for the following reasons:*
 - a. *Amendment No. 166 is to amend a development contribution area.*
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 Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) to proceed to advertise the amendment in accordance with Regulation 38 of the Regulations.*

On 17 November 2025, pursuant to section 83A of the Planning and Development Act 2005, the Department of Planning, Lands and Heritage (DPLH) provided advice that Amendment 166 had been approved for advertising.

Community Consultation

The Amendment 166 report (**Attachment 17.4.2**) and Council minutes were advertised for public comment on the City's community engagement platform Love My Kwinana, for a period of 60 days from 8 December 2025 to 13 February 2026. At the close of advertising, three submissions were received.

The following statistics detail the level of public engagement in the consultation.

Love My Kwinana Project Webpage

- Total Visits: 241
- Aware Visitors: 174 - Spent time reviewing project page information

- Informed Visitors: 79 (45.4%) - Interacted with other elements on the page i.e. Documentation
- Engaged Visitors: 0 completed the survey

Table 1: Overview of written submissions received.

Submitter	Support / Oppose / Neutral	Submitter's comments	City response
Water Corporation	Support	<i>The amendments considered in the proposal do not relate to any Water Corporation assets and are minor in nature. Water Corporation has no objections to the proposed amendments.</i>	Submission noted.
Western Power	Support	<p><i>The proposed Amendment 166 does not directly affect Western Power's existing or future network infrastructure. However, the subject area is traversed by high voltage power lines, which are protected by registered easements to the benefit of Western Power. The power easements hosts high voltage 330kV overhead transmission lines, which runs across the southern portion of the site.</i></p> <p><i>Any development application within the easement area will need to be referred to Western Power prior to the approval of any development or works within the Western Power powerline easement. Written advice is to be obtained from Western Power and is to be given due regard when determining any development application.</i></p>	<p>Submission noted.</p> <p>Applications for physical works, including subdivision and development, are referred to Western Power during assessment.</p> <p>No modification is recommended to the Amendment.</p>
Main Roads	Neutral	<p><i>In response to correspondence received regarding the above amendment, the following comment is provided:</i></p> <ul style="list-style-type: none"> <i>• Please ensure that all proposed road upgrades and associated designs reflect current engineering and safety standards, as these are updated periodically. Cost estimates should also be based on up-to-date construction rates, noting recent increases in labour and material costs due to increasing demand.</i> <i>• In relation to Attachment 2 included in the referral package some of the Thomas Road works listed may have been completed.</i> 	<p>Submission noted.</p> <p>Infrastructure costs associated with the City's development contribution plans are reviewed regularly by quantity surveyors to factor in cost changes. This is standard practice already governed by LPS2.</p> <p>Works completed to Thomas Road are noted, with actual (not estimated) costs now included in the cost apportionment schedules.</p>

Submitter	Support / Oppose / Neutral	Submitter's comments	City response
			No modification is recommended to the Amendment.

The comments received from the three submitters are noted and do not require any modifications to proposed Amendment 166.

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
- Objective:** Pride in our place

- Action in CBP:** Administer and implement the Development Contribution Plans for community and standard infrastructure

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

- Action in CBP:** Administer and implement the Development Contribution Plans for community and standard infrastructure

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle
6 - Resilient and Adaptable Communities

Sustainability Priority Area
3 – Liveability

LEGAL/POLICY IMPLICATIONS

For the purpose of Councillors and Officers considering a declaration of interest, ownership details of the land subject to the proposed expansion of DCP8 are:

Table 2: Ownership details within Amendment 166 area

Land Description	Landowner
<i>Amendment 1 area to Mandogalup West LSP – 25.82ha total</i>	
Part Lot 9018 DP427825	Qube Mandogalup Development Pty Ltd. Greta White Pty Ltd. JJ White Pty Ltd.
Part Lot 5000 DP428894	Reserve held by State of Western Australia (Lot 3), as part of the Peel Main Drain.
<i>Amendment 1 area to Mandogalup East LSP – 36.82ha total</i>	
Part Lot 9000 DP31293 Mandogalup Road, Mandogalup; Part Lot 9002 DP69132 Mandogalup Road, Mandogalup; and Part Lot 9006 DP70124, Lyon Road, Mandogalup.	Wandi Anketell Holdings Pty Ltd
Part Lot 11 DP76538 Hoffman Road, Mandogalup	Santo and Annunziata Galati Rando
<i>Southern portion of Expansion Area – 27.8ha total</i>	
Part Lot 602 DP18614, Lot 8006 DP45203 Mason Road (drainage lot)	State of Western Australia
Part Lot 666 DP202618 (70) Mandogalup Road, Mandogalup	Malcolm G Karabatic. Ivan J Karabatic
Part Lot 667, DP202618 (56) Mandogalup Road, Mandogalup	Li C Chan
Part Lot 668 DP202618, Part Lot 669 DP202618, (20) Mandogalup Road, Mandogalup	Qube Mandogalup Development Pty Ltd. Greta White Pty Ltd. JJ White Pty Ltd.
Part Lot 2 DP39567 (12) Mandogalup Road, Mandogalup	Saiva Maha Sabai of WA Inc.

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

State Planning Policies

State Planning Policy 3.6 – Infrastructure Contributions

Local Planning Policies

Local Planning Policy 4 - Administration of Development Contributions

FINANCIAL/BUDGET IMPLICATIONS

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

Following gazettal of Amendment 166, within 90 days the City is required to prepare and adopt a revised cost apportionment schedule, in accordance with LPS2.

ASSET MANAGEMENT IMPLICATIONS

The City will become responsible for the community infrastructure items within DCAs 8-15 once these have been developed and maintained for the required period, as applicable.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

The City advertised Amendment 166 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The consultation outcomes are detailed earlier in this report.

ATTACHMENTS

1. Amendment 166 to LP S 2 - Scheme Map DC A 8 [**17.4.1** - 1 page]
2. Amendment No. 166 to LPS 2 - Scheme Amendment Report [**17.4.2** - 25 pages]
3. Minutes extract Council 25 June 2025 - Amendment 166 adoption [**17.4.3** - 9 pages]
4. Schedule of Submissions [**17.4.4** - 2 pages]

17.5 PROPOSED ROAD NAMES FOR APSLEY ESTATE - STAGES 15B AND 15C, MANDOGALUP

SUMMARY

MNG Surveying, the Surveying consultant for the Apsley Estate development in Mandogalup, has submitted details of the proposed road names for the new roads being constructed as part of this development. The location of the proposed road names are outlined in the attached document.

