



Public Agenda Briefing Forum

12 May 2026



RICH Values

We treat everyone with dignity, fairness, and kindness—valuing diverse perspectives, listening with empathy, and fostering an inclusive environment where all voices are heard and appreciated.

Respect

We act with honesty, transparency, and accountability—upholding ethical standards, taking responsibility for our actions, and consistently doing what is right, even when no one is watching.

Integrity

We build trust through empathy, honest feedback, and mutual support—creating a safe, respectful environment where people thrive and grow. We care enough to be candid, knowing that truth shared with compassion strengthens us all.

Care

We communicate truthfully and openly—building trust through transparency, owning our actions, and fostering a culture where integrity and authenticity guide every interaction.

Honesty

INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. **The Briefing Session will be held at the City of Kalamunda commencing at 6.30pm.**

Agenda Briefing Forums will provide the opportunity for Elected Members to be informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of Exits, Fire Extinguishers and Outdoor Assembly Area as displaced on the wall of the Council Chambers.

In case of an emergency follow the instructions given by City Staff.

Please remain at the assembly point until advised it is safe to leave.

Webcasting Notice

Please note tonight's meeting, other than the confidential sessions, are being recorded and live streamed.

All in attendance and those addressing Council should refrain from making offensive/defamatory statements as there may be legal implications.

Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums conducted by the City of Kalamunda:

- a. Public Agenda Briefing Forums will be open to the public matters of a confidential nature will not be presented. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b. Dates and times for Public Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c. The Chief Executive Officer will ensure timely written notice and an agenda for each Public Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d. Ordinarily, the Mayor is to be the Presiding Member at Public Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Public Agenda Briefing Forum from amongst themselves to preside at that Public Agenda Briefing Forum.
- e. Relevant employees of the City of Kalamunda will be available to make presentation or respond to questions on matters listed on the agenda for the Public Agenda Briefing Forum.
- f. All Elected Members will be given a fair and equal opportunity to participate in the Public Agenda Briefing Forum.
- g. The Presiding Member will ensure time is made available to allow for all matters of relevance to be covered.
- h. Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Public Agenda Briefing Forum. When disclosing an interest, the following is required:
 - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the *City's Code of Conduct*.
 - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
 - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i. Minutes shall be kept of all Public Agenda Briefing Forums. As no decisions are made at a Public Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council of the preceding forum.
- j. At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k. Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015 (City's Standing Orders)*.

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

Members of the public are invited to ask questions at Public Agenda Briefing Forums.

- a. Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c. Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d. Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e. Members of the public are encouraged to keep their questions brief to enable others who desire to ask a question to have the opportunity.
- f. Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h. Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i. The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
 - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j. Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k. Questions and any responses will be summarised and included in the minutes of the meeting.
- l. It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995 (WA) (LG Act)* or the *Freedom of Information Act 1992 (FOI Act)*.
- m. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

- a. Members of the public are invited to make statements at Briefing Forums.
- b. Statements made at a Briefing Forum must relate to a matter contained in the agenda.

- c. A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d. Public Statement Time will be limited to two (2) minutes per member of the public.
- e. Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f. Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g. Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City of Kalamunda employee.
- h. Where an Elected Member is of the opinion that a member of the public is make a statement at a Briefing Forum that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- i. A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j. Statements will be summarised and included in the notes of the Briefing Forum.

Questions in Writing

- a. Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b. The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c. Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d. The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e. The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f. Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g. A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h. Questions and any response will be summarised and included in the minutes of the meeting.
- i. It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise

the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

Members of the public may ask questions of clarification at Public Agenda Briefing Forums.

- a. Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c. The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d. Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e. The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f. Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)

b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

3.2. Disclosure of Interest Affecting Impartiality

a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

Public questions will be allowed and received following the presentation of the report.

6. Public Statement Time

Public statements will be allowed and received following the presentation of the report.

7. Public Submissions Received in Writing

8. Petitions Received

9. Confidential Items Announced But Not Discussed

10. Reports to Council

10.1. Development Reports

10.1.1. High Wycombe Community Hub EOI Tender

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

Previous Items	OCM 157/2022, OCM 40/2024, SCM 87/2024, OCM 159/2024, OCM 2025/7, OCM 2025/176
Directorate	Development
Business Unit	City Transformation
File Reference	3.010520
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the Expression of Interest (EOI) and subsequent Request for Tender (RFT) process to award:
 - EOI 2026-03 & RFT 2606 for the High Wycombe Community Hub Main Works EOI and Tender.
 - EOI 2026-04 & RFT 2610 for the High Wycombe Community Hub Geothermal Drilling EOI/ECI and Tender.
2. This procurement package will enable the timely delivery of the High Wycombe Community Hub. The inclusion of an Expression of Interest (EOI) process followed by a competitive tender will provide the City with the best opportunity to gauge market capability, capacity, and interest in delivering a project of this scale and complexity.
3. This approach will allow the City to engage with suitably qualified and experienced contractors, refine delivery strategies based on market feedback, and ensure strong competition through the tender phase. Collectively, this will maximise the City's ability to achieve value for money, secure a capable delivery partner, and support a commercially robust and deliverable project outcome.

BACKGROUND

4. The Hub is a transformative, multi-generational initiative aimed at creating a contemporary, multipurpose facility to serve the City of Kalamunda Community's wellbeing needs, encourage development for the growing community of High Wycombe, and attract visitors to the City.
5. At the 9 December 2025 Ordinary Council Meeting, Council resolved to:
 1. COMMIT to a City of Kalamunda funding contribution of \$10 million toward the High Wycombe Community Hub project.
 2. AGREE to delivering the project at \$79.6 million should no additional funding being received, subject to the intended scope being able to be delivered for that amount. The key scope including:
 - a. Indoor and outdoor lap pools;
 - b. Family and learn-to-swim pools;
 - c. Warm-water pool and spa;
 - d. Sauna;
 - e. Gym and fitness rooms;
 - f. Café / kiosk
 - g. Crèche;
 - h. Allied health;
 - i. and future-proofing for later stages if additional funding is secured.

3. AGREE to the City progressing designs and coordination of the facility, including geothermal heating, to contract preparation and request for tender phase.
4. REQUEST the Chief Executive Officer approach Federal Government members and other funding bodies for additional project funding.

