

Ordinary Council Meeting

Agenda

23 September 2026

Notice is hereby given of an Ordinary Meeting of Council to be held in the Boronia 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 ACKNOWLEDGEMENT OF 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 Balian Miller 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):

Deputy Mayor Winmar

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 26 AUGUST 2026

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 26 August 2026 be confirmed as a true and correct record of the meeting.

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

12 RECOMMENDATIONS OF COMMITTEES

12.1 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 7 SEPTEMBER 2026

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.

AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATION

That Council:

1. **Notes the Minutes of the Audit, Risk and Improvement Committee Meeting held on 7 September 2026; and**
2. **Takes to Council for adoption the 2025 Compliance Audit Return in accordance with regulation 14 of the *Local Government (Audit) Regulations 1996*.**

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 - 7 September 2026 [12.1.1 - 26 pages]

12.2 2025 COMPLIANCE AUDIT RETURN

SUMMARY

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires each local government to undertake an annual audit of its compliance with prescribed provisions of the *Local Government Act 1995* and associated regulations for the period 1 January to 31 December each year. Following completion of the audit, a Compliance Audit Return is required to be prepared in the form approved by the Local Government Inspector General.

The City has completed its 2025 Compliance Audit Return for the period 1 January 2025 to 31 December 2025. The return identifies a strong overall level of compliance across the matters assessed, however two areas of non-compliance were identified.

For the 1 January 2025 to 31 December 2025 audit period, the Local Government Inspector deferred the submission deadline to 30 September 2026 and limited the prescribed audit requirements for that reporting period. The Audit, Risk and Improvement Committee is required to review the 2025 Compliance Audit Return and report the results of that review to Council. Following Council adoption, the completed return is required to be certified by the Mayor and Chief Executive Officer and submitted to the Local Government Inspector by the amended deadline.

AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATION

That Council, in accordance with regulation 14 of the *Local Government (Audit) Regulations 1996*:

- 1. Adopt the City of Kwinana 2025 Compliance Audit Return, as provided at Attachment 12.2.1; and**
- 2. Notes the corrective actions as provided in response to the identified area of non-compliance.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

In accordance with regulation 14 of the *Local Government (Audit) Regulations 1996* (**Regulations**), the City of Kwinana (**City**) is required to undertake an annual audit of its compliance with prescribed legislative requirements for the period 1 January to 31 December each year and prepare a Compliance Audit Return (**CAR**) in a form approved by the Local Government Inspector General (**Inspector**).

The CAR is a statutory self-assessment mechanism that enables local governments to assess compliance with key requirements of the *Local Government Act 1995* and associated regulations. It forms an important component of the City's legislative compliance, accountability and governance framework.

Local governments received advice from the Inspector earlier in the year that the submission deadline for the 2025 Compliance Audit Return has been extended from 31 March 2026 to 30 September 2026. The Inspector also issued a limited Compliance Audit Return for the 2025 reporting period, reducing the scope of questions required to be completed.

The City has completed its assessment for the period 1 January 2025 to 31 December 2025 using the approved 2025 Compliance Audit Return issued by the Inspector. The completed return is provided at **Attachment 12.2.1**.

ARIC has reviewed the completed return. Council is now required to consider the return, the results of ARIC's review and any recommendations before determining whether to adopt the return or adopt it subject to amendments.

The City's review identified a strong level of compliance across the legislative provisions included in the approved 2025 Compliance Audit Return. Two areas of non-compliance were identified in relation to section 5.104 of the Act and regulation 19B of the Regulations.

The table below summarises the two non-compliance findings identified in the City's 2025 Compliance Audit Return. It includes the relevant legislative reference, the question answered, the City's recorded response and corrective action taken to rectify the matter.

Legislation	Question answered	City response/finding	Corrective action to rectify matter
s.5.104 (3) and (4) of the <i>Local Government Act 1995</i>	Does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	No. A review undertaken in 2026 identified that some additional provisions included in the Code had not been located within the appropriate division of the Code as required by section 5.104(3) and (4). The Code has since been amended to relocate these provisions to Division 3, consistent with legislative requirements and WALGA guidance.	The Code has since been rectified, with the additional provisions now included within the appropriate section.
r.19B of the <i>Local Government (Administration)</i>	Did the local government include in its annual report all information required under section 5.53(2)(g) and (i) and regulation	No. A review of the City's 2024/25 Annual Report confirmed that	The Annual Report Work Instruction has been updated to include a Legislative Compliance Checklist addressing the

<i>Regulations 1996</i>	3A(2), including number of employees in salary bands over \$130,000, remuneration and allowances paid, ordered payments, CEO remuneration, council member meeting attendance, available demographic information about council members, and details of any modifications to the strategic community plan or significant modifications to the corporate business plan?	most required information was included, including employee salary band disclosures. However, the Annual Report did not separately disclose the remuneration paid or provided to the Chief Executive Officer during the financial year. It was understood that the salary band table satisfied the CEO remuneration disclosure requirement, resulting in the specific CEO remuneration disclosure being inadvertently omitted.	requirements of s.5.53(2)(g) and (i) of the <i>Local Government Act 1995</i> and r.19B of the <i>Local Government (Administration) Regulations 1996</i> . The checklist clarifies officer responsibilities, requires specific verification of CEO remuneration disclosures, and builds in additional Governance and Legal Team review points prior to finalisation of future annual reports.
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Following adoption, the return is required to be signed by the Mayor and Chief Executive Officer and submitted to the Inspector, together with the relevant Council minutes and any additional explanatory information, by 30 September 2026.

The City has not received advice from the Inspectorate regarding the 2026 Compliance Audit Return or any extension to the usual reporting timeframe. Unless otherwise advised, the City will proceed on the basis that the 2026 return is due by 31 March 2027, with preparation to recommence shortly after the 2025 process is completed.

STRATEGIC IMPLICATIONS

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

How does this proposal achieve the outcomes and strategic objectives?

There are no direct links to specific outcomes or objectives within the City's Strategic Community Plan or Corporate Business Plan. However, this report supports the Leadership / Boordiya Katidjin outcome by promoting accountable and ethical governance, continuous improvement and efficiency, proactive leadership, and a positive customer experience through the review, reporting and strengthening of the City's legislative compliance framework.

SUSTAINABILITY FRAMEWORK**Sustainability Guiding Principle**

8 - Integrated and Transparent Decision-making

Sustainability Priority Area

3 - Liveability

LEGAL/POLICY IMPLICATIONS

The Compliance Audit Return does not identify any resulting invalidity of Council decisions, enforcement action or material legal or financial consequence. However, continued or systemic non-compliance could attract increased scrutiny from the Local Government Inspector and presents governance and reputational risk.

The City has implemented corrective measures for both matters, including amendment of the Code of Conduct and strengthening of the Annual Report compliance review process, to address the identified deficiencies and reduce the likelihood of recurrence. ARIC's consideration of the corrective actions is consistent with its statutory function to review compliance audits and recommend improvements to the City's legislative compliance systems and procedures.

The following outlines applicable legislation:

*Local Government (Audit) Regulations 1996**14. Compliance audits*

- (1) A local government must carry out an audit (a compliance audit) of the local government's compliance with the statutory requirements prescribed by regulation 13 for the period beginning on 1 January and ending on 31 December in each year.*
- (1A) Subregulation (1) is subject to regulation 15A.*
- (2) After a local government has carried out a compliance audit, the CEO must —*
 - (a) prepare a compliance audit return in a form approved by the Inspector; and*
 - (b) give a copy of the compliance audit return to the local government's audit, risk and improvement committee.*
- (3) The audit, risk and improvement committee must —*
 - (a) review the compliance audit return; and*
 - (b) report to the council the results of that review.*
- (4) When reporting to the council, the audit, risk and improvement committee must make any recommendations that the committee considers appropriate in relation to the compliance audit return.*
- (5) The council must consider the compliance audit return and the results of the audit, risk and improvement committee's review (including any recommendations) at a meeting of the council.*
- (6) The council must —*
 - (a) determine if any matters raised by the audit, risk and improvement committee require action to be taken by the local government; and*
 - (b) either —*
 - (i) adopt the compliance audit return; or*

(ii) *adopt the compliance audit return subject to amendments proposed by the council.*

15. *Signed compliance audit return and other information must be given to Inspector*

- (1) *After a compliance audit return has been adopted by the council under regulation 14(6)(b), the local government must give the following information to the Inspector —*
 - (a) *a copy of the compliance audit return (or amended compliance audit return, if applicable), signed by the mayor or president and by the CEO;*
 - (b) *any recommendations made under regulation 14(4) after the audit, risk and improvement committee has reviewed the compliance audit return;*
 - (c) *a copy of the relevant section of the minutes of the meeting at which the compliance audit return was adopted by the council;*
 - (d) *any additional information explaining or qualifying the compliance audit.*
- (2) *The information must be given to the Inspector no later than 31 March next following the period to which the return relates.*
- (3) *The Inspector may extend the 31 March deadline.*

15A. *Inspector may limit prescribed statutory requirements to be covered by compliance audit*

- (1) *In this regulation —*

period means a period for which a compliance audit is required under regulation 14(1) that begins on or after 1 January 2026;

prescribed statutory requirement means a statutory requirement prescribed by regulation 13.
- (2) *The Inspector may, in respect of a period, determine that a compliance audit —*
 - (a) *is not to cover all of the prescribed statutory requirements; and*
 - (b) *is instead to cover only the prescribed statutory requirements specified in the determination.*
- (3) *The determination must be reflected in the form approved under regulation 14(2)(a) for the period.*
- (4) *Subregulation (5) applies if —*
 - (a) *the Inspector makes determinations under subregulation (2) in respect of 3 consecutive periods; and*
 - (b) *there is a prescribed statutory requirement that is specified under subregulation (2)(b) in none of those determinations.*
- (5) *If the Inspector makes a determination under subregulation (2) in respect of the period immediately after the 3 consecutive periods, the prescribed statutory requirement referred to in subregulation (4)(b) must be specified under subregulation (2)(b) in that determination (without limiting the other prescribed statutory requirements that may be specified).*

16. *Functions of audit, risk and improvement committee*

An audit, risk and improvement committee has the following functions —

- (a) *to receive and review reports on, and recommend to the council actions to be taken in relation to —*
 - (i) *audits under Part 7 of the Act; and*
 - (ii) *compliance audits; and*
 - (iii) *reviews under regulation 17;*

- (b) *to otherwise receive and review reports on the appropriateness and effectiveness of, and recommend to the council improvements to, the local government's systems and procedures in relation to —*
 - (i) *financial management; and*
 - (ii) *legislative compliance; and*
 - (iii) *risk management;*
- (c) *to receive and review reports on, and recommend to the council improvements to, the implementation of any actions that the local government —*
 - (i) *is required to take under section 7.12A(3); and*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) *has otherwise decided to take in response to a report or recommendation referred to in paragraph (a) or (b); and*
 - (iv) *has stated it has done or proposes to do in written advice prepared under section 8.6(1)(a) or 8.23(4)(a);*
- (d) *any other function conferred on the audit, risk and improvement committee under these regulations or another written law.*

FINANCIAL/BUDGET IMPLICATIONS

There are no financial or budget implications in relation to this report and its recommendation.

ASSET MANAGEMENT IMPLICATIONS

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no environmental or public health implications in relation to this report and its recommendation.

COMMUNITY ENGAGEMENT

There are no community engagement implications in relation to this report and its recommendation.

ATTACHMENTS

1. Compliance Audit Return L G- CA R-539443 (1) [12.2.1 - 25 pages]

12.3 MINUTES OF THE BOOLA MAARA ABORIGINAL CONSULTATIVE COMMITTEE HELD ON 7 SEPTEMBER 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.