MNG is seeking Council’s support for these road names so they can be submitted to the Geographic Names Committee (GNC) for final approval. In addition, they are requesting support for the listed alternative road names, to be used if the GNC does not approve the primary proposal.

The Geographic Names Committee has already provided preliminary validation for the proposed name through their Request Road Name portal. The chosen naming theme for this development is “Australian Native Flora”, which is considered appropriate for the development area.

The proposed road name layout and the proposed names, along with explanations, are provided in the **Attachments**.

OFFICER RECOMMENDATION

That Council approve the following road names for use within Apsley Estate development, Mandogalup, as shown in the attached documents:

Proposed Name	Alternative Name
Illawarra Road	Tanika
Acmena Street	Hickory
Wirewood Road	Seafig

VOTING REQUIREMENT

Simple majority

DISCUSSION

At part of subdivision, a developer is required to submit survey diagrams for approval, which are required to include officially approved road names. The road naming process must comply with the guidelines set by the GNC to ensure adherence to naming conventions and restrictions.

Alternative road names have been proposed for consideration in case any of the initially suggested names fail to receive approval from the GNC. Details about the origin of the alternative names are provided below.

The proposed road names for the Apsley Estate development in Mandogalup are as follows:

Proposed Name and Suffix	Source of Information	Background/origin/meaning/ justification
Illawarra Road	https://www.arboroperations.com.au/the-17-most-popular-native-australian-trees/amp/	This is one of the popular Australian native fruit trees that is widely prized for its flavourful and nourishing fruit. The small, spherical plums have dark purplish-black skin and ripen in late summer to early autumn.
Acmena Street	https://www.arboroperations.com.au/the-17-most-popular-native-australian-trees/amp/	The Lilly Pilly is a native Australian delight with thick, dense leaves that can be used as a privacy screen or an ornamental accent.
Wirewood Road	https://www.oznativeplants.com/plantdetail/Wirewood/Acacia/coriacea/zz.html	Wirewood grows as a tall tree to 8 m or as a spreading shrub. It usually has one or two main trunks. The silvery green or grey-green phyllodes are long and narrow with a thick and leathery texture. The flowers are yellow, and produced in globular clusters about 5 mm in diameter.
Tanika	https://en.wikipedia.org/wiki/Lomandra_longifolia	This strappy leaf plant is often used in landscaping in Australia. The breeding of more compact finer leaf forms has made Lomandra longifolia popular as an evergreen grass-like plant in home plantings.
Hickory	https://www.oznativeplants.com/plantdetail/Hickory-Wattle/Acacia/aulacocarpa/zz.html	The Hickory Wattle is shrub or small tree growing to about 2 m to 8 m in height, although can grow taller. It usually has a single trunk but can be branched from near the ground.

Seafig	https://www.plantmark.com.au/carpobrotus-glaucescens	Carpobrotus glaucescens, commonly known as Sea Fig or Pigface, is a succulent plant native to coastal regions of Australia. It is well adapted to thrive in sandy or rocky coastal environments.
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STRATEGIC IMPLICATIONS

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

LEGAL/POLICY IMPLICATIONS

The approval process is in compliance with the Geographic Names Committee Guidelines, and Council Policy – Street Naming.

FINANCIAL/BUDGET IMPLICATIONS

No financial/budget implications 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 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.

ATTACHMENTS

1. Proposed road name Layout- Aspley Estate Development- Stage 15 B [17.5.1 - 1 page]
2. Proposed road names- Aspley Estate Development- Stage 15 B [17.5.2 - 1 page]

18 REPORTS - CIVIC LEADERSHIP

18.1 REVIEW AND ADOPTION OF THE COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES CODE OF CONDUCT

SUMMARY

The City of Kwinana's (City) Council Members, Committee Members and Candidates Code of Conduct (Code of Conduct) has undergone a comprehensive review. While the Code of Conduct was due for review as part of City's scheduled governance framework review cycle, the review was also necessary due to significant changes to the local government legislative framework arising from the State Government's Local Government Reform program, including amendments to the *Local Government Act 1995 (Act)*, the *Local Government (Model Code of Conduct) Regulations 2021 (Model Code)*, and the introduction of the *Local Government (Local Government Inspector) Regulations 2025*.

The review identified that, although the existing Code of Conduct largely reflected the intent of the Model Code, certain provisions required amendment to ensure strict legislative compliance.

The key amendments to the Code include:

- Alignment of the General Principles and Rules of Conduct sections with the Model Code where legislative consistency is required;
- Clear identification and separation of City specific behavioural expectations permitted under the Act;
- Updated complaint management provisions to reflect the Local Government Inspector's expanded powers;
- Improved clarity around the application of the Code of Conduct to council members, committee members, and candidates; and
- Updated review and implementation provisions to reflect current legislative and governance requirements.

For clarity regarding the amendments made, a version of the City's Code of Conduct with tracked changes is provided at **Attachment 18.1.2**.

The purpose of this report is to present to Council the outcomes of the review and to seek Council's adoption of the amended Code of Conduct to ensure ongoing compliance with legislative requirements and alignment with contemporary governance expectations, a clean version of the Code of Conduct is provided at **Attachment 18.1.1**.

OFFICER RECOMMENDATION

That Council:

1. In accordance with section 5.104(2) of the *Local Government Act 1995*, adopt the amended *Council Members, Committee Members and Candidates Code of Conduct* as presented at Attachment 18.1.1; and
2. Notes that the amendments ensure compliance with the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021*, and the *Local Government (Local Government Inspector) Regulations 2025*.

VOTING REQUIREMENT

Absolute majority

DISCUSSION

The Code of Conduct is a core governance document and is required to be reviewed regularly to ensure it remains current, legally compliant, and fit for purpose. In accordance with the City's governance framework, the Code of Conduct is reviewed following ordinary local government elections and when legislative amendments require change.

The most recent review cycle coincided with a period of substantial reform to the local government legislative framework, making a detailed review necessary beyond routine housekeeping amendments.

Since the Code was last reviewed, the Western Australian Government has progressed wide ranging local government reforms, including:

- Strengthening standards of conduct and accountability for council members;
- Expanding oversight, investigation, and enforcement mechanisms; and
- Clarifying the separation between behavioural matters and conduct breaches.