DETAILS AND ANALYSIS

6. To support the efficient procurement and delivery of the High Wycombe Community Hub, the City is seeking to commence an Expression of Interest (EOI) process. This pre-qualification process is intended to identify suitably qualified and experienced contractors with the capability and capacity to deliver the project.
7. The tender will include Stage 1 scope items comprising the indoor and outdoor lap pools, family and learn-to-swim pools, warm-water pool and spa, sauna, gym and fitness rooms, café/kiosk, crèche, and allied health spaces, together with associated buildings, plant and equipment, carparking, and landscaping. The tender will also include separate staging packages to allow for future stages, including commercial tenancies, a community centre, childcare facilities, and indoor courts.
8. Including separate staging packages provides flexibility within the tender process by allowing the City to proceed with these components if budget capacity permits or additional funding is secured, enabling their efficient delivery without requiring a separate procurement process or causing delays to the overall project.
9. This approach maintains EOI and tender as two distinct processes within a coordinated procurement pathway, enabling early contractor engagement while supporting a more efficient transition to contract award and mobilisation.
10. Additionally, the City is seeking to progress the tender process for the geothermal bore drilling. This contract is essential for enabling the delivery of the geothermal heating system, which underpins the efficient and sustainable heating of the aquatic facilities and is critical to maintaining program, cost certainty, and overall project performance.
11. An EOI or Early Contractor Involvement (ECI) process will also be considered prior to the geothermal drilling tender. This will be assessed during the detailed design phase, where the City will evaluate the benefits of proceeding with an EOI, ECI, or moving directly to tender.

APPLICABLE LAW

12. *Local Government Act 1995*

APPLICABLE POLICY

13. CEOD-CS51 – Purchasing

STAKEHOLDER ENGAGEMENT

14. Community engagement was undertaken on the project from 2 October 2025 until 9 November 2025 and involved the following:
- a) 1168 letters to residents within the City.
 - b) Surveys.
 - c) Four Community Pop Ups:
 - 1. Hawaiian's Forrestfield Shopping Centre.
 - 2. Kalamunda Farmers Markets.
 - 3. High Wycombe Train Station.
 - 4. Hartfield Park Recreation Centre.
 - d) Three Focus Group Sessions:
 - 1. Woodlupine Community Centre, Forrestfield.
 - 2. Kalamunda Community Centre.
 - 3. Cyril Road Hall, High Wycombe.
 - e) Meetings with State Sporting Associations and local clubs.
15. Relevant internal stakeholders across all departments within the business have been involved in determining the procurement path for the project.
16. Independent, professional advice has been sought to confirm the most appropriate procurement approach for the Hub given its complexity, including legal advice, input from an experienced project management firm, a probity advisor, and consultation with the existing consultant team.

FINANCIAL CONSIDERATIONS

17. Tender submissions will be evaluated against the approved project budget, at which point Council will be in a position to determine whether to proceed with the award, adjust the project scope, or elect not to proceed based on affordability and overall value for money.

SUSTAINABILITY

18. Nil.

RISK MANAGEMENT

19.	Risk: The project exceeds the budget at the tender phase.		
	Consequence	Likelihood	Rating
	Critical	Possible	High
	Action/Strategy		
	Project costing currently has a large contingency and escalation built in. Council will have the option at tender award phase to not proceed.		

CONCLUSION

- 20. The proposed EOI and RFT process provides a structured and transparent approach to engaging qualified contractors for the High Wycombe Community Hub Main Works and Geothermal Drilling.
- 21. This approach allows the City to assess market capability, encourage competition, and refine delivery strategies to achieve a cost-effective and high-quality outcome.
- 22. Following this procurement path maximises the likelihood of securing a capable delivery partner and delivering a transformative community facility within the approved budget and project scope.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the proposed Expression of Interest (EOI) and subsequent Request for Tender (RFT) process for the High Wycombe Community Hub Main Works, and the progression of the geothermal bore drilling tender process.
2. ENDORSE the commencement of an Expression of Interest process to pre-qualify suitably qualified and experienced contractors for the delivery of the High Wycombe Community Hub.
3. APPROVE the progression to a competitive Request for Tender process for the Main Works following completion of the EOI phase, and the progression of the geothermal bore drilling contract to tender.
4. NOTE that a further report will be presented to Council following completion of the tender processes to seek a decision on contract award.

10.1.2. Amendment 119 to Local Planning Scheme No. 3 - Updates to Special Control Area 3 - Airport Noise Contour

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

Previous Items	N/A
Directorate	Development
Business Unit	Strategic Planning and Property
File Reference	PG-LPS-003/119
Applicant	N/A
Owner	N/A
Attachments	Scheme Amendment Report

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 *To provide leadership through transparent governance.*

Strategy 4.1.1 *to provide good governance.*

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider whether to proceed with Amendment 119 (A119) to Local Planning Scheme 3 (LPS3) for the purpose of public advertising.
2. A119 proposes to amend LPS3 to modify the Scheme Maps to reflect updated Aircraft Noise Exposure Forecast (ANEF) contours as per Perth Airport Draft Masterplan 2026.
3. It is recommended that Council resolve to proceed with A119 to LPS3 for the purposes of public advertising.

BACKGROUND

4. The ANEF system is the nationally recognised framework used to measure and forecast aircraft noise exposure around airports and aerodromes.
5. The ANEF contours associated with the Draft Master Plan 2026 have now been endorsed by Airservices Australia. The updated ANEF contours 2026 differ from the existing ANEF contours 2020.
6. The City has prepared A119 maps to amend the LPS3 Maps 01, 02 and 04 to align with the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).
7. The Department of Planning, Lands and Heritage (DPLH) have recommended that the City advise affected landowners of the changes through the public consultation process.