BOOLA MAARA ABORIGINAL CONSULTATIVE COMMITTEE RECOMMENDATION

That Council notes the Minutes of the Boola Maara Aboriginal Consultative Committee held on 7 September 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:	Accountable and ethical governance
Action in CBP:	Review and implement the Innovate Reconciliation Action Plan
Action in CBP:	Facilitate the Boola Maara Aboriginal Consultative Committee Meetings
Objective:	Proactive leadership

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle
2 - Community Wellbeing

Sustainability Priority Area
3 - Liveability

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

Nil

LEGAL/POLICY IMPLICATIONS

Nil

FINANCIAL/BUDGET IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Minutes - Boola Maara Aboriginal Consultative Committee Meeting - 7 September 2026
[12.3.1 - 40 pages]

13 ENBLOC REPORTS

14 REPORTS - COMMUNITY

Nil

15 REPORTS - ECONOMIC

Nil

16 REPORTS - NATURAL ENVIRONMENT

Nil

17 REPORTS - BUILT INFRASTRUCTURE

17.1 AMENDMENT NO.8 TO TOWN PLANNING SCHEME NO.3 AND AMENDMENT NO.168 TO LOCAL PLANNING SCHEME NO.2 - SHORT TERM RENTAL ACCOMMODATION - REPORT ON SUBMISSION AND FINAL ADOPTION

SUMMARY

This report proposes endorsing the amendments to the City's two planning schemes following advertising where no comments were received. The amendments bring the two schemes in line with the State planning framework for Short Term Rental Accommodation. Both amendments insert the STRA term and definition and remove redundant terms such as "bed and breakfast". The amendments also change the land use permissibility tables setting out where STRA uses will and won't be permitted.

On 11 February 2026, Council adopted Amendment 168 to Local Planning Scheme No.2 (LPS2) and Amendment 8 to Town Planning Scheme No. 3 (TPS3) for the purpose of community consultation. Consent to advertise both amendments was received from the Western Australian Planning Commission (WAPC) on 9 June 2026 before the amendments were publicly advertised from 6 July 2026 to 17 August 2026.

Amendment 168 to LPS2 and Amendment 8 to TPS3 are identical in intent as they seek to implement the State Government's planning reforms for short-term rental accommodation (STRA).

In summary, the amendments propose the following:

1. Include 'STRA – hosted' and 'STRA - unhosted' as land use terms in both LPS2 and TPS3;
2. Assign 'STRA – hosted' as a permitted 'P' use in all zones where a dwelling is permissible;
3. Assign 'STRA – unhosted' as a use capable of approval ('AA') where a dwelling is permissible; and,
4. Assign 'STRA – hosted' and 'STRA – unhosted' as not-permitted 'X' uses, where residential dwellings are not permitted or the use would conflict with the predominant uses in that Zone.

No submissions were received during the advertising period. As a result, no modifications are proposed to the amendments as adopted at the 11 February 2026 Ordinary Council meeting.

This report recommends that Council support both Amendment 8 and Amendment 168 without further modification for final approval by the Minister for Planning. The Amendment reports explaining the detail of each amendment are at **Attachment 17.1.1** - Amendment 168, and **Attachment 17.1.2** - Amendment 8.

OFFICER RECOMMENDATION**That Council:**

1. In accordance with Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* determines to support Amendment No. 168 to City of Kwinana Local Planning Scheme No. 2 and Amendment No.8 to Town Planning Scheme No. 3 without modification - as seen in Attachments 17.1.1 and 17.1.2.
2. In accordance with the Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, requests that the CEO seek final approval of Amendment No. 168 and Amendment No 8 from the Minister for Planning.

VOTING REQUIREMENT

Simple majority

DISCUSSION**Background**

The State Government has regulated short-term rental accommodation (STRA) by implementing a registration system and recommending definitions and provisions for planning control of STRA into local planning schemes. Planning reforms for STRA are being implemented predominantly through the *Planning & Development (Local Planning Schemes) Regulations 2015* (LPS Regulations). The purpose of Amendment 168 to LPS2 and Amendment 8 to TPS3 is to ensure that the respective planning schemes are consistent with the deemed STRA land uses and definitions prescribed by the LPS Regulations.

Proposed Amendments

The amendments include changes to the zoning table in both LPS2 and TPS3 to reflect the land use permissibility for the following land uses:

1. STRA – hosted; and
2. STRA - unhosted.

In summary, the amendments propose to insert two new land uses: STRA – hosted and STRA unhosted. STRA - hosted is where the owner or occupier continues to live at the property or an associated dwelling on the same lot, while it is being rented short-term. STRA - unhosted is where the owner or occupier does not reside on the property during the stay, and it accommodates no more than 12 people per night.

The land use table will include these two new land uses and identify their respective land use permissibility across the different zones, as follows:

Short-term rental accommodation – hosted:

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

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

Short-term rental accommodation – unhosted:

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

Community Consultation

Amendment 168 and Amendment 8 reports were advertised in accordance with the LPS Regulations for public comment on the City's community engagement platform, Love My Kwinana, for a period of 42 days from 6 June 2026 to 17 August 2026. No submissions were received during this community consultation period.

The following statistics detail the level of public engagement during consultation:

- Total web page visits: 95
- Informed visitors: 38 visitors downloaded the reports attached in the webpage.

The amendments are a positive change that will provide consistency between the local and state planning frameworks.

Conclusion

As no submissions are received during the public consultation period, it is recommended that Council adopt both Amendment 168 and Amendment 8 as per the attached Amendment Reports (refer **Attachment 17.1.1 and 17.1.2**) and forward the decision to the Minister of Planning for final approval and gazettal.

The amendments presented for final adoption are unchanged from those previously approved for advertising at the Ordinary Council meeting on 11 February 2026. The amendments are administrative in nature, providing greater clarity and consistency in the City's planning framework for STRA management.

STRATEGIC IMPLICATIONS

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

How does this proposal achieve the outcomes and strategic objectives?

STRA, while a small element of the local economy serves an important role in providing accommodation for people visiting the area. Kwinana is not serviced directly by hotels and motels, as there are no hotels operating in the City. STRA facilitates visitors particularly from regional or interstate areas visiting family members as well as general tourism related purposes.

SUSTAINABILITY FRAMEWORK**Sustainability Guiding Principle**

3 - Thriving Local Economy

6 - Resilient and Adaptable Communities

Sustainability Priority Area

3 - Liveability

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

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

LEGAL/POLICY IMPLICATIONS

Nil

FINANCIAL/BUDGET IMPLICATIONS

Both Amendment 168 and Amendment 8 have been prepared by the City within its Operating Budget.

ASSET MANAGEMENT IMPLICATIONS

Nil

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

The City advertised Amendment 168 and Amendment 8 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The consultation outcomes are detailed earlier in this report.

ATTACHMENTS

1. Report - City of Kwinana - Local Planning Scheme No 2 - Amendment No 168 [17.1.1 - 11 pages]
2. Report - City of Kwinana - Town Planning Scheme No 3 - Amendment No 8 [17.1.2 - 10 pages]

17.2 AMENDMENT NO. 169 TO LOCAL PLANNING SCHEME NO. 2 - ADDITIONAL USES (TRANSPORT DEPOT AND OPEN AIR STORAGE YARD) TO LOT 6 (NO. 347) MANDOGALUP ROAD, MANDOGALUP - ADOPT FOR ADVERTISING

SUMMARY

This report deals with an application by the owner of the property to amend the City's planning scheme to allow the operation of a transport depot and open air storage on their property in Mandogalup. In this regard the uses are currently operating on the site without the necessary approvals and are incapable of approval.

The City has received a request to amend Local Planning Scheme No. 2 (LPS2) to introduce 'Transport Depot' and 'Open Air Storage Yard' as Additional Land Uses to be capable of approval on Lot 6 (347) Mandogalup Road, Hope Valley (the site).

It is considered that the amendment can be supported on the basis that the land uses are consistent with current and future land use in the locality, will not significantly impact on the amenity or surrounding properties by way of noise, activity or traffic, and are broadly consistent with relevant state planning policy and local planning framework considerations.

It is recommended that Council adopt Amendment No. 169 to LPS2, as a 'standard' amendment, for the purpose of public consultation.

OFFICER RECOMMENDATION

That Council:

1. Pursuant to Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and Section 75 of the *Planning and Development Act 2005*, adopt an amendment (Amendment 169) to the City of Kwinana Local Planning Scheme No. 2 (LPS2) for the purposes of:
 - a. Introducing specific development provisions relating to the amendment area into Schedule VII – Additional Uses as follows:

No.	Land Particulars	Base Zone	Permitted Uses	Development Conditions
4	Lot 6 (No. 347) Mandogalup Road, Hope Valley	Rural A	Transport Depot (AA) Open Air Storage Yard (AA)	Nil.

2. Resolves under Regulation 35(2) of the Regulations that Amendment No. 169 is a 'Standard Amendment' as it satisfies the following criteria of Regulation 34(a)(e) & (f) of the Regulations:
 - a. The amendment will be consistent with the Local Planning Scheme objectives of the Rural A zone;
 - b. The amendment will have minimal impact on the wider scheme area, and
 - c. The amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

3. **Subject to receiving advice that the Minister for Planning considers the amendment suitable for advertising, with or without modification, and the Environmental Protection Authority determining that an environmental review is not required, resolves in accordance with Regulation 46A of the Regulations to proceed to advertise the amendment in accordance with Regulation 47 of the Regulations.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

Background

Property Description

The subject site is No. 347 (Lot 6) Mandogalup Road, Hope Valley. The site is 1.99ha in area, and located on the corner of Sayer Road and Mangodalup Road, with vehicle access from both (refer Figure 1).



Figure 1: Site location

The City's records indicate the following history of land uses at the site:

- Single House residence from approximately 1974, continuing to today.
- Operated as 'Rolling Stones Nursery' circa 2006.
- Amendment 102 to LPS2 initiated on 13 June 2007 for Additional Uses (Research and Development, Technology, Office, Light Industry and Service Station) to the site. Amendment 102 did not progress to advertising or final approval, likely due to structure planning that was in preparation for land to the west within the Hope Valley Wattleup Redevelopment Act (HVWRA) area.
- Hardstand and storage activities began appearing at the site circa 2013.

The site is currently used for storage of vehicles, transport-related equipment, machinery, and building materials (Figure 2). These uses are prohibited under LPS2 and therefore not capable of approval. The site has been monitored for a significant period and over that time it is noted that while the uses are not approved, no public complaints have been received, and the site has been managed in an otherwise orderly manner.



Figure 2: Current site uses

Planning Framework

The site is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Rural A' under the City's Local Planning Scheme No. 2 (LPS2).

The current land uses on the site, 'Transport Depot' and 'Open Air Storage Yard', are both 'X' uses under LPS2's Zoning Table, meaning the uses are not permitted and are incapable of being approved.

Land to the east of the site is zoned General Industrial under the Mandogalup Improvement Scheme No. 1 area (also referred to as Improvement Plan 47 area) – refer Figure 4.

Land to the north and east of the site is within Precinct 3 of the Hope Valley – Wattleup Redevelopment Masterplan (HVWRMP), and zoned 'Industrial' under the relevant Development Area 3 Structure Plan (refer Figure 3). This structure plan was first approved in 2015, and most recently amended in 2021.