These reforms directly affect how Codes of Conduct must be structured, applied, and enforced.

Local Government Act 1995

Section 5.104 of the *Local Government Act 1995 (Act)* requires local governments to adopt a Code of Conduct that incorporates the Model Code. While local governments may include additional provisions, the Act places clear limitations on where and how additional provisions may be included.

In particular:

- Divisions relating to General Principles and Rules of Conduct must align with the Model Code and cannot be expanded; and
- Additional local government provisions may only apply to council members and committee members and must not be inconsistent with the Model Code.

Local Government (Model Code of Conduct) Regulations 2021 (Model Code)

The Model Code establishes:

- Mandatory principles and behavioural standards;
- A prescribed complaints management process for behavioural breaches; and
- Rules of conduct that are enforced through statutory mechanisms.

The review identified the need to ensure the City's Code of Conduct reflects the Model Code without modification in those areas where the legislation does not permit variation.

Local Government (Local Government Inspector) Regulations 2025 (new)

The introduction of the *Local Government (Local Government Inspector) Regulations 2025* significantly altered the complaints and oversight framework by:

- Expanding the Inspector's role in receiving, referring, and overseeing complaints;
- Introducing the ability for the Inspector to appoint monitors and issue directions to local governments; and
- Clarifying transitional arrangements for complaints made before and after 1 January 2026.

The Code of Conduct required amendment to accurately reflect these new provisions and to ensure complaints are managed consistently with the Inspector’s statutory powers.

In accordance with the City's scheduled governance framework review cycle, a thorough assessment of the Code of Conduct has been completed. This process led to several amendments designed to align the Code of Conduct with the provisions of the Model Code as well as the specific requirements introduced by the *Local Government (Local Government Inspector) Regulations 2005*.

The table below outlines the clauses within the Code of Conduct that address the additional obligations arising from the *Local Government (Local Government Inspector) Regulations 2025*.

Clause
cl. 11 – Complaint about alleged breach
cl. 12 Dealing with complaint
cl. 14A Appointment of monitor
cl. 14B Performance of local government’s functions under cl 12 and 13
cl. 15 Other provisions about complaints
Division 4 – Rules of conduct (amendment to notes for this Division)
cl. 21 Disclosure of information

In addition to the above, the comprehensive review also identified the following key changes;

- Legislative compliance
 Certain provisions in the existing Code of Conduct exceeded what is permitted under the Model Code structure. Amendments were required to ensure mandatory sections reflect the Model Code exactly where required by law.
- Clarity of additional provisions
 The Code of Conduct includes valuable guidance on matters such as gifts, lobbying, communications, and social media. These provisions have been retained but repositioned and clarified so they are clearly identified as permitted additional behavioural provisions and not statutory rules of conduct.
- Improved usability and transparency
 Structural and drafting improvements have been made to enhance clarity for council members, committee members, candidates, complainants, and the community.

In summary, while the review of the Code of Conduct was due as part of City’s scheduled governance review cycle, it was also necessary to respond to substantive legislative change arising from the Local Government Reform program and the commencement of the *Local Government (Local Government Inspector) Regulations 2025*.

The revised Code of Conduct ensures the City remains compliant, transparent, and aligned with contemporary governance expectations, while continuing to clearly articulate behavioural standards for council members, committee members, and candidates.

STRATEGIC IMPLICATIONS

Outcome:	Leadership / Boordiya Katidjin (Leader of knowledge)
Objective:	Accountable and ethical governance
Action in CBP:	Implement the City's Elected Members' training and development program
Objective:	Continuous improvement and efficiency
Objective:	Proactive leadership
Action in CBP:	Implement the City's Elected Members' training and development program

How does this proposal achieve the outcomes and strategic objectives?

This proposal directly supports the City's strategic objectives by fostering continuous improvement and operational efficiency, while strengthening proactive leadership and knowledge-sharing among council members.

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?

This proposal aligns with the City's sustainability framework by promoting integrated and transparent decision-making, while enhancing liveability through collaborative leadership and ongoing development for elected members.

LEGAL/POLICY IMPLICATIONS

Local Government Act 1995

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

** Absolute majority required.*

- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.*

** Absolute majority required.*

- (3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —*
 - (a) can only be expressed to apply to council members or committee members; and*
 - (b) are of no effect to the extent that they are inconsistent with the model code.*
- (4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*

- (5) *The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.*
- (6) *An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*
- (7) *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.*

FINANCIAL/BUDGET IMPLICATIONS

There are no financial implications in relation to this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications in relation to this report.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no environmental/public health implications in relation to this report.

COMMUNITY ENGAGEMENT

The Code of Conduct for the City's Council Members, Committee Members, and Candidates is accessible to the public through the City's official website.

ATTACHMENTS

1. Attachment Clean Council Members Committee Members and Candidates Code of Con [18.1.1 - 27 pages]
2. Attachment Tracked Changes Council Members Committee Members and Candidates C [18.1.2 - 59 pages]

18.2 ACCOUNTS FOR PAYMENT FOR THE MONTH ENDED 31 JANUARY 2026

SUMMARY

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the month ended 31 January 2026 as required by the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION

That Council:

1. **Accepts the list of accounts, totalling \$6,784,192.60 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 January 2026, as detailed at Attachment 18.2.1**
2. **Accepts the detailed transaction listing of credit card expenditure of \$18,985.80 for the period ended 05 January 2026, as detailed at Attachment 18.2.2**

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 18.2.1**.

Payment Type	Amount (\$)
Automatic Payment Deductions *	\$ 84,450.45
Cheque	\$ 0.00
EFT Payments	\$ 5,018,060.49
Payroll Payments	\$ 1,681,681.66
Total Attachment 18.2.1	\$ 6,784,192.60

*Automatic Payment deductions include a payment of **\$18,985.80** for credit card payments. A detailed transaction listing of credit card expenditure paid for the period ended 05 January 2026, is included at **Attachment 18.2.2**.

A detailed listing of January 2026 payments, including short descriptions for each payment, is provided in **Attachment 18.2.1**.

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.

ATTACHMENTS

1. AP Payment Listing Summary January 2026 [**18.2.1** - 7 pages]
2. Credit Card Transactions Report January 2026 [**18.2.2** - 6 pages]

18.3 MONTHLY FINANCIAL REPORT JANUARY 2026

SUMMARY

The Monthly Financial Reports has been prepared and includes the monthly financial variance between actual and budget for the period ending 31 January 2026.