DETAILS AND ANALYSIS

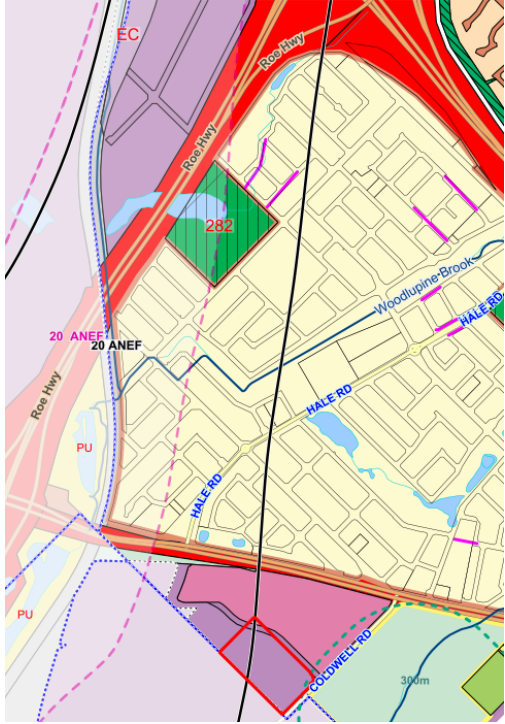
8. A119 is contained as Attachment 1, proposing to update the Scheme Maps to reflect the updated noise contours in the City of Kalamunda.
9. This scheme amendment is administrative in nature and does not introduce any new planning controls or policy directions. Its purpose is to update the Scheme mapping to reflect the most recent ANEF contours. The amendment ensures alignment between the Scheme and current State policy settings, providing accurate and up-to-date information to implement state planning policy provisions.
10. ANEF mapping provides contour lines that depict aircraft noise levels expected over an average year based on projected runway use, flight paths, aircraft types and the anticipated frequency of aircraft movements.

11. Perth Airport prepares a Master Plan every five years to outline a 20-year strategic vision for the airport site, including how the ultimate development potential of the airport could be realised. A copy of the current ANEF can be found on the Perth Airport website and is a requirement of the [Airports Act 1996](#).

12. The following amendments are proposed to the Scheme Maps:

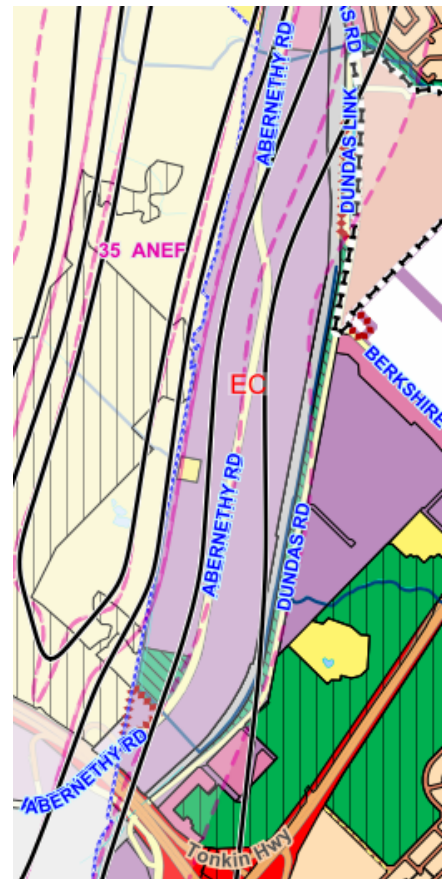
- In Scheme Map 01 – Kalamunda High Wycombe Locality amend SC3 – SCA 20 ANEF contour to reflect updated contours as per Perth Airport Draft Master Plan 2026.
- In Scheme Map 02 – Maida Vale Locality amend SC3 – SCA 20 ANEF contour to reflect updated contours as per Perth Airport Draft Master Plan 2026.
- In Scheme Map 04 – Forrestfield Locality West amend SC3 – SCA 20 ANEF contour to reflect updated contours as per Perth Airport Draft Master Plan 2026.

13. The changes to the ANEF contours are represented in the table below:

Description of changes	Supporting Image (Intramaps) Pink dashed line - 2020 ANEF contour Black solid line - 2026 ANEF contour
<p>South Residential - Wattle Grove</p> <p>The 2026 20 ANEF contour has been extended further into the residential area of Wattle Grove, impacting a greater amount of Wattle Grove residents as compared to the 2020 contour.</p> <p>South Industrial - Wattle Grove</p> <p>The 2026 20 ANEF contour has also extended further into the southern General and Light industry zones.</p>	

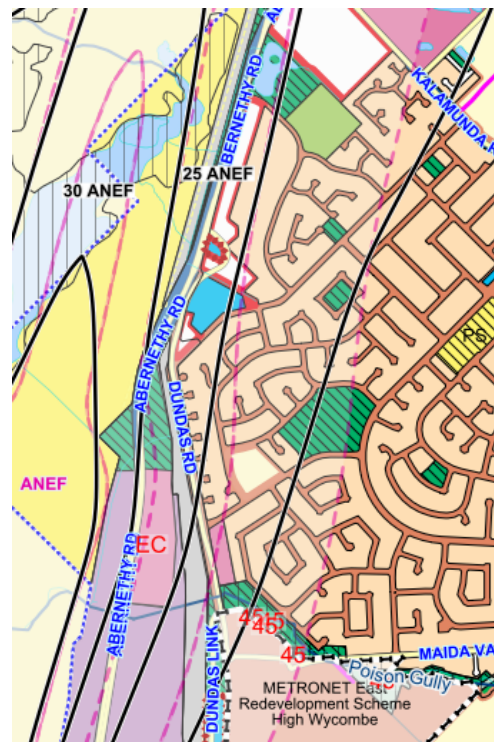
Central Industrial - Forrestfield and High Wycombe

Whilst there are some minor changes between the 2020 and 2026 contours, the major land use in this area is light to heavy industry which is less sensitive to aircraft noise levels. Overall, there is a lesser impact on this area, with the main increased impact being towards the south over a light industrial and Bush Forever site (NO. 319).



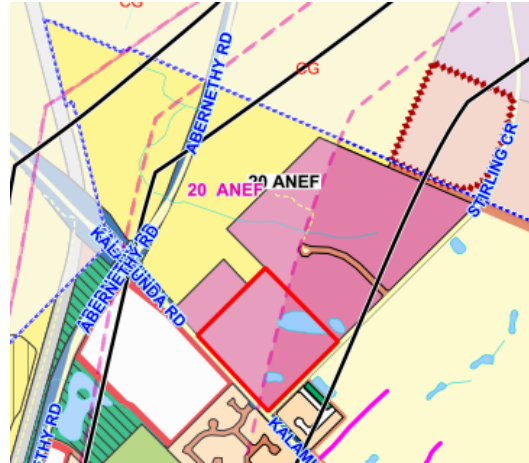
North Residential - High Wycombe

Overall, there is a slightly lesser impact in High Wycombe, with fewer residences affected by the 25 ANEF zone indicated by the solid pink line. An increased number of residences are affected by the 2026 20 ANEF in the northern portion of High Wycombe, whilst less are affected in the south residential area. Overall there is a lesser impact in High Wycombe.