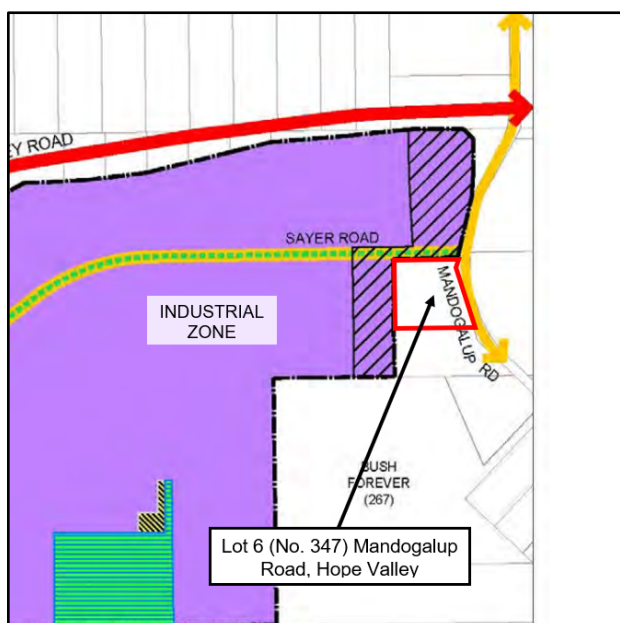


Figure 3: Hope Valley – Wattleup Redevelopment Masterplan. Development Area 3 zoning

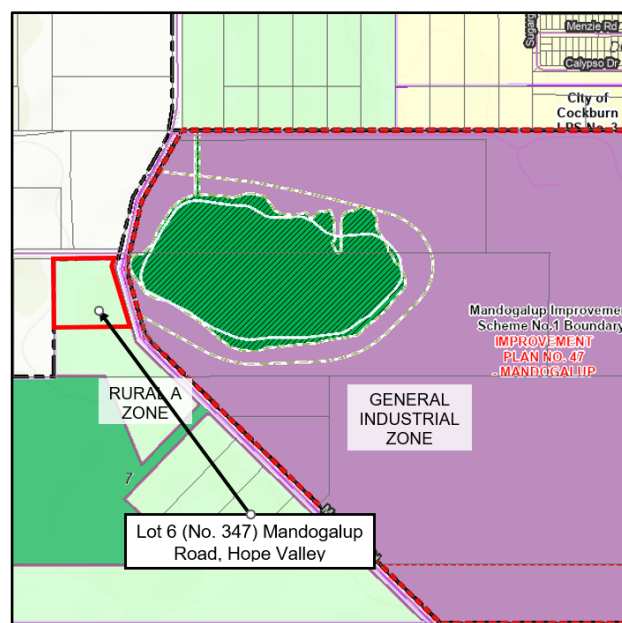


Figure 4: LPS2 and Mandogalup Improvement Scheme No. 1 zoning

The property is one of eight privately owned lots fronting Mandogalup Road that are zoned Rural under the MRS, despite being surrounded by Industrial zoned land under various planning frameworks. Despite advocacy from the City and these landowners in the past for the WAPC to consider rezoning the land under the MRS to Industrial (including during the planning work undertaken for Improvement Plan No. 47 and Mandogalup Improvement Scheme No. 1), no amendment has been drafted or is under consideration by the WAPC at this time.

Proposal

The landowner of the subject site has requested that the City amend LPS2 to include 'Transport Depot' and 'Open Air Storage Yard' as Additional Uses that will be capable of approval on the subject site.

Both uses are proposed to be classified as 'AA' uses, meaning the uses are not permitted unless development approval is granted following consultation and consideration of submissions.

No specific conditions are proposed relating to the Additional Uses.

Attachment 17.2.1 is the formal Amendment No. 169 Report to be endorsed by the Council and ultimately determined by the Minister for Planning.

Attachment 17.2.2 is the landowner's request and justification for the proposed amendment.

Figure 6 below shows a Site Concept Plan prepared by the landowner, indicating what the future development application will propose, should Amendment 169 be initiated and ultimately gazetted.



Figure 6: Site Concept Plan for use of the site

Why rezoning is not proposed

Typically, the subject site, along with the 7 other lots fronting Mandogalup Road would be rezoned to Industrial, firstly under the MRS and then LPS2. Zoning of both would then be consistent with the surrounding zonings and future land use intent. However, zoning under LPS2 must be consistent with the MRS, meaning a rezoning amendment to LPS2 cannot proceed on its own. An MRS amendment is also a lengthy and significant financial commitment for an individual landowner to undertake.

The proposed 'Additional Use' amendment to LPS2 is a pragmatic approach that (if approved by the Minister) will provide certainty to the landowner that the current transport and storage uses can continue to operate, without incurring the financial and time burden of both MRS and LPS2 rezonings. Given the significant development activity occurring in the region (Westport, AUKUS and Henderson Shipyards, Postans Precinct and Latitude 32), it is anticipated that the WAPC will have opportunities to undertake a review of the MRS in the near future, at which time, the subject site may be formally considered for rezoning.

State Planning Framework:

Metropolitan Region Scheme (MRS):

The site is zoned Rural under the MRS. The purpose of the Rural zone under the MRS is to:

- i. to provide for the sustainable use of land for agriculture; and
- ii. to assist in the conservation and wise use of natural resources, including water, flora, fauna and minerals; and
- iii. to provide a distinctive rural landscape setting for urban areas; and
- iv. to accommodate carefully planned rural living developments; and
- v. to accommodate tourism in keeping with rural character, including, for example, farm stay accommodation, breweries and wineries;

Whilst the proposed scheme amendment is not entirely consistent with the objectives of the Rural zone, the site will continue to be zoned Rural under the MRS with only the additional uses being introduced. The compatibility of those uses with the intent of SPP 2.5 are addressed below.

State Planning Policies:*State Planning Policy 2.5 – Rural Planning (SPP 2.5):*

The purpose of SPP 2.5 is to protect rural land for the purposes of primary production and agriculture whilst avoiding land use conflicts between rural land uses and land uses incompatible with rural land. Whilst the site was previously used for agricultural production until 2013, extensive strategic planning has occurred including the introduction of the HVWRMP and IP47. Land within HVWRMP and IP47 will transition from rural uses to industrial or commercial land uses, effectively surrounding the subject site with industrial uses.

The site is not identified or considered priority agricultural land. Even if some rural uses remain in the area, the proposed 'Transport Depot' and 'Open Air Storage Yard' uses will not affect the rural uses in any material way.

State Planning Policy 2.9 – Water (SPP 2.9):

The site is within a sensitive water resource area as identified under SPP 2.9. These areas require a high level of protection and management particularly in regard to wastewater.

Effluent Disposal: There is no reticulated sewerage in this area. Currently, effluent disposal is managed on-site through an existing system associated with the existing dwelling. Under SPP 2.9, the minimum lot size for on-site wastewater disposal is 1.0 hectare. The size of the lot is 1.9 hectares demonstrating that the site is capable of supporting an on-site wastewater disposal system. The instillation of new systems and upgrade of existing systems can be conditioned as part of a development application subsequent to this scheme amendment.

Stormwater Management: The applicant has provided a conceptual stormwater management plan (SMP) which demonstrates how stormwater can be managed on-site. The SMP has been designed to a 1 in 100 year or 1% AEP standard. The SMP was prepared noting that much of the current site would be sealed as part of the subsequent development application. The applicant has noted that a more detailed SMP will be submitted with the development application. The implementation of this detailed SMP can be conditioned at development application stage including hydrocarbon capture.

State Planning Policy 3.7 – Bushfire (SPP 3.7):

The site is within a mapped bushfire prone area and a Bushfire Management Plan (BMP) has been provided by the applicant in accordance with SPP 3.7. The BMP identifies that the site has a low to moderate bushfire hazard level. The land uses being proposed are not considered 'Vulnerable Land Uses' under SPP 3.7. The site is therefore appropriate for the additional uses with respect to bushfire risk. Further bushfire requirements may be required at development application stage and building permit stage.

State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4):

The proposed development on the site is not a noise-sensitive land use as defined in SPP 5.4. Therefore, the proposed development does not prejudice the proposed strategic freight route to the north of the site.

Local Planning Framework:
Local Planning Scheme No. 2:

Division 6 – Rural Zone

The objectives of the Rural A zone are as follows:

Objectives	Comment
The predominant uses within the Rural A Zone shall be rural use provided that the proposed uses are consistent with principles of groundwater conservation and are not likely, in the opinion of Council, to result in significant discharge of nutrients to the district drainage network.	The scheme amendment introduces additional land uses and does not seek to change the underlying rural zoning. This means that rural land uses are still capable of approval for the site. The proposed additional land uses are not likely to result in a significant discharge of nutrients to the district drainage network. A Stormwater Management Report with an accompanying plan has been submitted in support of this application. This information confirms the sites capacity to handle the discharge of stormwater on site and deal with nutrient and hydrocarbon capture required for the operation of the additional land uses. A condition of a future development approval will ensure adherence to the required stormwater management requirements.
Where a proposed use is, in the opinion of Council, likely to have a significant impact on groundwater quality and quantity or is likely to lead to significant discharge of nutrients to the local drainage network, Council may refer the matter to the Environmental Protection Authority (EPA) or Water Authority of Western Australia for advice.	As required by section 81 of the Act, the amendment will be referred to the EPA to determine if the amendment requires environmental assessment or not. The EPA will have the ability to comment on the proposed scheme amendment and request modifications. Any comments or recommendations from the EPA can be considered and applied at the adoption phase of the scheme amendment.
Council shall not support fragmentation by subdivision except where the use or proposed use of the land is consistent with the predominant use or uses and is consistent with the Policy Statement for the particular locality.	This scheme amendment does not facilitate or result in subdivision of the site.
Council shall apply such development standards to a proposal the subject of an application for Planning Approval as it thinks fit providing such standards are not less than that pertaining to similar uses under the Scheme.	The City will apply a condition of development through this scheme amendment to ensure the adequate treatment of stormwater on site. Further opportunity to apply conditions of development is available at the Development Application stage of the additional land uses.

The proposed scheme amendment is consistent with objections of the Rural A zone. The recommended development condition has been included in the amendment of Schedule VII of the Scheme.

3.3 Policies – Area 7 – Hope Valley

The objectives of Policy Area 7 – Hope Valley are as follows:

Objectives	Comment
The predominant uses shall be rural provided such uses are not in conflict with principles of groundwater conservation and do not significantly contribute to nutrient discharge to the district drainage network.	The scheme amendment introduces additional land uses and does not seek to change the underlying rural zoning. This means that rural land uses are still capable of approval for the site. The proposed additional land uses are not likely to result in a significant discharge of nutrients to the district drainage network. A Stormwater Management Report with an accompanying plan has been submitted in support of this application. This information confirms the site's capacity to handle the discharge of stormwater on site and deal with nutrient and hydrocarbon capture required for the operation of the additional land uses.
Subdivision shall only be supported where consistent with the predominant use.	This scheme amendment does not facilitate or result in subdivision of the site.
Extractive industries will be supported subject to a management plan approved by Council.	This scheme amendment does not concern extractive industries.
Tailings ponds are not permitted.	This scheme amendment does not concern tailing ponds.
The landscape of Long Swamp shall be protected.	This scheme amendment will not affect the landscape of Long Swamp

Overall, the proposed scheme amendment is consistent with the objectives of Policy Area 7.

Local Planning Scheme No. 4 (LPS 4):

The City has begun preparation of a new Local Planning Scheme – LPS 4. Under LPS 4, the site would be zoned 'Rural' which is required to reflect the underlying MRS Rural zoning. However, the City's position remains that the site should be considered for inclusion in the surrounding state government schemes in order to be included in the development of the area for industrial and commercial purposes.

The objectives of the Rural zone in draft LPS 4 are as follows:

Objectives	Assessment
To provide for the maintenance or enhancement of specific local rural character.	The site is surrounded by industrial development on two sides and future industrial development on one side. The local rural character in this area is minimal. The proposed scheme amendment does not materially affect the built form and will not have an effect on the rural character as it formalises activities already in operation on the site.
To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.	The site has not been used for agricultural activities since the cessation of the plant nursery on the site circa 2013.
To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.	The proposed scheme amendment will not impact the environmental qualities of the surrounding areas. No vegetation removal is proposed and the management of stormwater discharge can be imposed as a condition of development.
To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone	Surrounding land is subject to current or future commercial and industrial development. The proposed scheme amendment does not introduce sensitive land uses that were not already present.
To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses	The current activities on site have been in occurrence for over 10 years, commencing in 2013. The activities have proved to be compatible with the surrounding area. The introduction of non-rural land uses to this area is compatible with the adjoining HVWRMP and IP 47 areas.
To ensure that all development and changes to land use within the Jandakot Groundwater Protection area are compatible with maximising the long-term protection and management of groundwater, in particular for public drinking water supply.	The site is not within the Jandakot Groundwater Protection area.