OFFICER RECOMMENDATION

That Council:

1. **Accepts the Monthly Statements of Financial Activity for the period ended 31 January 2026, as detailed at Attachment 18.3.1; and**
2. **Accepts the explanations for material variances for the period ended 31 January 2026, 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 January 2026 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 January 2026, the municipal surplus is \$36,928,929, while the budgeted position is \$16,877,850. 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 January 2026

Year-to-date income for the period ending January 2026 is \$78,066,068 compared to the current budgeted income of \$76,381,985 resulting in a favourable variance of \$1,684,083. This is mainly due to capital grants received in advance and additional fees and charges being received.

Expenditure Summary for January 2026

The total expenditure for January 2026 was \$63,494,224 which is \$6,299,255 less than the current budget of \$69,793,478. This amount includes both operating and capital expenses, detailed as follows:

- Operating expenses: \$51,685,782
- Capital acquisitions: \$11,808,441

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 January as per note 4 of the Monthly Financial Report is 23.02%, representing a decrease from 24.61% in the previous year. Active follow-up and ongoing review of outstanding rate balances are being conducted.

Investment Summary

The City currently has \$113,827,324 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 January 2026, 18.93% 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.

ATTACHMENTS

1. Monthly Financial Report January 2026 [**18.3.1** - 32 pages]

18.4 PROPOSED DISPOSITION BY WAY OF LEASE - 2 BUDDEN WAY, MEDINA TO YOUNG (2013) PTY LTD AS TRUSTEE FOR THE YOUNG FAMILY TRUST

SUMMARY

The City has care, control and management of Reserve 25628 located at 2 Budden Way, Medina ('the Reserve'), which is leased to Young (2013) Pty Ltd as trustee for Young Family Trust trading as Little Rascals Outside School Hours Care ('Little Rascals') for children aged 5 to 12 years. Their lease expired on 16 February 2026 and is continuing on a periodic tenancy basis.

Little Rascals has requested a new five (5) year lease with the City, with an option to extend for a further five (5) years, which it is recommended that Council endorse.

As Little Rascals are a commercial operator, rent will be set in accordance with market valuation.

In accordance with section 3.58(3)(a) of the *Local Government Act 1995*, the City is required to give local public notice of the proposed lease.

OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer to:

- 1. Give local public notice of the proposed disposition of 2 Budden Way, Medina in accordance with section 3.58(3) of the *Local Government Act 1995*, with a proposed rent of \$35,000 per annum as detailed in the valuation provided by McGees Property (Attachment 18.4.1);**
- 2. Subject to no objections being received, negotiate and execute a lease with Young (2013) Pty Ltd as trustee for the Young Family Trust on the City's behalf, including making any future amendments not significant in nature; and**
- 3. Seek the written approval of the Minister for Lands to dispose of Reserve 25628 by way of lease for a term of 5 years plus an option to extend for a further 5 years.**

VOTING REQUIREMENT

Absolute majority

DISCUSSION

The Reserve has a designated purpose of 'Child Care Centre'. Subject to the written consent of the Minister for Lands, the City has the ability to grant a lease over the Reserve for a term not exceeding twenty-one (21) years.

Little Rascals has provided services to families within the Kwinana community since 2015, operating from the subject Reserve under a lease arrangement with the City. The organisation has formally approached the City seeking a new lease to enable the continued delivery of these services at the site.

OSHC services play a critical role in supporting local families. They offer supervised, developmentally appropriate care for school aged children before and after school, during pupil-free days, and throughout school holiday periods. These services contribute significantly to the wellbeing of children by providing safe, structured and engaging environments that complement learning at home and at school.

Accessible and affordable OSHC services also support the broader social and economic wellbeing of the community. They assist families in managing the competing demands of work, study and family responsibilities, enabling parents and caregivers to remain engaged in the workforce or pursue education and training opportunities. The continuation of such services within the City aligns with the community's needs and expectations for high-quality childcare provision.

A market rental valuation for the premises was undertaken by McGees Property and received by the City on 19 February 2026. The valuation determined the market rental to be \$35,000 per annum (exclusive of GST and outgoings), as detailed in the redacted attachment.

In recognition of the ongoing need for childcare and OSHC services within the district, and the proven benefit provided by Little Rascals over the past decade of occupation, the City supports the establishment of a new lease. An initial lease term of five (5) years, with a further five (5) year option, is proposed. This arrangement will provide operational certainty for the service provider, support long-term community benefit, and ensure appropriate management and use of the Reserve.

STRATEGIC IMPLICATIONS

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

Objective: Thriving local economy

Action in CBP: Implement the Local Economic Development Strategy

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?

Allowing the ongoing care and support of children and their families in the Kwinana community

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

2 - Community Wellbeing

3 - Thriving Local Economy

Sustainability Priority Area

4 - Engagement and Social Inclusion

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

Allowing the ongoing care and support of children and their families in the Kwinana community

LEGAL/POLICY IMPLICATIONS

Section 3.58 of the *Local Government Act 1995* sets out the process for disposing of property, stating that a local government can dispose of property if, prior to disposing of said property, it gives local public notice of the proposed disposition and allowing 2 weeks submission period.

FINANCIAL/BUDGET IMPLICATIONS

The lease will provide an annual income of \$35,000 per annum plus GST and outgoings and all costs associated with the valuation and lease administration will be recouped

ASSET MANAGEMENT IMPLICATIONS

The implications for this report are the ongoing management and administration of this facility.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

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

COMMUNITY ENGAGEMENT

As a result of the continuation of this leasing of the premises to Little Rascals there will be various continued positive community benefit to families and their children.

ATTACHMENTS

1. 2 Budden Way Medina - redacted 19.02.26 [18.4.1 - 45 pages]

18.5 ACCOUNTS FOR PAYMENT FOR THE MONTH ENDED 28 FEBRUARY 2026

SUMMARY

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the month ended 28 February 2026 as required by the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION

That Council:

1. **Accepts the list of accounts, totalling \$9,423,234.09 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 28 February 2026, as detailed at Attachment 18.5.1**
2. **Accepts the detailed transaction listing of credit card expenditure of \$24,208.23 for the period ended 03 February 2026, as detailed at Attachment 18.5.2**

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 18.5.1**.