North Industrial - Hatch Court Light Industrial Area (HCLIA)

Impacts to HCLIA are notable, with the 2026 20 ANEF contour incorporating the majority of this area, as opposed to the 2020 20 ANEF contour which only covers closer to half of the area.



14. Overall, the 2026 ANEF contours indicate a shift in aircraft noise impacts across the City of Kalamunda, with notable residential implications. In Wattle Grove, the extension of the 2026 20 ANEF Contour further into the residential area results in a greater number of residents being affected compared to the 2020 contour. The southern industrial area also experiences a notable increase in aircraft noise exposure, however the impacts on industrial areas are not considered to be as great.
15. The central industrial zone experiences relatively minor changes between the 2020 and 2026 contours, and due to the predominance of light to heavy industrial land uses the impacts are considered lower. Notable effects in this area are concentrated toward the southern light industrial zone and adjacent Bush Forever Site (No. 319).
16. In High Wycombe, the impact is slightly reduced with fewer residences affected by the 25 ANEF zone as per the 2026 contour. There is, however, a change to the residents that will be impacted, with a greater impact in the northern portion of High Wycombe in comparison to reduced impacts in the south of the suburb. Additionally, there is a greater impact to the Hatch Court Light Industrial Area.
17. With all this in mind, it is concluded that there is an overall increased impact on the areas within the City of Kalamunda from the 2026 ANEF contours as compared to the 2020 ANEF contours.
18. By incorporating the revised ANEF contours into the Scheme Maps, the City can better manage potential land use conflicts and support informed decision making for future development against State Planning Policy 5.1. This will ensure planning decisions are informed by contemporary ANEF.

The amendment is therefore considered a necessary and appropriate update to the Scheme, improving its accuracy, relevance, and alignment with the City's planning framework.

APPLICABLE LAW

19. *Planning and Development Act 2005 (PD Act)*

The PD Act is legislation that establishes Western Australia's land use planning system, including the making and amending of local planning schemes.

20. Planning and Development (Local Planning Scheme) Regulations 2015

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

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

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

APPLICABLE POLICY

21. This amendment has been undertaken in accordance with the provisions of State Planning Policy 5.1, ensuring that planning decisions are informed by contemporary ANEF contours.

The proposed amendment updates the Local Planning Scheme No. 3 Scheme Maps to reflect the revised ANEF contours endorsed as part of the Perth Airport Draft Master Plan 2026, providing clarity and consistency in the application of State Planning Policy 5.1 within the City of Kalamunda.

22. Under SPP 5.1, Special Control Areas (SCAs) shown on scheme maps operate as a spatial trigger. When land is identified within an SCA for aircraft or other prescribed noise, the Scheme mapping simply signals that the noise assessment, land use compatibility, and development requirements of SPP 5.1 apply to proposals within that area. Area shown on the City of Kalamunda's Scheme Map as SC3 are subject to aircraft noise contours in excess of 20 ANEF

STAKEHOLDER ENGAGEMENT

23. In accordance with the Regulations, public notice of a scheme amendment must be published on the City's website. The City will be writing to all landowners affected by the changes with the ANEF noise contours.
24. Consultation will be conducted in accordance with the City's Public Notification of Planning Proposals Local Planning Policy 11 for a standard scheme amendment.
25. The amendment will be advertised for a minimum period of 42 days.
26. The *Planning and Development Act 2005* requires that once Council has resolved to prepare a scheme amendment, approval of the Minister for Planning is required before community consultation can commence.

Should Council support the preparation of Amendment 119 to LPS3, the amendment will be forward to the Western Australian Planning Commission (WAPC) for consideration
27. The outcomes of community consultation, including any submissions received, will be presented at a future Council meeting for consideration of a recommendation to the WAPC on Amendment 119.

FINANCIAL CONSIDERATIONS

28. No immediate financial costs are anticipated as a direct outcome of this initiation report. Costs associated with scheme amendments are to be met through the Development Services annual budget.

SUSTAINABILITY

29. **Social Implications**

The ANEF changes will have an impact on some residents in High Wycombe and Wattle Grove who will now be within the updated 20-25 ANEF contour as a result of the changes.

30. **Economic Implications**

The ANEF changes may influence the desirability of land for housing and other sensitive land developments, and introduce additional construction costs to manage long term noise impacts.

However, these considerations must be balanced against the strategic importance of Perth Airport as a critical piece of State infrastructure, a

major employment precinct, and a key driver of economic activity for the metropolitan region.

Planning for noise impacts through informed land use decisions supports the long-term operational viability of the airport, ensures capacity to meet future air transport needs, and promotes a balanced approach that protects sensitive uses while recognising the airport's ongoing economic and regional significance.

31. **Environmental Implications**

The Scheme Amendment does not propose any direct environmental impact. Development Applications are required to deal with relevant environmental matters through the planning assessment and approval processes.

RISK MANAGEMENT

32.	Risk: The Amendment is not progressed to the required standard or within the required timeframes, resulting in non-compliance with the recently published ANEF contours in line with the changes made in the Perth Airport Draft Master Plan 2026.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Action the Officer Recommendation.		
33.	Risk: Reputational damage due to increased noise impacts		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Ensure there is proactive and transparent community engagement, such as providing clear information about noise contours and decision-making constraints under State policy.		

CONCLUSION

34. The proposed Scheme Amendment ensures the City of Kalamunda LPS3 maps accurately reflect the updated ANEF contours adopted as part of the Perth Airport Draft Master Plan 2026.

35. Aligning the Scheme with the most current aircraft noise modelling provides greater clarity and certainty for land use planning, development

assessment, subdivision and community expectations within noise-affected areas.

36. It is recommended that the Council resolve to support A119 as outlined in Attachment 1, for the purpose of public advertising.