The proposed scheme amendment is consistent with the objectives the Rural zone in draft LPS 4.

STRATEGIC IMPLICATIONS

There are no strategic land use and planning implications are discussed earlier in this report.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

3 - Thriving Local Economy

4 - Environmental Stewardship

Sustainability Priority Area

3 – Liveability

LEGAL/POLICY IMPLICATIONS

For the purpose of Elected Members and Officers considering a declaration of interest:

- The owners of the subject site are Anthony R Hurle and Gayle B Hurle.
- The request has been prepared and lodged by Altus Planning.

Acts and Regulations

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Schemes

Metropolitan Region Scheme

City of Kwinana Local Planning Scheme No. 2

Improvement Plan No. 47

State Planning Policies

SPP2.5 – Rural

SPP2.9 – Water

SPP3.7 – Planning in Bushfire Prone Areas

SPP5.4 – Road and Rail Noise

FINANCIAL/BUDGET IMPLICATIONS

Amendment 169 has been prepared by the landowner's planning consultant.

The City charges a fee to the landowner for the service of considering and progressing the amendment in accordance with *Planning and Development Regulations 2009*. The fee is determined by officer time spent and costs (eg.advertising) incurred.

ASSET MANAGEMENT IMPLICATIONS

Nil.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

None anticipated. Amendment 169 will be referred to the Environmental Protection Authority to determine whether environmental assessment is required. If an assessment is required, this responsibility will lie with the landowner.

COMMUNITY ENGAGEMENT

There is no requirement for community engagement prior to Council adopting Amendment 169.

Once granted consent to advertise by the Minister for Planning, Amendment 169 is then required to be advertised for public comment for a period of at least 42 days, after which the Council will be presented with a report on submissions and a recommendation on whether to proceed with the amendment, with or without modification. The authority to grant final approval of the amendment resets with the Minister for Planning.

Consultation will include State government agencies, including but not limited to, Main Roads WA, Department of Water and Environment Regulation, Department of Transport and Westport.

ATTACHMENTS

1. Amendment 169 to LPS2 Additional Uses 347 Mandogalup Road HOPE VALLEY Amendm [17.2.1 - 9 pages]
2. Amendment 169 Request - Altus Planning [17.2.2 - 78 pages]

17.3 TEN 09/26 - SUPPLY, DELIVERY & APPLICATION OF HOT BITUMINOUS CONCRETE

SUMMARY

The City of Kwinana invited Tenders from suitably experienced and resourced contractors for the supply, delivery and application of hot bituminous concrete (asphalt) for the City of Kwinana for tender TEN 09/26 – Supply, Delivery & Application of Hot Bituminous Concrete.

The Request for Tender was advertised in “The Weekend West” newspaper on 13 June 2026. The Tender was also advertised on the City’s official website, the City’s public notice boards and issued through the City’s e-tendering portal Tenderlink.

The City received five (5) submissions, which were assessed by City Officers as detailed in **Confidential Attachment 17.3.1**. City Officers recommend that Council award the tender in line with the recommendations set out in **Confidential Attachment 17.3.1**.

OFFICER RECOMMENDATION

That Council:

1. **Award Contract TEN 09/26 – Supply, Delivery and Application of Hot Bituminous Concrete to Downer Works EDI Pty Ltd in accordance with the City’s, general conditions of the contract, the specifications and their Tender submission including their schedule of rates for a period of three (3) years commencing upon award with the option to extend the contract for an additional one (1) period of twelve (12) months each or part thereof.**
2. **Authorise the Chief Executive Officer to execute the optional extension periods, subject to satisfactory performance and entirely at the Chief Executive Officer’s discretion; and**
3. **Approves the above Contract for the specified Contract term, subject to price increases based on quarterly Consumer Price Index (CPI) (All Groups) (Perth) allocated to the Contractor at scheduled intervals during the Contract Term. The price adjustment will be automatically applied by the Principal.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

The Request for Tender (RFT) Scope requires a suitably qualified and experienced Contractor for the supply, delivery and application of hot bituminous concrete (asphalt) for the City of Kwinana. The current contract TEN 05/22 – Supply, Delivery and Application of Hot Bituminous Concrete was awarded to Downer EDI Pty Ltd on 23 June 2022. The existing contract expired on 22 June 2026.

Addendums

No addendums were issued during the RFT process.

Submissions

The RFT closed at 2pm AWST, on Tuesday 7 July 2026, the following five (5) submissions were received.

No.	Company Name
1	Asphaltech Pty Ltd
2	Boral Resources (WA) Ltd T/A Boral Asphalt
3	Downer EDI Works Pty Ltd
4	Fulton Hogan Industries Pty Ltd T/A Fulton Hogan
5	SGA Roads Pty Ltd

Initial Compliance Check

An initial commercial compliance check, in accordance with the compliance criteria provided in the RFT documents, was conducted by the Chairperson to identify any nonconforming offers. The Officer confirmed that, in accordance with Local Government (Functions and General) Regulations, 1996 and the Conditions of Responding, there were no compliance issues raised.

Evaluation

The evaluation panel comprised of:

- a. The Senior Procurement and Contracts Officer who evaluated the Tenderers' submissions in accordance with the compliance criteria provided in the Request for Tender documentation; and
- b. The Project Co-ordinator Engineering, Engineering Technical Officer – Project Engineering and Manager Engineering Services, who evaluated the Tenderers' submissions in accordance with the qualitative criteria included in the Request for Tender documentation.

The panel evaluated the tender submissions in accordance with the documented compliance and qualitative criteria (refer to **Confidential Attachment 17.3.1**). The evaluation recommendation report is under confidential cover as it contains commercial-in-confidence information.

Evaluation Qualitative Criteria

The price and qualitative criteria weightings for evaluation are provided below.

Item	Criteria	Weighting
A	Relevant Experience	15%
B	Key Personnel	15%
C	Resources	15%
D	Demonstrated Understanding & Methodology	15%
E	Sustainability	10%
F	Price	30%
TOTAL		100%

STRATEGIC IMPLICATIONS

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

Objective: Transition to net zero emissions
Integrate the Sustainability Framework

How does this proposal achieve the outcomes and strategic objectives?

Recognising the City's role in contributing to emissions reduction, clear carbon reduction objectives have been incorporated into a responsible and innovative procurement approach. Through collaboration with suppliers, internal stakeholders, and all levels of government, the tender process provides an opportunity to deliver meaningful and measurable outcomes that support a more sustainable future

The City has adopted a Sustainability Framework and a target of achieving net zero greenhouse gas emissions across its operations by 2035. Suppliers play a critical role in supporting these objectives through the provision of recycled and sustainable materials, the implementation of initiatives that reduce greenhouse gas emissions, and measures that enhance the climate resilience of City assets. These actions contribute to mitigating the impacts of climate change while supporting the long-term sustainability, resilience, and performance of the City's infrastructure and services, consistent with the Strategic Community Plan

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

Objective: Building Community

How does this proposal achieve the outcomes and strategic objectives?

The City seeks to create connected, vibrant, and resilient neighbourhoods by providing safe, accessible, and sustainable infrastructure, quality public facilities, and well-maintained open spaces. Through effective asset management, community engagement, and strategic investment, we enhance liveability, strengthen community connections, and support the long-term resilience and wellbeing of our community, consistent with the Strategic Community Plan

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

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

Sustainability Priority Area

- 3 - Liveability
- 6 - Responsible Investment and Procurement

LEGAL/POLICY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996 - Part 4 – Provision of goods and services

City of Kwinana Procurement Policy

FINANCIAL/BUDGET IMPLICATIONS

The expenditure associated with the proposed contract has been provided for in the adopted Annual Budget. Sufficient funds are available within the approved project budget to meet the proposed contractual commitment.

Details of the tendered prices and financial assessment are contained in the Confidential Tender Evaluation Report Attachment 17.3.1.

ASSET MANAGEMENT IMPLICATIONS

The successful delivery of the road drainage and footpath renewal and upgrade program relies on the timely availability of bituminous stabilisation and hot-mix asphalt materials. A resilient supply chain is essential to maintaining service levels, preserving asset condition, and advancing the long-term outcomes identified in the City of Kwinana's Asset Management Plan and Strategic Community Plan.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

This attachment(s) is confidential in accordance with the *Local Government Act 1995* Section 5.23(2)(c) as it includes information regarding a contract which may be entered into and is a matter that if disclosed would reveal information of commercial value. Should Council seek to discuss the confidential information during the Ordinary Meeting of Council, Council should resolve to move behind closed doors.

1. CONFIDENTIAL - TEN 09 26 Confidential Recommendation Report for Council (part 1) - signed [17.3.1 - 14 pages]

17.4 TEN 17/26 - SUPPLY OF BITUMINOUS STABILISATION

SUMMARY

The City of Kwinana invited Tenders from suitably experienced and resourced contractors for the supply of bituminous stabilisation services (asphalt) for the City of Kwinana. For tender TEN 17/26 – Supply of Bituminous Stabilisation Services.

The Request for Tender (RFT) was advertised in “The Weekend West” newspaper on 18 July 2026. The Tender was also advertised on the City’s official website, the City’s public notice boards and issued through the City’s e-tendering portal Tenderlink.

The City received four (4) submissions, and these were assessed by City Officers, with their assessment outlined in **Confidential Attachment 17.4.1**. City Officers recommend that Council award the tender as per the recommendations of **Confidential Attachment 17.4.1**

OFFICER RECOMMENDATION

That Council:

1. **Award Contract TEN 17/26 – Supply of Bituminous Stabilisation to Downer EDI Works Pty Ltd in accordance with the City’s, general conditions of the Contract, the specifications and their Tender submission including their schedule of rates for a period of three (3) years commencing upon award with the option to extend the contract for an additional one (1) period of twelve (12) months each or part thereof;**
2. **Authorise the Chief Executive Officer to execute the optional extension periods, subject to satisfactory performance and entirely at the Chief Executive Officer’s discretion; and**
3. **Approves the above Contract for the specified Contract term, subject to price increases based on quarterly Consumer Price Index (CPI) (All Groups) (Perth) allocated to the Contractor at scheduled intervals during the Contract Term. The price adjustment will be automatically applied by the Principal.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

Background

The RFT Scope requires a suitably qualified and experienced Contractor for the supply of bituminous stabilisation services (asphalt) for the City of Kwinana. The current contract TEN 06/22 – Supply of Bituminous Stabilisation Services was awarded to Downer EDI Pty Ltd on 1 July 2022. The existing contract expired on 30 June 2026.

Addendums

Three addendums were issued during the RFT process.

Submissions

The RFT closed at 2pm AWST, on Tuesday 18 August 2026, the following four (4) submissions were received.

No.	Company Name
1	Downer EDI Limited T/A Downer EDI Works Pty Ltd
2	Fulton Hogan Industries Pty Ltd T/A Fulton Hogan
3	Hiway WA Pty Ltd T/A Hiway
4	Stabilised Pavements of Australia Pty Ltd

Initial Compliance Check

An initial commercial compliance check, in accordance with the compliance criteria provided in the RFT documents, was conducted by the Chairperson to identify any nonconforming offers. The Officer confirmed that, in accordance with Local Government (Functions and General) Regulations, 1996 and the Conditions of Responding, there were no compliance issues raised.

Evaluation

The evaluation panel comprised of:

- The Senior Procurement and Contracts Officer who evaluated the Tenderers' submissions in accordance with the compliance criteria provided in the Request for Tender documentation; and
- Project Co-ordinator Engineering, Engineering Technical Officer – Project Engineering and Manager Engineering Services, who evaluated the Tenderers' submissions in accordance with the qualitative criteria included in the Request for Tender documentation.

The panel evaluated the tender submissions in accordance with the documented compliance and qualitative criteria (refer to **Confidential Attachment 17.4.1**). The evaluation recommendation report is under confidential cover as it contains commercial-in-confidence information.