Payment Type	Amount (\$)
Automatic Payment Deductions *	\$ 53,278.60
Cheque	\$ 0.00
EFT Payments	\$ 7,667,293.51
Payroll Payments	\$ 1,702,661.98
Total Attachment 18.5.1	\$ 9,423,234.09

*Automatic Payment deductions include a payment of **\$24,208.23** for credit card payments. A detailed transaction listing of credit card expenditure paid for the period ended 03 February 2026, is included at **Attachment 18.5.2**.

A detailed listing of February 2026 payments, including short descriptions for each payment, is provided in **Attachment 18.5.1**.

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.

ATTACHMENTS

1. AP Payment Listing Summary - February 2026 [**18.5.1** - 7 pages]
2. Credit Card Transactions - February 2026 [**18.5.2** - 5 pages]

18.6 2025/2026 MARCH BUDGET REVIEW

SUMMARY

This report provides the statutory Budget Review for 2025/2026, also known as the 'March budget Review'. Several budget variations are proposed in this review, as shown in **Attachment 18.6.1** resulting in a projected surplus of \$1,724 for 30 June 2026.

OFFICER RECOMMENDATION

That Council approves:

1. **The budget amendments as per Note 3 of Attachment 18.6.1 for the March budget Review.**
2. **The statutory financial statements for March Budget Review as per Attachment 18.6.1.**
3. **A net decrease in Operating Activities of (\$220,619) as detailed in Attachment 18.6.1.**
4. **A net increase in Investing Activities of \$512,031 as detailed in Attachment 18.6.1.**
5. **A net increase in Financing activities of \$883,923 as detailed in Attachment 18.6.1.**

VOTING REQUIREMENT

Absolute majority

DISCUSSION

This Budget Review is a statutory review conducted in accordance with the *Local Government Act 1995* and Regulation 33A of the *Local Government (Financial Management) Regulations 1996*. The objective of this review is to identify significant deviations from the Current Budget and recommend any necessary amendments to Council.

Throughout the year, various budget adjustments have been processed, including the November 2025 Budget Review. These amendments to the Adopted Budget are reflected as the 'Current Budget' in **Attachment 18.6.1**. Further revisions to the updated budget are required during the year due to changing circumstances to ensure the budget remains robust and tight fiscal controls are maintained. These updated amendments are presented as the 'Updated Budget Estimates' in **Attachment 18.6.1**.

Budget Variations

Several budget amendments have been incorporated into the March Review, as outlined in **Attachment 18.6.1**. Below is a summary of the significant variances compared to the current budget.

Operating Activities – Revenue

Rates increased by \$280,928 due to projected interim are higher than expected for improved residential (\$31,000) and vacant land (\$250,000).

Operating Grants, subsidies, and contributions increased by \$157,510 due to increased/new grant fundings as below:

- \$70,000 increase in Youth Leadership and Development LYRIK (Eclipse Soils).
- \$15,000 increase in Age-Friendly Cities & Communities (Dept of Communities).
- \$13,000 increase in Youth - Local Drug Action (Alcohol & Drug Foundation).
- \$36,000 increase in Urban Shade Partnership Project (Conservation Volunteers Aust).
- \$25,000 increase in Building Resilient Landscapes in the Swan Region (Perth NRM).

Fees and charges have a favourable increase of \$714,232, mainly from the following amendments:

- An increase of \$286,000 in waste charges (\$158,000 from residential waste service charges and \$128,000 from the waste and recycling establishment fee) resulted from the processing of outstanding bin charges.
- \$129,000 increase in building and verge permit fees.
- \$33,000 increase in inspection fees.

Additionally, the projected interest was increased to \$452,742, predominantly due to additional interest income from municipal bank account and favourable interest income from funds invested.

Operating Activities - Expenditure

Employee costs have increased by \$1,099,214 with the major breakdown of this increase as follows:

- \$165,000 expenditure for paternity and workers compensation to offset by reimbursement.
- \$73,000 workers compensation increase due to performance adjustment, has been offset from workers compensation reserve.
- \$897,000 long service leave and annual leave offset by reserve transfer of \$525,000

Materials and Contracts have increased by \$1,285,542, which consists of the following amendments:

- \$350K IT - \$200K OneCouncil support, with the balance of funds for firewall and server equipment and professional services.
- \$285K in Finance for temporary staff resources for one Council P&R module, consultants, additional collection fees payments and audit services fee increases.
- \$215,000 in Kwinana Village due to \$78,000 for the Retirement Village Service Evaluation (transferred from reserve) and \$137,000 Banksia park operational works.
- \$109K parks, gardens and reserves increase mainly in temporary staff and materials purchase.
- \$116K facility maintenance council rates and waste & recycling charges not budgeted for.
- \$75K community services and partnerships mainly from expenses in contractors.
- \$45K engineering services consultants for a Managed Aquifer Recharge feasibility study.

Depreciation has decreased by \$990,000 and is predominantly due to the adopted budget has overestimated the total depreciation costs.

Investing Activities

Capital grants, subsidies and contributions increased by \$2,106,753 and includes the following increased and new Capital Grants:

- \$261,000 for Thomas Oval changerooms
- \$467,000 for Recquatic upgrade to align to funding agreement.

- \$170,000 for solar and energy storage (new)
- \$252,000 for Wellard Road/Henley Blvd blackspot
- \$198,000 for Medina Off Road Vehicle Area (new)
- \$798,000 for various DCAs increased due to additional DCA contributions and interest income increases

Proceeds from the disposal of assets increased by \$22,000 due to revised fleet disposal schedule.

Capital acquisitions for infrastructure, property, plant, and equipment have increased by \$2,348,420 during the revised budget review. A detailed breakdown of movement in 'Capital Acquisitions' is available in **Attachment 18.6.1** – Note 3. Below is a summary of the major amendments contributing to the increase in capital acquisition:

- \$369,000 for DCA 12 - Local Sporting Ground with Community Centre/Clubroom
- \$521,000 for Thomas Oval Changerooms
- \$467,000 for Recquatic design fees
- \$200,000 for IT network upgrade
- \$150,000 for solar and energy storage
- \$243,000 for Wellard Road and Henley Blvd Roundabout blackspot
- \$250,000 for Anketell Road upgrade
- \$198,000 for Medina Off Road Vehicle Area

The above projects have been mostly funded from Reserves, DCA fundings or additional or new grant funding.