Voting Requirements:

RECOMMENDATION

That Council:

1. RESOLVE to prepare Amendment 119 to Local Planning Scheme No.3 as included in Attachment 1 for the purpose of community consultation, pursuant to Section 75 of the *Planning and Development Act 2005*;
2. CONSIDER Amendment 119 to Local Planning Scheme No. 3 as a standard amendment pursuant to Clause 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - c) The amendment is not considered a complex or basic amendment;
3. FORWARD Amendment 119 to Local Planning Scheme No. 3 to the Western Australian Planning Commission for a recommendation to the Minister for Planning to approve the proposed amendment for advertising pursuant to Clause 46B of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
4. FORWARD Amendment 119 to Local Planning Scheme No. 3 to the Environmental Protection Authority for review, pursuant to s. 81 of the *Planning and Development Act 2005*.
5. SUBJECT TO the approval of the Minister for Planning, ADVERTISES Amendment 119 to Local Planning Scheme No. 3 for a minimum period of 42 days in accordance with clause 47(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.


10.2. Infrastructure Reports

10.2.1. Speed Limit Review and Proposed Infrastructure Improvements - Welshpool Road East

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

Previous Items	N/A
Directorate	Infrastructure
Business Unit	Asset Planning
File Reference	WL-10/GEN; 4.00009251
Applicant	N/A
Owner	N/A
Attachments	1. Location Map [10.2.1.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

Strategy 3.2.3 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement to advocate for a reduction in the speed limit on Welshpool Road East (WRE), between Boundary Road (SLK 0.23) and Crystal Brook Road (SLK 3.97), and to authorise a formal speed zoning application to Main Roads Western Australia (MRWA).
2. WRE, between Boundary Road and Crystal Brook Road, has been identified as a high-risk corridor with 111 recorded crashes, with the intersection of WRE and Lewis Road recording 62 crashes and ranking as the highest crash location within the City of Kalamunda (City)
3. The City is planning an upgrade of the WRE and Lewis Road intersection to a roundabout to address safety concerns. The design implications of a roundabout at the current speed zoning would necessitate land acquisition and tree removals; however a speed reduction would reduce the footprint and cost of the proposed roundabout.
4. Consultation with MRWA was undertaken on 10 March 2026, where corridor safety issues, intersection constraints, and future infrastructure considerations were discussed. MRWA has provided in-principle support for reducing the speed limit from 80 km/h to 70 km/h along the identified section.
5. It is recommended that Council support the proposed speed reduction and advocate to MRWA for approval and implementation to improve safety outcomes along WRE.

BACKGROUND

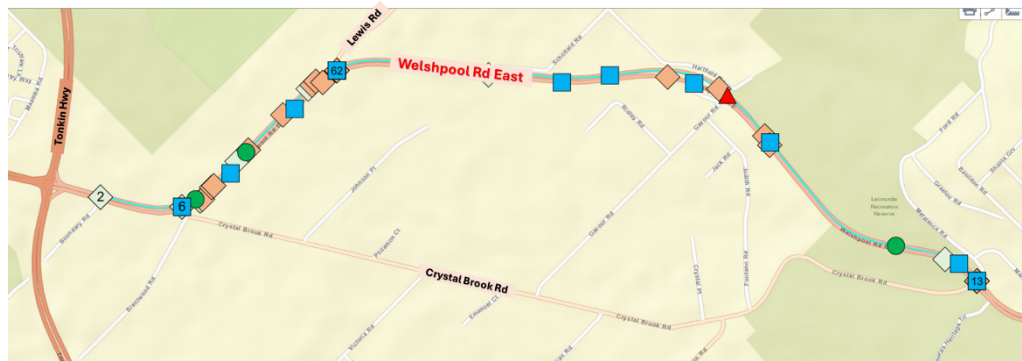
6. The City has been successful in securing funding through both the Metropolitan Regional Road Group (MRRG) Improvement Program to address safety concerns at the WRE and Lewis Road intersection, with a proposed roundabout treatment.
7. The City is progressing towards a Stage 2 application under the MRRG Improvement Program, with construction of a proposed roundabout treatment anticipated in a later financial year.
8. As part of Stage 1, the City is currently finalising the detailed design of the intersection upgrade. During the design development process, key constraints have been identified, including geometric limitations, land acquisition challenges, and the need to achieve improved long-term safety outcomes.

9. Based on these considerations, the City staff have determined that reducing the posted speed limit from 80 km/h to 70 km/h is the most appropriate and practical measure to support the proposed intersection treatment and enhance overall corridor safety.

DETAILS AND ANALYSIS

10. **Road Function and Traffic Volumes:**
WRE is classified as an Other Regional Road and operates as a four-lane dual carriageway. It serves as a key metropolitan link between Perth and south-eastern regional areas. Traffic volumes recorded in 2024 exceeded 15,000 vehicles per day, with heavy vehicles comprising more than 10% of the total traffic, indicating its strategic importance and high usage.
11. **Crash data:**
Between 1 January 2021 and 31 December 2025, 111 crashes were reported in this section. Notably, 75% (or 83 crashes) of these incidents occurred at intersections. The intersection of WRE and Lewis Road alone accounted for 62 crashes over the last five years, underscoring the urgent need for intervention.

A crash map is shown as follows:



Note: The colours indicated in the diagram represent the highest severity crash type at each location. For example, the cyan marker at the WRE/Lewis Road intersection denotes the most severe incident (hospitalisation) among the 62 total recorded crashes.

12. **Influence of Posted Speed on Design Footprint:**
Preliminary design assessments indicate that achieving the desirable 40 km/h approach speed to the proposed roundabout requires pre-deflection treatments on each approach. The extent of these treatments is directly influenced by the posted speed environment.

Lowering the speed limit from 80 km/h to 70 km/h reduces the required pre-deflection length, while still maintaining the need for appropriate speed control measures. This reduction in length decreases the overall footprint of the roundabout approaches, resulting in:

- Reduced construction costs;

- Less impact on surrounding land and infrastructure; and
- Improved retention of heritage-listed trees valued by the local community.

Maintaining a higher speed environment would require significantly longer pre-deflection lengths (approximately 100 m to 150 m), increasing both cost and environmental and community impacts.

Accordingly, a reduced speed environment provides a more efficient design outcome while still achieving the required safety performance at the roundabout.