Evaluation Qualitative Criteria

The price and qualitative criteria weightings for evaluation are provided below.

Item	Criteria	Weighting
A	Relevant Experience	15%
B	Key Personnel & Resources	15%
C	Demonstrated Understanding & Methodology	30%
D	Sustainability	10%
E	Price	30%
TOTAL		100%

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

How does this proposal achieve the outcomes and strategic objectives?

Recognising the City's role in contributing to emissions reduction, clear carbon reduction objectives have been incorporated into a responsible and innovative procurement approach. Through collaboration with suppliers, internal stakeholders, and all levels of government, the tender process

provides an opportunity to deliver meaningful and measurable outcomes that support a more sustainable future

The City has adopted a Sustainability Framework and a target of achieving net zero greenhouse gas emissions across its operations by 2035. Suppliers play a critical role in supporting these objectives through the provision of recycled and sustainable materials, the implementation of initiatives that reduce greenhouse gas emissions, and measures that enhance the climate resilience of City assets. These actions contribute to mitigating the impacts of climate change while supporting the long-term sustainability, resilience, and performance of the City's infrastructure and services, consistent with the Strategic Community Plan

Outcome: Built Environment / Ngalak Moort Mia Mia ((Family Gathering places)
Objective: Building Community

How does this proposal achieve the outcomes and strategic objectives?

The City seeks to create connected, vibrant, and resilient neighbourhoods by providing safe, accessible, and sustainable infrastructure, quality public facilities, and well-maintained open spaces. Through effective asset management, community engagement, and strategic investment, we enhance liveability, strengthen community connections, and support the long-term resilience and wellbeing of our community, consistent with the Strategic Community Plan.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

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

Sustainability Priority Area

- 3 - Liveability
- 6 - Responsible Investment and Procurement

LEGAL/POLICY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996 - Part 4 – Provision of goods and services

City of Kwinana Procurement Policy

FINANCIAL/BUDGET IMPLICATIONS

The expenditure associated with the proposed contract has been provided for in the adopted Annual Budget. Sufficient funds are available within the approved project budget to meet the proposed contractual commitment.

Details of the tendered prices and financial assessment are contained in the Confidential Tender Evaluation Report **Attachment 17.4.1**.

ASSET MANAGEMENT IMPLICATIONS

The successful delivery of the road drainage and footpath renewal and upgrade program relies on the timely availability of bituminous stabilisation and hot-mix asphalt materials. A resilient supply chain is essential to maintaining service levels, preserving asset condition, and advancing the long-

term outcomes identified in the City of Kwinana's Asset Management Plan and Strategic Community Plan.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

This attachment(s) is confidential in accordance with the *Local Government Act 1995* Section 5.23(2)(c) as it includes information regarding a contract which may be entered into and is a matter that if disclosed would reveal information of commercial value. Should Council seek to discuss the confidential information during the Ordinary Meeting of Council, Council should resolve to move behind closed doors.

1. CONFIDENTIAL - TEN 17 26 Confidential Recommendation Report for Council (part 1) - signed [17.4.1 - 17 pages]

18 REPORTS - CIVIC LEADERSHIP

18.1 REVIEW OF CITY OF KWINANA LOCAL LAWS IN ACCORDANCE WITH S3.16 OF THE LOCAL GOVERNMENT ACT 1995

SUMMARY

The *Local Government Amendment Act 2024* introduced amendments to section 3.16 of the *Local Government Act 1995* (**Act**), amending the existing requirement for local governments to periodically review their local laws and determine whether each local law should be repealed, amended or remain unchanged.

Transitional provisions further require local governments to review local laws that had not been reviewed within the eight years preceding commencement of these amendments by 7 December 2026. Local laws not reviewed by this date will lapse.

In accordance with section 3.16 of the Act, the City of Kwinana (**City**) has undertaken a review of the following local laws:

- *Activities on Thoroughfares and Public Places and Trading Local Law 2011* - (**Attachment 18.1.1**)
- *Adoption of Health Act 1911 Model By-Laws Series 'A' (as amended)* - (**Attachment 18.1.2**)
- *Dogs Local Law 2010 (as amended)* - (**Attachment 18.1.3**)
- *Extractive Industries Local Law 2001 (as amended)* - (**Attachment 18.1.4**)
- *Fencing Local Law 2016* - (**Attachment 18.1.5**)

For the purposes of this report, the local laws listed above are collectively referred to as the "Local Laws".

The review was undertaken in accordance with the statutory requirements of section 3.16 of the Act, including the provision of local public notice, a public consultation period of not less than six weeks, consideration of submissions received, and preparation of this report for Council determination.

Public notice of the review was published in the Sound Telegraph on 17 June 2026, with the submission period open until 31 July 2026. The review was also promoted through the City's website, Love My Kwinana engagement platform, City noticeboards and the City's electronic newsletter, the eSpirit. In addition, the Department of Local Government, Industry Regulation and Safety (LGIRS) and WA Department of Health (DoH) were also advised of the review and invited to provide their feedback.

No submissions were received from members of the public, LGIRS or DoH during the consultation period.

The review concluded that the Local Laws remain relevant, effective and appropriate for their intended purpose. It is therefore recommended that Council determine that the Local Laws remain unchanged.

OFFICER RECOMMENDATION**That Council:**

- 1. Notes that the City of Kwinana has undertaken a review of its Local Laws identified in this report in accordance with section 3.16 of the *Local Government Act 1995*;**
- 2. Notes that, following the close of the public consultation period, no submissions were received from the community, the Department of Local Government, Industry Regulation and Safety or the WA Department of Health, and accepts this report as the report of the review prepared and submitted to Council in accordance with section 3.16(3) of the *Local Government Act 1995*; and**
- 3. Determines, by absolute majority and in accordance with section 3.16(4) of the *Local Government Act 1995*, that the following local laws remain unchanged:**
 - a. *Activities on Thoroughfares and Public Places and Trading Local Law 2011***
 - b. *Adoption of Health Act 1911 Model By-Laws Series 'A' (as amended)***
 - c. *Dogs Local Law 2010 (as amended)***
 - d. *Extractive Industries Local Law 2001 (as amended)***
 - e. *Fencing Local Law 2016***

VOTING REQUIREMENT

Absolute majority

DISCUSSION

The *Local Government Amendment Act 2024* amending the existing statutory requirement for local governments to undertake periodic reviews of their local laws under section 3.16 of the Act. The amended provisions require local governments to review each local law within fifteen years of its commencement, or within fifteen years of the most recent determination made under section 3.16(4), to determine whether the local law should be repealed, amended or remain unchanged.

Clause 65 of Schedule 9.3 of the Act provides transitional arrangements requiring local governments to review local laws which had not been reviewed within the eight years preceding commencement of the amendments. These reviews must be completed by 7 December 2026. Local laws not reviewed by that date will lapse.

The purpose of the review framework is to ensure that local laws remain current, necessary, effective and consistent with contemporary legislative, operational and community requirements.

In accordance with section 3.16(2) of the Act, the City commenced a review of the identified Local Laws and undertook the required public consultation process.

Public notice of the review was published on 17 June 2026 and the submission period was open until 31 July 2026, providing a consultation period exceeding the minimum six-week period required by the Act. The public notice was published through the following channels:

- Sound Telegraph;
- City of Kwinana website;
- Love My Kwinana engagement platform;
- City noticeboards; and
- the City's electronic newsletter, eSpirit.

In addition to public consultation, notification of the review was provided to the Department of Local Government, Industry Regulation and Safety (LGIRS) and WA Department of Health (DoH) and were invited to provide comments or feedback for consideration as part of the review process.

No comments, submissions or feedback were received from members of the public, LGIRS or DoH during the consultation period. As such, there were no submissions requiring further consideration under section 3.16(3) of the Act.

The review concluded that the Local Laws continue to provide an appropriate regulatory framework for the City and remain effective in supporting the administration of the City's functions and the protection of the community interest. It is therefore recommended that Council determine that the following Local Laws remain unchanged:

Local Law	Recommended Determination
<i>Activities on Thoroughfares and Public Places and Trading Local Law 2011</i>	Remain Unchanged
	Remain Unchanged
<i>Adoption of Health Act 1911 Model By-Laws Series 'A' (as amended)</i>	It is noted that the Adoption of Health Act 1911 Model By-Laws Series 'A' (Local Law) relies on outdated head legislation (now the <i>Health (Miscellaneous Provisions) Act 1911</i>). However, pending the final implementation phases of the <i>Public Health Act 2016</i> and the anticipated release of contemporary model local laws by the State Government, it is recommended this local law remain unchanged at this time to ensure a regulatory framework remains in place.
	A further review of this specific Local Law will be undertaken once the new public health framework is fully enacted.
<i>Dogs Local Law 2010 (as amended)</i>	Remain Unchanged
<i>Extractive Industries Local Law 2001 (as amended)</i>	Remain Unchanged
<i>Fencing Local Law 2016</i>	Remain Unchanged

Council should note that a determination for a local law to remain unchanged does not prevent the City from undertaking a further review prior to the expiry of the statutory fifteen-year review period. Although the current review has concluded that the identified Local Laws remain fit for purpose, an earlier review may be warranted where circumstances change.

Examples include:

- amendments to legislation;
- the introduction of new regulatory requirements or government policy;
- changes to industry standards or best practice;
- operational issues identified through administration or enforcement activities;
- recommendations arising from audits, investigations or court decisions;
- changes in community expectations or service delivery requirements; or
- the development of new model local laws.

Accordingly, Council's determination that the Local Laws remain unchanged reflects the outcome of the current statutory review only and should not be interpreted as limiting the City's ability to undertake future amendments where circumstances warrant.

The review process to date has satisfied the requirements of section 3.16(2) and (3) of the Act and provides Council with the basis to make the required statutory determination. As the review did not identify any matter requiring repeal or amendment, it is recommended that Council determine, in accordance with section 3.16(4) of the Act, that the Local Laws identified in this report remain unchanged.

STRATEGIC IMPLICATIONS

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

How does this proposal achieve the outcomes and strategic objectives?

The review of the City's Local Laws supports the City's Strategic Community Plan and Corporate Business Plan by ensuring that the City's local laws remain current and appropriate for their purpose. The review is relevant to the objectives of customer experience, accountable and ethical governance and proactive leadership, as it confirms that the City has reviewed its Local Laws in accordance with the statutory process. This included giving public notice, inviting community and department feedback, considering any submissions received, and presenting the review outcome to Council for determination.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

8 - Integrated and Transparent Decision-making

Sustainability Priority Area

7 - Innovation

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

The report supports integrated and transparent decision-making by demonstrating that the City has undertaken a structured review of its Local Laws in accordance with the statutory process, including public notice, consultation and reporting to Council.

LEGAL/POLICY IMPLICATIONS*Local Government Act 1995***3.16. Periodic review of local laws**

- (1) *Within a period of 15 years after the day on which a local law commenced or a determination in respect of the local law was last made under subsection (4), as the case requires, a local government must carry out a review of the local law to determine whether it considers that the local law should be repealed, be amended or remain unchanged.*
- (2) *The local government is to give local public notice stating that —*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

[(2a) *deleted*]

- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *After the report has been submitted to its council, the local government must determine* whether it considers that the local law should be repealed, be amended or remain unchanged.*

** Absolute majority required.*

- (5) *If no determination is made under subsection (4) within the applicable 15-year period under subsection (1), the local law is repealed at the end of that period.*
- (6) *If a local law is repealed by subsection (5), the local government must, not later than 14 days after the end of the applicable 15-year period —*
 - (a) *give notice of the repeal to —*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law was made — the chief executive officer of that other department;*
 - and*
 - (b) *publish notice of the repeal in the Gazette; and*
 - (c) *give local public notice of the repeal.*
- (7) *If different provisions of a local law commenced on different days, the local law is taken, for the purposes of this section, to have commenced on the earliest of those days.*
- (8) *This section does not apply to a local law if all it does is amend the text of, or repeal, a local law.*

65. Periodic review of local laws

- (1) *In this clause —*
amendment day *means the day on which section 20 of the 2024 amendment Act comes into operation;*
pre-amendment local law *means a local law that commenced before amendment day;*

relevant pre-amendment period means the period of 8 years ending on the day before amendment day.