Financing Activities

During this budget review Transfer from Reserve increased by \$2,038,443 which is due to:

- \$268,000 from asset management reserve to fund various projects.
- \$366,000 from restricted grants and contribution reserve due to various projects expected to be completed by year end.
- \$225,000 from employee leave reserve to cover the LSL taken during the year.
- \$127,000 from strategic initiative reserve to fund LED signage for Koorliny and Admin building.
- \$150,000 from IT reserve to fund staff laptop and library PC renewal.
- \$369,000 from DCA 12 to fund Local Sporting Ground with Community Centre/Clubroom.
- \$185,000 from DCA 14 and \$81,000 from DCA 15 due to Thomas Oval Changerooms.
- \$75,000 from strategic property reserve to fund Road House demolition and design.
- \$78,000 from workers' compensation reserve to align with performance adjustment.

The Transfer to Reserve increased by \$1,219,642 during the budget review due to the following reasons:

- \$422,000 additional income from bin charges transferred to refuse reserve.
- \$538,000 from DCA 14 due to new contribution received.
- \$295,000 from DCA 15 due to new contribution received.

As a result of the above changes to the movement in Reserves, the Revised Budgeted Cash Reserves balance as per **Attachment 18.6.1** - Note4 Cashback Reserve has increased from \$66,806,380 to \$77,285,382, an increase of \$10,479,003 which is mainly due to the update of the opening reserve to the 2024/2025 Audited Financial Statements.

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 33A of the *Local Government (Financial Management) Regulations 1996* requires that:

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must –*
 - (a) *Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *Consider the local government's financial position as at the date of the review; and*
 - (c) *Review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

FINANCIAL/BUDGET IMPLICATIONS

The financial implications associated with this review are detailed in this report. Following the processing of all March budget review amendments, the closing surplus balance was \$1,724. This financial position will be continuously monitored and reassessed during the May 2026 budget review.

ASSET MANAGEMENT IMPLICATIONS

Nil.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil.

COMMUNITY ENGAGEMENT

Nil.

ATTACHMENTS

1. 2025-2026 March Budget Review [18.6.1 - 21 pages]
-

18.7 AUDIT, RISK AND IMPROVEMENT COMMITTEE – ESTABLISHMENT AND GOVERNANCE ARRANGEMENTS

SUMMARY

The proclamation of the recent *Local Government Amendment Act 2024* and the commencement of the *Local Government Regulations Amendment Regulations (No. 4) 2025* (ARIC Amendment Regulations) introduce new requirements for all local governments regarding the establishment and operation of audit committees.

As part of the State Government's local government reform program, the introduction of Audit, Risk and Improvement Committees (ARIC) represents a significant step forward in enhancing transparency and strengthening local governments' financial, risk management, and governance practices. This new framework replaces existing audit committees, with a clear focus on improving risk management and driving continuous improvement across all local government operations.

With new provisions of the ARIC Amendment Regulations taking effect on 1 January 2026, all local governments are required to have an ARIC in place within six months (by 30 June 2026).

Accordingly, to meet the new statutory requirements by 30 June 2026, a review of the City's audit committee governance arrangements has been undertaken and the actions required to transition to a compliant ARIC are now presented for Council decision.

This report therefore seeks Council resolution to implement the following governance actions:

- Formally re-establish the City's ARIC as a committee of Council under section 5.8, in accordance with section 7.1A of the *Local Government Act 1995*;
- Adopt the revised Audit, Risk and Improvement Committee Terms of Reference (**Attachment 18.7.1**);
- Re-appoint the current committee members (noting that ARIC leadership roles must be independent);
- Appoint the Audit, Risk and Improvement Committee – Independent Audit, Risk and Improvement Committee Member Appointment Selection Panel; and
- Adopt the attendance fees for independent ARIC members in accordance with section 5.100 and the relevant determination of the Salaries and Allowance Tribunal (**Attachment 18.7.3**).

These resolutions will confirm the ARIC's establishment as a committee of Council, adopt updated Terms of Reference reflecting the expanded statutory functions, and progress the appointment and remuneration arrangements needed for compliant independent participation and leadership.

OFFICER RECOMMENDATION

That Council:

1. Formally re-establish the City of Kwinana Audit, Risk and Improvement Committee as a committee of Council under section 5.8, in accordance with section 7.1A of the *Local Government Act 1995*;
2. Adopt the revised Audit, Risk and Improvement Committee Terms of Reference, as detailed in Attachment 18.7.1;
3. Re-appoint the current Council Members and Independent Committee Members to the Audit, Risk and Improvement Committee, in accordance with section 5.10(1) of the *Local Government Act 1995*, as follows;

Position	Name
Committee Member	Mayor Peter Feasey
Committee Member	Deputy Mayor Winmar
Committee Member	Councillor Acker
Committee Member	Councillor Sergeant
Independent Committee Member	Aswin Kumar
Independent Committee Member	Gaye McMath

4. Appoint Gaye McMath, an independent member of the Audit, Risk and Improvement Committee, to the position of independent Presiding Member, in accordance with section 5.12(1), as required by section 7.1A of the Act;
5. Adopt the attendance fees for the independent Audit, Risk and Improvement Committee members (Presiding Member, Deputy of the Presiding Member and Independent Committee Member) in accordance with section 5.100 of the Act and the relevant determination of the Salaries and Allowance Tribunal, as detailed in Attachment 18.7.3; and
6. Appoint two Committee Members to the Audit, Risk and Improvement Committee – Independent Audit, Risk and Improvement Committee Member Appointment Selection Panel.

Position	Name
Committee Member	Mayor Peter Feasey
Committee Member	
Committee Member	
City of Kwinana	Chief Executive Officer (no voting rights)

VOTING REQUIREMENT

Absolute majority

DISCUSSION

Prior to the 2025/2026 reform amendments, audit committees were established as committees of Council under section 5.8 of the *Local Government Act 1995* (Act) and their functions were primarily prescribed under the *Local Government (Audit) Regulations 1996* (Audit Regulations). Under this framework, audit committees commonly focused on financial reporting, compliance audits and audit oversight, with committee leadership arrangements varying across the local government sector.

The *Local Government Amendment Act 2024* introduces a strengthened and standardised framework requiring all local governments to establish an Audit, Risk and Improvement Committee (ARIC) in accordance with Part 7, Division 1A of the Act. Section 7.1A of the Act mandates the establishment of an ARIC as a committee of Council under section 5.8.