13. **Road Safety Investigation (RSI) – MRWA:**

A recent Road Safety Investigation undertaken by MRWA identified roadside hazards, including trees located within the clear zone. While the report recommended vegetation removal or installation of safety barriers, these options are constrained by environmental considerations and significant costs. At least one fatal crash has been attributed to collision with a roadside object. In this context, speed reduction has been identified as a practical and balanced alternative to improve safety outcomes while minimising environmental and financial impacts, particularly benefiting cyclists and other vulnerable road users. Whilst preliminary discussions have been held with MRWA, formal endorsement of Council is required for speed limit changes of this nature to formally submit a speed limit reduction as an alternative treatment to previous MRWA recommendations, and for their formal acceptance and implementation.

14. **Benefit-Cost Ratio (BCR):**

An economic assessment was undertaken for the proposed roundabout upgrade at the WRE and Lewis Road intersection, considering scenarios with and without speed reduction. The analysis yielded a BCR of 5.99 without speed reduction and an improved BCR of 6.76 with speed reduction. This demonstrates that incorporating speed reduction delivers greater economic and safety benefits.

15. **Active Transport and Bike Trail Considerations:**

WRE forms part of a key cycling route within the City. Implementing a reduced speed environment will enhance safety for cyclists and other vulnerable users by reducing the likelihood and severity of vehicle conflicts, supporting broader active transport objectives.

16. **Network Efficiency:**

Reducing the speed limit on WRE from 80 km/h to 70 km/h is not expected to adversely impact overall network performance. The only viable alternative route, Crystal Brook Road, is a lower-order local road with a two-lane undivided configuration and operating speeds of 60–70

km/h. Due to its lower standard and capacity, it is unlikely to attract through traffic. As such, the proposed speed reduction is not expected to result in traffic diversion or negatively affect the surrounding road network.

17. **Future Development Considerations:**

A proposed residential development, including an aged care facility at Lot 500 Gavour Road, Wattle Grove, is proposed to introduce a new access via a seagull-type intersection similar to the existing WRE and Lewis Road intersection. The development is expected to generate approximately 100 two-way vehicle trips during peak periods. A reduced speed environment will improve safety, particularly for vulnerable and elderly road users accessing the network.

APPLICABLE LAW

18. *Main Roads Act 1930.*

APPLICABLE POLICY

19. This recommendation aligns with the Safe System approach outlined in the '*Speed Zoning Policy and Application Guidelines*' (Clause 3.4) by MRWA. Also, the '*ROSMA – Smart Decision Today for a Safer Tomorrow: Treatment Resource Guide*' (Clause 8.12) by MRWA also supports consideration of speed reduction as an appropriate safety measure.

STAKEHOLDER ENGAGEMENT

20. MRWA, as approval authority for speed zoning on regional roads, has been actively engaged in the development of this proposal. A meeting was held on 10 March 2026 with MRWA representatives and City staff. MRWA has subsequently provided in-principle support for reducing the speed limit from 80 km/h to 70 km/h along this section of WRE.

21. The City has received numerous complaints from the community expressing concerns regarding unsafe road conditions along WRE, particularly with speeding consistently identified as a primary safety issue.

FINANCIAL CONSIDERATIONS

22. Should Council determine to proceed with the implementation of the proposed speed limit changes, all associated signage will be installed by MRWA at no cost to the City.

SUSTAINABILITY

- 23. There are no adverse environmental impacts arising from this report. Should Council support the proposed speed limit reduction, a positive safety outcome is expected, with potential social benefits through improved protection for all road users, including cyclists and vulnerable users, and a reduction in crash severity along WRE.

RISK MANAGEMENT

24.	<p>Risk: Failure to implement appropriate speed management measures on WRE may result in continued exposure of road users to high crash risk, including fatal and serious injury crashes, particularly at the WRE and Lewis Road intersection.</p>		
	Consequence	Likelihood	Rating
	High	Possible	High
	Action/Strategy		
	Advocate to MRWA for approval of the proposed speed reduction from 80 km/h to 70 km/h as an immediate and interim road safety measure.		

CONCLUSION

- 25. WRE has been identified as a high-risk corridor within the City, with a significant crash history and demonstrated safety concerns, particularly at the intersection with Lewis Road. Multiple assessments, including crash data analysis, Road Safety Investigation findings, Benefit-Cost Ratio outcomes, and design constraint considerations, support the need for immediate and practical speed management intervention.

- 26. While MRWA has provided in-principle support, formal approval requires demonstrated Council endorsement.

Accordingly, it is concluded that Council support is necessary to advocate for and progress the formal speed zoning application to MRWA to facilitate improved road safety outcomes along WRE (between Boundary Road and Crystal Brook Road) from 80 km/h to 70 km/h.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the proposed reduction of the speed limit to 70 km/h along Welshpool Road East, between Boundary Road and Crystal Brook Road.

10.3. Corporate Reports

10.3.1. Privacy and Responsible Information Sharing Policies

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

Previous Items	
Directorate	Corporate Services
Business Unit	ICT Services
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> 1. Council Information Breach Policy [10.3.1.1 - 6 pages] 2. Council Privacy and Responsible Information Sharing [10.3.1.2 - 6 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilities and provides quality lifestyles choices.

Strategy 1.1.1 -- Ensure the entire community has access to information, facilities and services.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service based organisation.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting two new Council Policies: Privacy and Responsible Information Sharing Policy (Attachment 1) and the Information Breach Policy (Attachment 2). These policies formalise the City's commitment to safeguarding personal information, managing information responsibly, and responding appropriately to information or data breaches.
2. The policies provide a clear, public-facing framework aligned with the anticipated commencement of the *Privacy and Responsible Information Sharing Act 2024* and outline how the City will meet emerging privacy obligations while maintaining transparency with the community.

BACKGROUND

3. The *Privacy and Responsible Information Sharing Act 2024* (PRIS Act) introduces a comprehensive privacy and information-sharing framework for Western Australian public sector agencies, including local government. While key provisions of the Act commence from 1 July 2026, with mandatory notifiable information breach reporting commencing from 1 January 2027, agencies are encouraged to progressively put governance arrangements in place ahead of commencement.
4. In preparation for these reforms, the City has developed a set of internal governance documents, including:
 - CEO Direction – Privacy
 - CEO Direction – Data Breach Response
 - Information Breach Response Plan
6. These internal documents establish operational controls, staff responsibilities and response procedures. However, they do not replace the need for formally adopted, public-facing Council Policies that articulate the City's overarching commitments to privacy protection, responsible information sharing and accountable breach management.
7. The proposed Council Policies complement the internal governance framework by clearly setting out, for the community, how the City manages personal information, the principles governing lawful information sharing, and how information or data breaches will be handled. Adoption of these policies also supports transparency, strengthens community trust and ensures the City's governance framework is aligned with the PRIS Act.