- (2) Section 3.16, as amended by section 20 of the 2024 amendment Act, applies on and after amendment day to pre-amendment local laws, but subject to subclauses (3) to (10) where applicable.
- (3) Subclause (4) applies to a pre-amendment local law if —
 - (a) on 1 or more occasions during the relevant pre-amendment period, the local government gave local public notice in respect of a review of the pre-amendment local law under section 3.16(2); and
 - (b) on that occasion or on the last of those occasions, the local government completed the review before amendment day.
- (4) Section 3.16, as amended by section 20 of the 2024 amendment Act, applies on and after amendment day as if the local government had made, on the day on which the local government completed the review, a determination under section 3.16(4) in respect of the pre-amendment local law.
- (5) Subclauses (6) and (7) apply to a pre-amendment local law if —
 - (a) during the relevant pre-amendment period, the local government gave local public notice in respect of a review of the pre-amendment local law under section 3.16(2); but
 - (b) the local government did not complete the review before amendment day.
- (6) The local government must complete the review on or after amendment day as if section 3.16 had not been amended by section 20 of the 2024 amendment Act.
- (7) Section 3.16, as amended by section 20 of the 2024 amendment Act, applies after the day on which the local government completes the review as if the local government had made, on that day, a determination under section 3.16(4) in respect of the pre-amendment local law.
- (8) For the purposes of subclauses (3) to (7), a local government completes a review of a pre-amendment local law when —
 - (a) the local government has, under section 3.16(3), considered any submissions made and has caused a report of the review to be prepared and submitted to its council; and
 - (b) its council has then completed its consideration of the report.
- (9) Subclause (10) applies to a pre-amendment local law if —
 - (a) the pre-amendment local law commenced before the relevant pre-amendment period; and
 - (b) during the relevant pre-amendment period, the local government gave no local public notice in respect of a review of the pre-amendment local law under section 3.16(2).
- (10) Section 3.16, as amended by section 20 of the 2024 amendment Act, applies on and after amendment day as if the period of 15 years after the day on which the pre-amendment local law commenced ends at the end of the period of 2 years beginning on amendment day.
- (11) If different provisions of a local law commenced on different days, for the purposes of this clause, the local law is taken to have commenced on the earliest of those days.

FINANCIAL/BUDGET IMPLICATIONS

There are no direct financial or budget implications associated with the officer recommendation. Expenditure incurred for the publication of the statutory public notice in the *Sound Telegraph* has been accommodated within the City's existing Governance and Legal budget allocation for local law review and statutory public notice requirements.

ASSET MANAGEMENT IMPLICATIONS

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

No environmental or public health implications have been identified.

COMMUNITY ENGAGEMENT

Community engagement was undertaken in accordance with section 3.16 of the Act. Public notice of the review was published in the *Sound Telegraph* on 17 June 2026 and promoted through the City's website, Love My Kwinana engagement platform, City noticeboards and the City's electronic newsletter, eSpirit.

The consultation period closed on 31 July 2026, exceeding the minimum six-week statutory requirement. No submissions were received.

ATTACHMENTS

1. Activities on Thoroughfares and Public Places and Trading Local Law 2011 [18.1.1 - 46 pages]
2. Adoption of Health Act 1911 Model By-Laws Series 'A' (as amended) [18.1.2 - 43 pages]
3. Dogs Local Law 2010 (as amended) [18.1.3 - 14 pages]
4. Extractive Industries Local- Law 2001 (as amended) [18.1.4 - 16 pages]
5. Fencing Local Law 2016 [18.1.5 - 20 pages]

18.2 PEST PLANTS LOCAL LAW

SUMMARY

In accordance with s.193 of the *Biosecurity and Agriculture Management Act 2007* (the BAM Act) and s.3.12 of the *Local Government Act 1995* (the Act), this report seeks Council's adoption of the proposed City of Kwinana Pest Plants Local Law 2026 (Local Law) and approval for the Local Law to be published in the Government Gazette.

The proposed Local Law will replace the existing *Town of Kwinana Pest Plants Local Law* (existing Local Law), which has not been amended since its adoption in 2003. The replacement Local Law modernises the City's pest plant regulatory framework, aligns it with current legislation and biosecurity practices, and maintains a mechanism for managing locally significant pest plants that are not declared pests under the *Biosecurity and Agriculture Management Act 2007*. The proposed Local Law is based on the WALGA template, with modifications to reflect the City's requirements.

Council approved the proposed Local Law for public consultation at its Ordinary Council Meeting held on 22 April 2026. Public consultation was undertaken in accordance with s.3.12(3) of the Act with submissions invited until 4pm on 31 July 2026. No submissions were received during the public consultation period; however, a late submission received after the close of consultation was accepted and considered as part of the local law-making process.

Following the consideration of the submission, Council may make the proposed Local Law as advertised or make a local law that is not significantly different from the advertised version. If adopted, the proposed Local Law must then be published in the Government Gazette and will come into effect on the fourteenth day after Gazettal, subject to completion of the remaining statutory requirements.

It is recommended that Council adopt the proposed Local Law, as presented at **Attachment 18.2.3** by absolute majority and authorise the Chief Executive Officer to publish it in the Government Gazette and complete the remaining statutory requirements.

Adoption of the proposed Local Law will replace the outdated existing Local Law with a contemporary and clearer framework that supports the management of locally significant pest plants and the protection of biodiversity, agriculture and local amenity of the City of Kwinana.

OFFICER RECOMMENDATION

That Council in accordance with s.193 of the *Biosecurity and Agriculture Management Act 2007* and pursuant to s.3.12 of the *Local Government Act 1995*:

- 1. Having considered all submissions received in respect of the proposed City of Kwinana Pest Plants Local Law, make the City of Kwinana Pest Plants Local Law 2026 as provided in Attachment 18.2.3;**
- 2. Authorise the Chief Executive Officer to undertake all statutory actions required under the *Local Government Act 1995* to give effect to the making of the City of Kwinana Pest Plants Local Law 2026, including publication in the Governance Gazette and provision of the City of Kwinana Pest Plants Local Law 2026 to the Departmental CEO and any other required authority; and**
- 3. Authorise the Chief Executive Officer to give notice of the making of the City of Kwinana Pest Plants Local Law 2026 in accordance with s.3.12(6) of the *Local Government Act 1995*.**

VOTING REQUIREMENT

Absolute majority

DISCUSSION

The City's existing *Town of Kwinana Pest Plants Local Law* (existing Local Law) has not been amended since its adoption on 8 October 2003. A replacement local law has been prepared to modernise the framework, align it with current legislation and biosecurity practices, and maintain a mechanism for managing locally significant pest plants that are not declared pests under the *Biosecurity and Agriculture Management Act 2007*. It is based on the WALGA template, with modifications to reflect the City's requirements.

The proposed City of Kwinana Pest Plants Local Law 2026 (Local Law) substantially retains the regulatory approach of the existing Local Law. Key updates include replacing outdated legislative references, updating definitions and terminology, providing a clearer notice and compliance process, introducing prescribed offences and infringement provisions and updating the schedules. Schedule 1 removed *Typha orientalis* and adds ten pest plant species identified as threats to the City's natural area reserves through the *City of Kwinana Natural Areas Management Plan 2024-2034*.

At the Ordinary Council Meeting held on 22 April 2026, Council approved the proposed Local Law for public consultation. Council also noted its purpose and effect and authorised the Chief Executive Officer to give public notice for a period not less than six weeks.

Noting the Purpose and Effect as followed:

Purpose

- i. *To repeal the Town of Kwinana Pest Plants Local Law; and*
- ii. *To enable the City of Kwinana to identify and control declared pest plants within the district that pose a threat to local biodiversity, agriculture or amenity.*

Effect

- i. *To repeal the Town of Kwinana Pest Plants Local Law;*
- ii. *To designate specific plants listed in Schedule 1 as pest plants throughout the district;*
- iii. *To empower the City or an authorised person to serve notices on owners or occupiers requiring them to treat identified pest plants within a specified timeframe and in a specified manner;*
- iv. *To allow the City to take remedial action at the expense of the owner or occupier if a notice is not complied with; and*
- v. *To establish offences and penalties for failure to comply with a notice.*

Public consultation was undertaken in accordance with s.3.12(3) of the *Local Government Act 1995* (the Act). Local public notice was provided with the relevant information, the notice was published in the Sound Telegraph on 17 June 2026, and the proposed Local Law was also promoted through the City's website, Love My Kwinana engagement platform, City noticeboards, eSpirit and relevant Department bodies. Copies of the proposed Local Law were available for inspection or obtainment, and submissions were invited until 4pm on 31 July 2026. This provided more than the minimum six-week submission period required by s.3.12(3)(a)(iii) of the Act.

No submissions were received during the public consultation period. Following the close of consultation, the City received correspondence from Department of Primary Industries and Regional Development advising of their intention to make a submission, as provided at **Attachment 18.2.1**. Although received outside the formal consultation period, the submission was accepted and considered as part of the local law-making process.

Submitter	Comment	City Response
Department of Primary Industries and Regional Development (DPIRD)	DPIRD has reviewed the proposal and notes the inclusion of <i>Rumex</i> species, <i>Cirsium</i> species, <i>Oenothera</i> species, and <i>Watsonia</i> species, which are all listed at a genus level. A few species within these genera are already declared pests under the <i>Biosecurity and Agriculture Management Act 2007</i> (BAM Act). Refer attached Schedule 1 with comments (Provided at Attachment 18.2.1). As the proposed Local Law refers to these at a genera level it is unclear which species are intended to be prescribed. A genus-wide declaration may inadvertently include species that are already declared pests under the BAM Act, as well as species that are not intended to be regulated. This may create uncertainty regarding the scope and application of the Local Law.	The City accepts the DPIRD comments and acknowledges that, under s.193 of the BAM Act, the City may only prescribe a pest plant where that plant is not already a declared pest for the area. Schedule 1 includes Dock (<i>Rumex</i> species), Evening Primrose (<i>Oenothera</i> species) and Thistle (<i>Cirsium</i> species) as carry-over provisions from the current pest plant local law. These genus-level entries were retained to keep the schedule concise and to capture non-declared species within those genera that remain locally significant to the City. To address DPIRD's concern, the proposed Local Law has been amended to make clear that any species within those genera already declared as pests under the BAM Act are excluded from the operation of the proposed Local Law. The corrected scientific names identified by DPIRD have also been incorporated into the final version of Schedule 1. A

	In accordance with the BAM Act, a local government may prescribe as a pest plant only a plant that is not already a declared pest for that area. The Department therefore recommends that the proposed Local Law specify the relevant species individually and exclude any species that are already declared pests within the City of Kwinana district under the BAM Act.	tracked change version with these amendments is presented at Attachment 18.2.2 .
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In accordance with s.3.12(4) of the Act, once the submission period has closed, Council is required to consider any submissions received before determining whether to make the local law. Council may make the local law as proposed or make a local law that is not significantly different from what was first proposed.

If Council proposes to make a local law that is significantly different from the version that was publicly advertised, s.3.13 of the Act requires the local law-making procedure to recommence.

The amendments are considered minor in nature and do not alter the purpose, intent or regulatory effect of the proposed Local Law. The amendments clarify existing provisions, improve accuracy and ensure consistency with the BAM Act.

The amendments are minor and administrative for the following reasons:

- **BAM Act exclusions:** The inclusion of wording to exclude species declared under the BAM Act reinforces the existing exclusion already contained within the proposed Local Law. This amendment clarifies the intended operation of the proposed Local Law and avoids duplication or inconsistency with legislation. It narrows and clarifies the application of the proposed Local Law rather than expanding it.
- **Taxonomic and typographical corrections:** Updates to scientific names and spelling corrections are administrative in nature. These amendments improve botanical accuracy and consistency but continue to refer to the same plants that were included in the version advertised for public comment.