The ARIC framework is supported by amendments introduced through the *Local Government Regulations Amendment Regulations (No. 4) 2025* (ARIC Amendment Regulations), which amend relevant provisions of the Audit Regulations and the *Local Government (Administration) Regulations 1996*.

The new provisions took effect on 1 January 2026. Local governments have six months from commencement to ensure a compliant ARIC is in place, being by 30 June 2026.

The City notes that, in some circumstances, an existing audit committee may automatically transition to an ARIC on 1 January 2026 under the transitional provisions (regulations 19 and 20 of the Audit Regulations, as amended), provided the existing committee already meets the new membership and independence requirements (including those set out in section 7.1A of the Act). Where a committee is deemed to become an ARIC, any existing delegations continue as delegations to the deemed ARIC. However, the City does not meet these requirements.

Regardless of whether a local government retains a deemed ARIC or constitutes a new ARIC, local governments are encouraged to review committee governance settings (including delegations and terms of reference) to ensure they remain appropriate and reflect the expanded ARIC functions.

The reformed framework strengthens independence and clarifies committee leadership arrangements. Under section 7.1A of the Act:

- Each ARIC must have a minimum of three members, including an independent presiding member and an independent deputy of the presiding member.
- Council members may sit on an ARIC, however they cannot hold the positions of presiding member, deputy of the presiding member, or deputy presiding member (if appointed), ensuring leadership roles remain independent.
- Employees of a local government are not permitted to serve on that same local government's ARIC.

When appointing deputies, it is important that the same individual cannot serve as both the deputy of the presiding member and a deputy presiding member (if one is appointed).

Amendments to the Audit Regulations prescribe the functions of an ARIC and align committee operations with contemporary governance, assurance and regulatory oversight expectations.

The functions of ARICs include receiving and reviewing:

- reports related to local government compliance audits required under the Act and associated regulations, and making recommendations to Council on actions to be taken in relation to those reports;

- reports on the effectiveness of the local government's systems and procedures in relation to financial management, legislative compliance and risk management, and making recommendations to Council on improvements to those systems and procedures; and
- reports on any actions the local government is required to take under the Act (or has decided to take) in relation to a compliance audit report or a report into the effectiveness of systems and procedures.

Guiding information also describes the annual compliance audit workflow under the Audit Regulations as:

1. the CEO ensures a compliance audit is undertaken for the period 1 January to 31 December each year;
2. the CEO prepares a compliance audit return in the Inspector-approved form and provides it to the ARIC;
3. the ARIC reviews the return and reports the results and any recommendations to Council;
4. Council considers the return and the ARIC's review (including any recommendations), determines any required actions, and adopts the return (with or without amendments); and
5. following adoption, the local government submits the compliance audit return and supporting information to the Inspector within the required timeframe. (Implementation Guide: ARIC – Compliance audit workflow; Audit Regulations regs 14 and 15 references as outlined in the guide).

In addition, under regulation 17 of the Audit Regulations, the CEO must review the effectiveness of systems and procedures relating to financial management, legislative compliance and risk management at least once every four years and report the results to the ARIC. The ARIC considers those findings (alongside other audit and compliance information) and provides recommendations to Council, and Council must examine the ARIC's reports and determine what actions are required.

The City of Kwinana (City) has historically maintained an Audit and Risk Committee to support Council in fulfilling its governance, financial accountability and assurance responsibilities. The committee has provided oversight of financial reporting, risk management, compliance obligations and internal and external audit processes, in accordance with the Act, Audit Regulations and its Terms of Reference.

The committee has operated as an advisory committee to Council, with matters requiring Council decisions being reported through the Council agenda, supported by committee commentary where appropriate.

At the Ordinary Council Meeting held on 25 June 2025, Council considered a report reviewing the Audit and Risk Committee Terms of Reference in anticipation of the audit committee reforms introduced under the *Local Government Amendment Act 2024*. At that meeting, Council resolved to:

- adopt amended Terms of Reference; and
- change the Audit and Risk Committee name to the *Audit, Risk and Improvement Committee*.

This proactive decision demonstrated Council's commitment to strengthening governance, transparency and independence assurance.

However, with the commencement of section 7.1A of the Act, it is recommended that Council formally re-establish the City's Audit, Risk and Improvement Committee (ARIC) as a committee of Council under section 5.8. Formal re-establishment will confirm the committee's ongoing operation

under the new framework and enables Council to clearly confirm the ARIC's membership, leadership arrangements and governance settings in a single instrument.

To maintain continuity, governance stability and organisational knowledge, it is proposed that the current ARIC committee members be re-appointed to the re-established ARIC, subject to compliance with the independence requirements in section 7.1A of the Act.

In addition, Council must ensure the ARIC leadership positions required by the Act are filled by independent persons. This includes appointing:

- an independent presiding member; and
- an independent deputy of the presiding member, with any additional deputy arrangements to be managed consistent with the Act and the City's ARIC governance framework (including section 5.11A where deputy member arrangements apply).

To support a transparent and merit-based approach to independent appointments, it is recommended that Council appoint the Audit, Risk and Improvement Committee – Independent Audit, Risk and Improvement Committee Member Appointment Selection Panel to oversee when required the recruitment and selection process of the independent presiding member and the independent deputy of the presiding member and bring forward any future recommendations of appointments to Council.

Section 5.100 of the Act enables Council to pay fees to independent committee members in accordance with determinations made by the Salaries and Allowances Tribunal. Consistent with the sector guidance, it is proposed that Council adopt attendance fees for independent ARIC members (including the presiding member and deputy of the presiding member and independent member) in accordance with the relevant Tribunal determinations.

Council's actions to re-establish and strengthen the Audit, Risk and Improvement Committee reaffirm its ongoing dedication to robust governance, transparency, and continuous improvement. By embracing legislative requirements and adopting a merit-based approach to independent appointments, Council is well positioned to uphold ethical standards and drive accountable leadership for the City's future. These measures will ensure that organisational knowledge is preserved, leadership roles are filled by suitably qualified independent members, and the community's confidence in Council's operations remains strong.

STRATEGIC IMPLICATIONS

Outcome:	Leadership / Boordiya Katidjin (Leader of knowledge)
Objective:	Accountable and ethical governance
Objective:	Continuous improvement and efficiency
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.

How does this proposal achieve the outcomes and strategic objectives?