DETAILS AND ANALYSIS

8. Council Policy – Privacy and Responsible Information Sharing

The proposed Privacy and Responsible Information Sharing Policy establishes high-level principles governing how the City lawfully, fairly and transparently handles personal information. It:

- i) Clearly explains what personal information the City collects and the purposes for which it is used;
- ii) Sets expectations for secure storage, responsible use, limited disclosure and accurate recordkeeping;
- iii) Outlines how the City will share information responsibly and only where authorised by law, including under the PRIS Act's information-sharing framework; and
- iv) Explains residents' rights to access and request correction of their personal information.

By articulating these principles in a Council-adopted policy, the City provides a clear and consistent public statement of its privacy commitments and improves transparency around information handling practices.

9. Council Policy – Information Breach

The proposed Information Breach Policy establishes the City's public commitments to managing information and data breaches in a timely, accountable and transparent manner. The policy:

- i) defines what constitutes an information or data breach, including loss, unauthorised access or unauthorised disclosure;
- ii) outlines the City's approach to identifying, containing, assessing and mitigating breaches;
- iii) explains when and how affected individuals, regulators and other relevant parties will be notified; and
- iv) aligns with the City's Cyber Security Incident Response Plan where ICT systems are involved.

This policy supports consistent response arrangements, reduces legal and reputational risk, and provides assurance to the community that information breaches will be handled appropriately.

10. Together, the two policies provide a cohesive, public-facing privacy framework that complements the City's internal directions and procedures. Adoption of the policies strengthens the City's privacy maturity, supports readiness for the staged commencement of the PRIS Act, and reinforces

Council’s commitment to transparent and responsible information governance.

APPLICABLE LAW

- 11. Privacy and Responsible Information Sharing Act 2024 (upon commencement)
Freedom of Information Act 1992
State Records Act 2000
Local Government Act 1995

APPLICABLE POLICY

- 12. Council Policy – Privacy & Responsible Information Sharing (proposed)
 Council Policy – Information Breach (proposed)

STAKEHOLDER ENGAGEMENT

- 13. Internal consultation occurred with ICT, Information Management, Governance, People Services and Customer Experience.

FINANCIAL CONSIDERATIONS

- 14. Implementation costs (staff training, communications, updates to website and notices) are minimal and can be met within existing budgets

SUSTAINABILITY

N/A

RISK MANAGEMENT

15.	<p>Risk: Failure to adopt privacy and information breach policies Exposes the City to legal, reputational and operational risks</p>		
	Consequence	Likelihood	Rating
	Major	Possible	High
	Action/Strategy		
	<ul style="list-style-type: none"> - Adopt the policies, and implement supporting procedures. - Provide staff training - Maintain compliance with upcoming PRIS Act requirements - Embed continuous improvement and reporting through the Kalamunda Leadership Team 		

CONCLUSION

16. The proposed Council Policies – Privacy and Responsible Information Sharing Policy and Information Breach Policy – establish a clear, contemporary governance framework for the protection of personal information and the responsible management of information across the City.
17. Adoption of the policies formalises the City’s public commitments to privacy, transparency and accountability, complements existing internal directions and procedures, and positions the City to meet the staged commencement of obligations under the Privacy and Responsible Information Sharing Act 2024.
18. Together, the policies strengthen community trust, reduce legal and reputational risk, and support Council’s role in providing effective oversight of information governance as privacy reforms take effect across the WA public sector.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT:

1. Privacy and Responsible Information Sharing Policy as contained at Attachment 1
2. Information Breach Policy as contained at Attachment 2

10.4. Community Reports

No reports presented


10.5. Office of the CEO Reports

10.5.1. Proposed Local Government Property Local Law

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

Previous Items	OCM 2026/26
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. DRAFT - Local Government Property and Facilities Local Law [10.5.1.1 - 29 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service based organisation.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a draft Local Government Property Local Law for public consultation as part of the City's local law review process. The draft local law proposes to replace the existing Local Government Property Local Law (Property Local Law) made by Council in 2001.
2. The Property Local Law is impacted by new repeal provisions introduced into the *Local Government Act 1995* at the end of 2024, in which local laws that had not been reviewed under the previous 8-year review requirement will become repealed if not reviewed or replaced.
3. Officers propose replacing the current Property Local Law with the draft attached to this report, in order to avoid the repeal requirement of the Act and to replace the Property Local Law with a more modern instrument that better suits community and organisational needs going forward.
4. It is recommended that Council authorises the Chief Executive Officer to give local public notice of the proposed Local Government Property Local Law 2026.

BACKGROUND

5. The *Local Government Amendment Act 2024* (Amendment Act) was proclaimed on 6 December 2024, with some sections coming into effect the following day. This amendment to the *Local Government Act 1995* (Act) changed the statutory local law review period from 8 years to 15 years, however in the same amendment, the repeal provision was introduced that would repeal local laws not reviewed under the previous 8-year period.
6. The existing Property Local Law appears to be based on the old Western Australian Municipal Association template that was in wide use from approximately 1998 onwards until around 2010. Given the age of the local law and the use of outdated provisions and terminology, officers recommend it is replaced with a more modern version that accommodates the broader array of functions

and facilities a local government is responsible for, and deals with the contemporary issues that can arise in terms of managing use of local government property.