On this basis, the proposed amendments are not considered to be significantly different for the purposes of s.3.13 of the Act. Council may therefore proceed to make the proposed Local Law, incorporating the minor amendments shown in the tracked changes version at **Attachment 18.2.2**, without recommencing the local law-making procedure.

Following Council adoption, the proposed Local Law must be published in the Government Gazette. The City of Kwinana Pest Plants Local Law 2026 will come into effect on the fourteenth day after Gazettal. The City must then give the required public notice and complete the remaining statutory steps, including providing copies and explanatory material to the relevant State Government bodies and Parliament as required.

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 Natural Areas Management Plan

	Implement the Local Biodiversity Strategy
	Implement the Environmental Stewardship Program
	Implement the Urban Forest Strategy
Outcome:	Leadership / Boordiya Katidjin (Leader of knowledge)
Objective:	Accountable and ethical governance
	Continuous improvement and efficiency

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

2 - Community Wellbeing

4 - Environmental Stewardship

Sustainability Priority Area

2 - Environment and Biodiversity

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

This proposal supports the guiding principle of Community Wellbeing by promoting a healthier and more sustainable environment for residents through the effective management of pest plants that can negatively impact local amenity, safety and quality of life.

It also advances the sustainability priority area of Environment and Biodiversity by reducing the spread of invasive species, protecting native vegetation and enhancing local ecosystems. Through proactive control measure and community awareness, the local law contributes to the long-term protection and resilience of the City's natural environment.

LEGAL/POLICY IMPLICATIONS

Local Government Act 1995:

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *Subject to subsection (3A), the local government is to —*
 - (a) *give local public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to —*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department;*
- and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

Biosecurity and Agriculture Management Act 2007

193. Local government may make local laws

- (1) *In this section —*
 - pest plant means a plant that is prescribed by local laws made by a local government under subsection (2)(a) as a pest plant in that district.*
- (2) *Subject to and in accordance with the Local Government Act 1995 a local government may, in respect of its district, make local laws for any of the following purposes —*
 - (a) *prescribing as a pest plant in that district any plant (other than a declared pest for that area) that, in its opinion, is likely to adversely affect the environment of the district, the value of property in the district or the health, comfort or convenience of the inhabitants of the district;*
 - (b) *requiring the owner or occupier of land (other than an owner of land referred to in section 8(1)(d)) within the district to control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and given to the owner or occupier of the land;*
 - (c) *if the owner or occupier does not comply with the notice given by the local government, for authorising the local government without payment of compensation to control the pest plants at the expense of the owner or occupier to whom the notice was given, and to recover in a court of competent jurisdiction from the owner or occupier the amount of the expense.*

FINANCIAL/BUDGET IMPLICATIONS

The financial implications associated with the statutory advertising requirements for the proposed Local Law include an estimated cost of \$600 for the required public notice following adoption by Council and an estimated cost of \$2,000 for publication in the *Government Gazette*. Any budget implications associated with these requirements have been addressed within the City's adopted budget.

ASSET MANAGEMENT IMPLICATIONS

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

The proposed Local Law has positive environmental result by supporting the effective management of locally significant pest plants within the City. By providing a contemporary

regulatory mechanism to require the control of prescribed pest plants, the proposed Local Law assists in reducing the spread of invasive species, protecting native vegetation and biodiversity, and maintaining local amenity. The proposed Local Law also supports broader environmental management objectives by complementing the City's natural area management and biosecurity practices.

COMMUNITY ENGAGEMENT

Community engagement was undertaken in accordance with s. 3.12(3) of the Act, which requires local public notice to be given of the City's intention to make a local law, including a summary of its purpose and effect and an opportunity for submissions to be made. To support community awareness and participation, the proposed Local Law was also made available through the City's Love My Kwinana engagement platform, which provided a central location for information, submissions and community enquiries. Key stakeholders were also identified and informed of the proposed Local Law, and the opportunity to provide feedback. Should Council resolve to adopt the *City of Kwinana Pest Plants Local Law 2026*, the City will provide further public notice of its adoption and commencement in accordance with the statutory requirements of the Act.

ATTACHMENTS

1. DPIRD Letter [**18.2.1** - 4 pages]
2. Tracked Change - Proposed Pest Plants Local Law 2026 [**18.2.2** - 9 pages]
3. Clean Version - Proposed Pest Plants Local Law 2026 [**18.2.3** - 9 pages]

18.3 PROPOSED CONTINUED DISPOSITION OF A PORTION OF RESERVE 48474 - BEING THE CNR OF CALISTA AVE AND WELLARD RD CALISTA BETWEEN ST JOHN AMBULANCE WESTERN AUSTRALIA LTD AND THE CITY OF KWINANA

SUMMARY

The City of Kwinana (**City**) is the management body responsible for the care, control and management of Lot 305 on Deposited Plan 51426, being Reserve 48474, Wellard Road, Calista. The responsible agency is the Department of Planning, Lands and Heritage (**DPLH**). The land is Crown land reserved for the purpose of an Ambulance Depot and placed under the care, control and management of the City pursuant to a Management Order. It has been leased to St John Ambulance Western Australia Ltd (**St John**) since 2006.

St John is a registered charity and public benevolent institution providing essential ambulance, emergency care, first aid and community health services throughout Western Australia.

Currently, St John pays the City a nominal rent and meets all outgoings. St John is also responsible for and owns the building and improvements situated on the leased area.

The current lease with the City is due to expire in April 2027. St John has requested that the City enter into a new leasing arrangement prior to the expiry of the existing lease due to a legal change in entity name.

This report recommends Council resolve to approve the City undertaking the following:

- to enter into a new lease with St John for a term of twenty-one (21) years, providing long-term security for a vital service that has successfully occupied the site for nearly two decades while intentionally avoiding complex subdivision approval triggers; and
- to waive rental payments for the lease term, in recognition of the significant community benefit provided by the organisation.

As a charitable organisation, St John satisfies the requirements of regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, which exempts the City from the requirement to undertake public advertising for the proposed new lease.

OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer to:

- 1. Seek the written approval of the Minister for Lands pursuant to section 18(2) of the *Land Administration Act 1997* to grant a lease over part of Reserve 48474 for a term of twenty-one (21) years;**
- 2. Subject to receipt of the Minister's written approval, negotiate and execute a new lease between the City and St John Ambulance Western Australia Ltd, including making any variations not significant in nature; and**
- 3. Approve a rental of nil for the term of the lease, being a full rental subsidy in place of the standard subsidised rental amount specified in the City's 2026/27 Fees and Charges.**

VOTING REQUIREMENT

Absolute majority

DISCUSSION

The existing lease between the City and St John Ambulance Association Western Australia Inc. is approaching expiry. Following a change in legal entity name to St John Ambulance Western Australia Ltd, a new lease is required to provide ongoing tenure and support the continued operation of the facility for the benefit of the local community.

St John Ambulance Western Australia Ltd (St John) is a recognised not-for-profit public benevolent institution and charitable organisation that delivers essential ambulance services, emergency medical response, first aid training, community health support and emergency management assistance throughout Western Australia. The organisation plays a significant role in supporting community health, public safety and emergency response outcomes and provides a valuable service to residents and visitors within the district.

The continued occupation of the property by St John ensures the ongoing provision of these important services from a locally based facility and provides a tangible community benefit through improved emergency response capability and access to first aid and health-related services.

Without a locally based depot in Calista, Kwinana residents would be forced to rely on the nearest alternative St John WA depots located in neighbouring Rockingham or Cockburn. Retaining the Kwinana depot is therefore critical to preventing severely delayed ambulance response times during life-threatening emergencies.

EXISTING LEASE ARRANGEMENT

The St John Ambulance building and associated improvements have been established on the property for many years and continue to be utilised exclusively by St John Ambulance Western Australia Ltd for operational purposes.

St John has continuously occupied and operated from this specific location since 2006. Entering into a new lease acknowledges their substantial historical investment in the site, including their full ownership of the building infrastructure, and guarantees the seamless, unbroken delivery of critical health services without the risk of relocation disruptions.

The existing arrangement has operated successfully and without issue. The City has not incurred any capital expenditure, building maintenance costs, repair obligations or operational costs associated with the St John Ambulance building or improvements. Responsibility for the building and its operation remains with St John under the existing arrangement.

The City's involvement has generally been limited to the maintenance of surrounding public infrastructure and adjoining portions of the reserve, including pedestrian pathways and reserve areas that are maintained as part of the City's broader public open space maintenance program. Accordingly, the occupation of the site by St John Ambulance has not imposed any significant financial burden upon the City.

The proposed lease for a further twenty-one (21) years term will provide certainty of tenure and ensure the continuation of an established and beneficial community service from the existing facility.

Section 136 of the *Planning and Development Act 2005* does not apply to the proposed lease because the land is Crown land. Section 136 provides for Western Australian Planning Commission (WAPC) approval for certain leases and other dealings exceeding 20 years where the land is freehold land and is not dealt with as a lot or lots. Leasing of Crown land is instead governed by the *Land Administration Act 1997* and the applicable Management Order. Accordingly, the proposed lease will require the Minister's prior written approval.

The proposed lease area is highlighted in red:



FINANCIAL IMPLICATIONS

St John has requested that the lease continue on the same basis as the existing arrangement, with no annual rental payable for the duration of the term.

Historically, the City has not derived a financial return from this site, nor has it incurred material costs associated with the building's operation. The facility functions solely to deliver community and emergency services rather than generate commercial profit. The value derived by the community is considered to far outweigh any nominal rental income that could otherwise be generated.

The proposed waiver of rent is considered appropriate based on the following factors:

- the charitable and benevolent nature of the organisation;
- the significant public benefit provided to the community;
- the absence of any material financial burden on the City;
- the ongoing use of the site for community service purposes; and
- the critical public health and emergency response outcomes facilitated by the organisation's operations.

Accordingly, the financial impact upon the City is considered negligible.

STRATEGIC IMPLICATIONS

Outcome:	Quality of Life / Ngalang moorditj wirrin (Our strong spirit)
Objective:	Improved health and wellbeing
Objective:	Thriving local economy
Outcome:	Built Environment/ Ngalak Moort Mia Mia (Family gathering places)
Objective:	Building communities
Objective:	Accessible and connected community

How does this proposal achieve the outcomes and strategic objectives?

The proposed lease supports the continued delivery of essential ambulance, emergency response, first aid, and community health services within the City. This contributes to improved health, wellbeing, public safety, and community resilience. By securing long-term tenure for an established not-for-profit organisation, the proposal facilitates the ongoing operation of a valued community facility, supports an accessible community, and ensures critical services remain available to residents, businesses, and visitors.

SUSTAINABILITY FRAMEWORK

The proposal supports Community Wellbeing and a Thriving Local Economy by enabling the continuous provision of essential emergency response services. Through the ongoing operation of a well-established community facility, the proposal enhances the liveability of the City, supports public safety and resilience, and strengthens both social and economic outcomes within the community.

LEGAL/POLICY IMPLICATIONS

The proposed lease is consistent with the requirements of the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996* and the *Land Administration Act 1997*. St John Ambulance Western Australia Ltd is a registered charitable and public benevolent not-for-profit organisation and is considered to satisfy the requirements of regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*. Accordingly, the proposed lease is considered an exempt disposition and is not subject to the advertising requirements of section 3.58 of the *Local Government Act 1995*.

The proposal is also consistent with the City's Leasing Policy, which acknowledges the provision of subsidised leasing arrangements for eligible not-for-profit organisations delivering significant community benefit. St John Ambulance Western Australia Ltd satisfies the policy's eligibility criteria as a not-for-profit organisation providing essential community health and emergency response services and is therefore considered eligible for subsidised rental arrangements.

FINANCIAL/BUDGET IMPLICATIONS

The financial implication of this proposal is the waiver of the subsidised annual rental fee as prescribed in the City's adopted Schedule of Fees and Charges, for the term of the proposed lease.