This report addresses the outlined objectives by evaluating the City's adherence to legislative requirements in establishing its audit, risk, and improvement committee framework. The framework operates at high strategic governance level and promotes accountability, ethical governance, proactive leadership, and fosters ongoing improvement and efficiency at the Council level.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

3 - Thriving Local Economy

Sustainability Priority Area

7 - Innovation

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

While this report does not specifically address the Sustainability Framework, it supports certain components of the framework.

LEGAL/POLICY IMPLICATIONS

Local Government Act 1995

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council.*

** Absolute majority required.*

5.10. Appointment of committee members

- 1) *A committee is to have as its members —*
 - a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - b) *persons who are appointed to be members of the committee under subsection (4) or (5).*
- 2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- 3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*
- 4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of the mayor or president's wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- 5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of the CEO's wish —*
 - a) *to be a member of the committee; or*
 - b) *that a representative of the CEO be a member of the committee,*
the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- 1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*
** Absolute majority required.*
- 2) *A person who is appointed as a deputy of a member of a committee is to be —*
 - a) *if the member of the committee is a council member — a council member; or*
 - b) *if the member of the committee is an employee — an employee; or*
 - c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
 - d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- 3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- 4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

5.11. Committee membership, tenure of

- 1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - b) *the person resigns from membership of the committee; or*
 - c) *the committee is disbanded; or*
 - d) *the next ordinary elections day,*
whichever happens first.
- 2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - a) *the term of the person's appointment as a committee member expires; or*
 - b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - c) *the committee is disbanded; or*
 - d) *the next ordinary elections day,*
whichever happens first.

5.12. Presiding members and deputies

- 1) *The local government must appoint* a member of a committee to be the presiding member of the committee.*
** Absolute majority required.*
- 2) *The local government may appoint* a member of a committee to be the deputy presiding member of the committee.*
** Absolute majority required.*

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- a) the office of presiding member is vacant; or*
- b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*

then the deputy presiding member, if any, may perform the functions of presiding member.

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- a) the office of presiding member and the office of deputy presiding member are vacant; or*
- b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

DIVISION 1A — AUDIT, RISK AND IMPROVEMENT COMMITTEE**7.1A. Establishment of audit, risk and improvement committee**

- 1) A local government must establish a committee of its council under section 5.8 to be called the audit, risk and improvement committee.*
- 2) The following provisions apply in respect of the membership of the audit, risk and improvement committee —*
 - a) an employee of the local government is not to be a member;*
 - b) no member is to be nominated by, or is to be appointed to represent, any employee of the local government;*
 - c) section 5.10(1)(b) does not apply.*
- 3) The presiding member of the audit, risk and improvement committee cannot be a council member of the local government or of any other local government.*
- 4) Any deputy presiding member of the audit, risk and improvement committee cannot be a council member of the local government or of any other local government.*

7.1B. Deputy of presiding member or of deputy presiding member

- 1) The local government must appoint a person under section 5.11A to be a deputy of the presiding member of the audit, risk and improvement committee.*
- 2) In addition to the requirement of section 5.11A(2)(c), the deputy of the presiding member cannot be a council member of any other local government.*
- 3) If section 5.14 applies to a meeting of the audit, risk and improvement committee, the committee members present at the meeting must choose the deputy of the presiding member, if present, to preside at the meeting.*
- 4) If the local government appoints a person under section 5.11A to be a deputy of the deputy presiding member of the audit, risk and improvement committee, in addition to the requirement of section 5.11A(2)(c), the appointed deputy cannot be a council member of any other local government.*

7.1C. Delegation to audit, risk and improvement committee

- 1) *The only powers and duties that the local government may delegate to the audit, risk and improvement committee under section 5.16 are as follows —*
 - a) *any of its powers and duties under this Part;*
 - b) *any prescribed power or duty.*
- 2) *The provision that may be made by regulations for the purposes of subsection (1)(b) is not limited by the other subject matter of this Part.*
- 3) *The local government's power to delegate to the audit, risk and improvement committee is not limited by section 5.17.*

7.1CA. Decisions of audit, risk and improvement committee

Despite section 5.20, a decision of the audit, risk and improvement committee is to be made by a simple majority.

5.100. Fees paid and expenses reimbursed to committee members

- 1) *In this section —*

committee member means a person who is a committee member but who is neither a council member nor an employee;

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7BAA.
- 2) *A committee member who attends a meeting of the committee is entitled to be paid —*
 - a) *the fee determined for attending a committee meeting; or*
 - b) *if the local government has set a fee within the range determined for committee meeting attendance fees — that fee.*
- 3) *A committee member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —*
 - a) *the fee determined for attending a meeting of that type; or*
 - b) *if the local government has set a fee within the range determined for meetings of that type — that fee.*

FINANCIAL/BUDGET IMPLICATIONS

The proposed actions are required to meet statutory obligations under the *Local Government Act 1995* and associated regulations.

The primary cost implication relates to independent member remuneration and associated establishment costs, including:

- Sitting fees for independent members, as determined by the Salaries and Allowances Tribunal, with the current maximum set at \$1,215 per meeting;
- Reimbursement of actual travel expenses incurred in attending ARIC meetings (where applicable);
- Recruitment costs (e.g. advertising and selection activities); and
- Induction/training costs to ensure independent members can participate effectively and the committee is operationally ready.

Other operational costs (agenda preparation, minute taking, meeting coordination and document management) are expected to be managed within existing Corporate and Governance resources.

Any additional funding requirements associated with independent member remuneration can be considered through the annual budget process.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no environmental/public health implications.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this report; however, the Audit, Risk and Improvement Committee Terms of Reference are provided on the City of Kwinana website, and the Audit, Risk and Improvement Committee meetings are open to the public.

ATTACHMENTS

1. Clean - Audit Risk and Improvement Committee Terms of Reference [**18.7.1** - 9 pages]
2. Tracked Changed Audit and Risk Committee Terms of Reference [**18.7.2** - 13 pages]
3. Audit Risk and Improvement Committee Consultation Fees Rendered to be P 1 [**18.7.3** - 1 page]
4. Tribunal Determination 2025 - 026 [**18.7.4** - 2 pages]
5. Appointment of Elected Members to Committees External Committees Attach 1 [**18.7.5** - 5 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

21 LATE AND URGENT BUSINESS

22 REPORTS OF ELECTED MEMBERS

23 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

24 MAYORAL ANNOUNCEMENTS

25 CONFIDENTIAL ITEMS

26 CLOSE OF MEETING