ASSET MANAGEMENT IMPLICATIONS

The proposal is not expected to have any significant asset management implications for the City. The existing facility was constructed and is maintained entirely by the tenant. The City's asset management responsibilities are strictly limited to maintaining the surrounding public infrastructure and adjoining reserve areas as part of normal operations.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

The proposal has no adverse environmental implications. It directly supports positive public health outcomes by ensuring the continued provision of essential ambulance, emergency response, and community health services.

COMMUNITY ENGAGEMENT

No community engagement is required for this proposal due to its exempt disposition status.

ATTACHMENTS

Nil

18.4 LOCAL GOVERNMENT PROPERTY LOCAL LAW 2026 - UNDERTAKING

SUMMARY

On 27 May 2026, Council resolved to adopt the *City of Kwinana Local Government Property Local Law 2026* (the **Local Law**). The Local Law was gazetted by the City of Kwinana (the **City**) in the *WA Government Gazette* on 16 June 2026. In accordance with section 3.12 of the *Local Government Act 1995* (the **Act**), local public notice was given. Copies were also sent to the Minister for Local Government as well as the Joint Standing Committee on Delegated Legislation (the **Committee**).

The City has received confidential correspondence from the Committee advising that, following review, two provisions were identified as requiring amendment due to references to superseded legislation. The Committee has requested an undertaking that the Local Law will be amended to correct the identified issues within 12 months, refrain from enforcing the affected provisions prior to amendment and ensure the undertakings accompany copies of the Local Law made publicly available.

This report seeks Council endorsement of the requested undertaking and authorisation for the Mayor to provide the response to the Committee on behalf of the City. The amendment to the Local Law will be presented to Council under a separate report at a future meeting.

OFFICER RECOMMENDATION

That Council:

1. Notes the confidential correspondence received from the Joint Standing Committee on Delegated Legislation dated 8 September 2026 regarding the *City of Kwinana Local Government Property Local Law 2026*, as detailed in Confidential Attachment 18.4.1;
2. Resolves to undertake to the Joint Standing Committee on Delegated Legislation that Council will, within 12 months:
 - a. Amend clause 2.7(1)(i)(ii) of the *City of Kwinana Local Government Property Local Law 2026* to replace the reference to the *Firearms Act 1973* with a reference to the *Firearms Act 2024*;
 - b. Delete clause 3.14(4) of the *City of Kwinana Local Government Property Local Law 2026*;
 - c. Make all consequential amendments arising from those amendments;
 - d. Not enforce the *City of Kwinana Local Government Property Local Law 2026* contrary to those amendments prior to completion of the amendment process; and
 - e. Ensure a copy of the undertakings accompanies the *City of Kwinana Local Government Property Local Law 2026* whenever the City of Kwinana makes it publicly available, whether in hard copy or electronic form.
3. Authorises the Mayor to provide the undertakings to the Joint Standing Committee on Delegated Legislation on behalf of the City.

VOTING REQUIREMENT

Absolute majority

DISCUSSION

The Committee is responsible for examining local laws and other delegated legislation to determine whether they comply with the relevant legislative framework and parliamentary standards.

As part of this process, the Committee reviewed the Local Law following its publication in the Government Gazette. Following its review, the Committee identified two matters within the Local Law that require correction.

The first matter relates to clause 2.7(1)(i)(ii), which references the *Firearms Act 1973*. The Committee noted that this legislation has since been repealed and replaced by the *Firearms Act 2024* and has requested that the reference be updated to reflect this. The second matter relates to clause 3.14(4), which references regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*. The Committee noted that this provision has been removed from the Regulations and therefore consider the clause to be inoperable. The Committee has requested that the provision be deleted.

The Committee has requested that the City provide formal undertakings that it will amend the Local Law within 12 months to address the matters identified during the parliamentary review. The requested undertakings also require the City to refrain from enforcing the Local Law contrary to those amendments prior to completion of the amendment process and to ensure that copies of the undertakings accompany the Local Law wherever it is made publicly available.

The Committee has advised that the undertakings are to be signed by the Mayor on behalf of the City and submitted by 2 October 2026. The Committee has further advised that the undertakings can only be fulfilled through the making of an amendment local law in accordance with section 3.12 of the Act.

The matters identified by the Committee arose following the City's comprehensive review of its former Local Government Property Local Law. The City undertook a full local law review process, including preparation of the new local law, public consultation, notification to the Director General of the Department of Local Government, Industry Regulation and Safety, consideration of submissions, adoption by Council, gazettal and submission to the Committee for review. Throughout this process, the City complied with the statutory requirements prescribed by the Act.

The matters identified by the Committee are therefore not indicative of a failure to undertake the required statutory process. Rather, they highlight the challenges associated with developing, adopting and reviewing local laws within an evolving legislative environment, particularly during a period of significant legislative reform across Western Australia.

Recent amendments to the Act, together with broader State Government legislative reforms, have resulted in a significant number of consequential amendments, repeals and transitional provisions affecting legislation commonly referenced in local laws and local government governance frameworks.

Local law review and development processes frequently extend over many months and involve several statutory stages, including drafting, consultation, adoption, gazettal and parliamentary review. During that period, underlying legislation may be amended, repealed or replaced before the parliamentary review process is completed. This creates an increased risk that legislative references within a local law may become outdated, even where they were accurate at the time the local law was originally drafted or reviewed.

This risk extends beyond local laws and has the potential to affect other governance and compliance documents, including policies, delegations, authorisations, procedures, compliance frameworks and operational guidance materials. Consequently, local governments throughout Western Australia are facing increasing responsibilities to not only continue business-as-usual functions, but also to continually monitor legislative changes and assess their consequential impacts on regulatory and governance frameworks.

Providing the undertakings requested by the Committee are considered to be the most appropriate course of action. The requested amendments are limited in scope and will ensure that the City's legislative framework remains accurate and legally effective. Providing the undertakings demonstrates the City's commitment to sound governance practices, accountability and constructive engagement with parliamentary oversight processes.

Should Council endorse the undertakings, a subsequent report will be presented to Council outlining the proposed amendment local law and the statutory process required to implement the amendments and fulfil the commitments made to the Committee.

STRATEGIC IMPLICATIONS

Outcome: Leadership / Boordiya Katidjin (Leader of knowledge)

Objective: Accountable and ethical governance

How does this proposal achieve the outcomes and strategic objectives?

The proposal supports accountable and ethical governance by ensuring the City responds appropriately to parliamentary oversight, maintains an accurate local law framework and demonstrates transparency in addressing matters identified through the delegated legislation review process.

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?

The proposal supports integrated and transparent decision-making by enabling Council to formally consider the Committee's requirements, endorse a clear response and commit to a structured amendment process that will be progressed in accordance with statutory requirements.

LEGAL/POLICY IMPLICATIONS

The Local Law was made under the local law-making powers contained in the *Local Government Act 1995*. Any amendment to the Local Law will be required to be progressed in accordance with the statutory process for making local laws under section 3.12 of the *Local Government Act 1995*. Providing the requested undertakings will assist the City to address the matters identified by the Committee and reduce the risk of further parliamentary action in relation to the affected provisions.

FINANCIAL/BUDGET IMPLICATIONS

There are no direct financial or budget implications arising from the provision of the undertakings. Costs associated with preparing and progressing the amendment local law will be met through existing operational budgets.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications arising from this report.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is proposed in relation to the provision of the undertakings. Any future amendment local law required to fulfil the undertakings will be subject to the statutory consultation requirements prescribed by the *Local Government Act 1995*.

ATTACHMENTS

1. CONFIDENTIAL - Letter - Joint Standing Committee on Delegated Legislation - City of Kwinana Local Government Property Local Law 2026.pf [18.4.1 - 4 pages]

18.5 MONTHLY FINANCIAL REPORT JULY 2026

SUMMARY

The Monthly Financial Report has been prepared for the period ending 31 July 2026 and provides Council with a comparison between actual and budgeted financial performance.

OFFICER RECOMMENDATION

That Council:

1. **Accepts the Monthly Statements of Financial Activity for the period ended 31 July 2026, as detailed at Attachment 18.5.1; and**
2. **Accepts the explanations for material variances for the period ended 31 July 2026, as detailed at Attachment 18.5.1.**

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 July 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 at 31 July 2026, the municipal surplus is \$84,659,371 compared with a budgeted position of \$69,164,711. The variance is mainly attributable to timing differences in income and expenditure, including reserve transfers, and adjustments to be processed as part of the end-of-year process. The opening financial position will be updated and reported to Council following completion of the year-end audit in November 2026.

Revenue Summary for July 2026

Year-to-date income for the period ending July 2026 is \$71,489,669 (including proceeds from capital grants, subsidies and contributions) compared to the current budgeted income of \$70,664,578 resulting in a favourable variance of \$825,091. This is mainly due to increase in fees and charges and rates income.

Expenditure Summary for July 2026

The total expenditure for July 2026 was \$3,959,570, which is \$4,602,337 less than the current budget of \$8,561,907. The \$3,959,570 total comprises operating and capital expenditure, as detailed below:

- Operating expenses: \$3,490,791
- Capital acquisitions: \$468,779

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 18.5.1**.

Rates Receivables

The outstanding rates balance for July, as reported in Note 4 of the Monthly Financial Report, is 96.62%, a slight increase from 93.14% in the previous year. Rates notices were issued on 30 July 2026, with payment due on 4 August 2026. The outstanding percentage is expected to reduce significantly as payments are received closer to the due date.

Investment Summary

The City currently has \$108,276,563 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 July 2026, 21.75% 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 18.5.1**.

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 July 2026 [**18.5.1** - 30 pages]

18.6 ACCOUNTS FOR PAYMENT FOR THE MONTH ENDED 31 AUGUST 2026

SUMMARY

This report presents the list of accounts paid under delegated authority for the month ended 31 August 2026, as required by the *Local Government (Financial Management) Regulations 1996*.

OFFICER RECOMMENDATION

That Council:

1. **Accepts the list of accounts paid under delegated authority, totalling \$7,666,848.88, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 for the period ended 31 August 2026, as detailed at Attachment 18.6.1.**
2. **Accepts the detailed transaction listing of credit card expenditure, totalling \$33,856.05, for the period ended 04 August 2026, as detailed at Attachment 18.6.2.**

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. This regulatory safeguard supports statutory oversight, municipal transparency and financial accountability across local government operations.

The payment summary below provides Council with a consolidated view of payment types for the reporting period, while the attachments provide the detailed transaction-level information required under the Financial Management Regulations:

Payment Type	Amount (\$)
Automatic Payment Deductions *	\$ 69,147.79
Cheque	\$ 300.00
EFT Payments	\$ 5,777,954.59
Payroll Payments	\$ 1,819,446.50
Total Attachment 18.6.1	\$ 7,666,848.88

*Automatic Payment deductions include a payment of **\$33,586.05** for credit card payments. A detailed transaction listing of credit card expenditure paid for the period ended 04 August 2026, is included at **Attachment 18.6.2**.

A detailed listing of August 2026 payments, including a description for each payment, is provided at **Attachment 18.6.1**.

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, the CEO's duties include:

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.*

13A. Payments by employees via purchasing cards

- (1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —*
- (a) the payee's name;*
 - (b) the amount of the payment;*
 - (c) the date of the payment;*
 - (d) sufficient information to identify the payment.*

- (2) *A list prepared under subregulation must 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.*

All expenditure in the payment list is consistent with the City's annual budget. Any expenditure related to the Perth South West Metropolitan Alliance (PSWMA) is paid by the City and reimbursed by the Alliance.

ASSET MANAGEMENT IMPLICATIONS

Nil

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Various payments identified in this report have environmental and public health implications.

COMMUNITY ENGAGEMENT

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

ATTACHMENTS

1. AP Payment Listing Summary August 26 [**18.6.1** - 9 pages]
2. Credit Card Transactions Report August 26 [**18.6.2** - 4 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

Nil

26 CLOSE OF MEETING