DETAILS AND ANALYSIS

7. From a basic legal perspective, local government property is every park, reserve (where the local government is the management authority), facility or other land or building that the local government has responsibility for. This is inclusive of land or buildings the local government leases from another entity.
8. Local government property that is not land or buildings are not encompassed by the local law (e.g. fleet vehicles, money).
9. This report proposes a new Local Government Property Local Law to replace the existing 25 year old instrument. It is based on a version already in effect in the sector from circa 2021, modified and updated to suit the City's purposes and current views of the Joint Standing Committee on Delegated Legislation (JSCDL).
10. Internal consultation with key stakeholders has informed the development of the draft local law to ensure it will meet the needs of the City. Advice from the City's external legal service provider has been sought and changes made where recommended.
11. The proposed local law makes provision for matters that are not encompassed by the existing Property Local Law, such as –
 - Expanding on permit requirements to conduct functions or events;
 - Prohibiting smoking or vaping on local government property near buildings;
 - Requiring a permit to camp on local government property;
 - Recognising the lawful right for the owner of an assistance animal to bring the animal onto local government property;
 - Introducing a permit system to hire local government property;
 - Specifying behaviours that are considered detrimental to local government property or persons on the local government property and water courses;
 - Allowing the local government to refuse entry to a person to a local government facility, in specific circumstances.
12. A transitional clause in the proposed local law carries forward the legal standing of any permit, licence, infringement or hire agreement entered into or issued under the existing local law.
13. Similarly, the determinations specified by the existing Property Local Law are carried over into the proposed replacement and will be in effect on

commencement day. These determinations relate to prohibited activities on local government property (primarily involving parks and sports grounds).

14. Prior to advertising the proposed local law for public submissions, Council can decide the extent, or limit, of any of the proposed regulatory provisions of the local law and the monetary penalty that should be applied to any of the offences prescribed.
15. The Act now contains a 15 year review horizon for local laws. Any new local law must account for the needs of the City now and well forward into the future.
16. If Council decides to propose making the local law, the required process of the Act is to be followed (see below). Officers have the necessary expertise to ensure this occurs smoothly.

APPLICABLE LAW

17. Part 3, subdivision 2 of the Act refers. It specifies the process that is to be followed for the proposing of, and making, a local law.
18. It is important to ensure the prescribed process is followed exactly. Failure to do so may result in the local law being invalid or recommended by the JSCDL to be disallowed by Parliament. Whilst the Act provides that a failure to follow the procedure does not immediately invalidate a local law, there must be substantial compliance [Act, s. 3.12(2A)].
19. Once Council has resolved to give local public notice (not less than 6 weeks for submissions), it must also provide a copy of the proposed local law to the Department of Local Government (DLG), as well as to any person requesting it [Act, s. 3.12(3)]. This process allows the DLG to provide feedback to the City, and any requested amendments can be incorporated into the local law. This process will also allow the DLG to check the draft local law for compliance with JSCDL instructions.
20. After the last day for submissions, Council is to consider any submissions, and may make the local law as proposed, provided it is not significantly different from what was proposed [Act, s. 3.12(4)]. This means if the DLG has requested any simple grammatical amendments or the like, this would not be substantially different. Council could also make substantial amendments following consideration of any submissions. In the event there are any substantial amendments, the process must be commenced again [Act, s. 3.13].
21. After submissions, Council must resolve by absolute majority to make the local law [Act, s. 3.12(4)]. Once made, the City will be required to publish the local law in the Government Gazette and give a copy of it to the DLG. Local public notice is again required [Act, s. 3.12(5), (6)].

APPLICABLE POLICY

22. Nil. However, some functions contained within the draft local law will require policies to be made for managing subject matter-specific functions in detail (hire of local government property, signs etc).

STAKEHOLDER ENGAGEMENT

23. Internal consultation occurred to inform the development of the draft local law to support the regulatory concepts proposed. This consultation has informed the powers and functions contained in the draft.

24. Public consultation for 6 weeks is required if Council decides to propose the draft local law. If the draft is substantially changed as a result of that consultation, the process will need to recommence from the beginning.

FINANCIAL CONSIDERATIONS

25. The draft local law proposes higher infringement values than currently used. This may result in higher infringement revenue.

SUSTAINABILITY

26. The proposed local law contains provisions for damaging or destroying native vegetation on local government property, and harassing, trapping or killing fauna on local government property.

27. The proposed local law contains better provisions for protecting City assets and facilities, infrastructure and fixtures/fittings from vandalism, theft and misuse.

RISK MANAGEMENT

28.

Risk: The Property Local Law will be repealed after 6 December 2026 if it is not replaced or reviewed before then.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
Replace or review the Property Local Law prior to 6 December 2026.		

CONCLUSION

29. The draft local law represents a contemporary and responsible regulatory scheme for the City to allow it to properly regulate activities on its property, balancing the rights of the community to go about their lawful pursuits, with the City's responsibility as a custodian of public lands, infrastructure and assets.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:


1. In accordance with section 3.12(3) of the *Local Government Act 1995*, AUTHORISE the Chief Executive Officer to give local public notice of the proposed Local Government Property Local Law 2026 with the purpose and effect of the proposed local law to be summarised in the notice as follows –
 - The purpose of this local law is to provide for the regulation and management of activities on local government property in the district.
 - The effect of this local law is that any person being on local government property in the district must comply with the requirements of the local law.
2. NOTE that any public and Department of Local Government responses will be reported to Council for consideration prior to the making of the local law and publication in the Government Gazette; and
3. AUTHORISE the Chief Executive Officer to undertake necessary administrative actions in order to give effect to (1) above.

10.5.2. Statutory review of local laws

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

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Health Local Law 2011 (Gazette version) [10.5.2.1 - 28 pages] 2. Standing Orders Local Law 2015 (Gazette version) [10.5.2.2 - 23 pages] 3. Fencing Local Law 2016 (Gazette version) [10.5.2.3 - 11 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service based organisation.

EXECUTIVE SUMMARY

1. Council has the following local laws that require review:
 - Health Local Law 2011, made on 15 August 2011.
 - Standing Orders Local Law 2015, made on 21 December 2015.
 - Fencing Local Law, made on 27 June 2016.
2. Changes to the *Local Government Act 1995* (Act) that came into effect at the end of 2024 impact these local laws, requiring a review process to be undertaken prior to 6 December 2026.
3. It is recommended that Council undertake a statutory review of these local laws to ensure their continuance beyond 6 December 2026.

BACKGROUND

4. Legislative reforms introduced by the *Local Government Amendment Act 2024* by way of clause 65 of Schedule 9.3 affect local laws that had not been reviewed under the previous review period prescribed by the Act.
5. As previously advised at the Ordinary Council Meeting on 24 March 2026 (OCM 2026/26), the City has a number of local laws that were not reviewed under the previous review period prescribed by the Act. These local laws are liable to be repealed after 6 December 2026 due to recent local government reforms in the form of the *Local Government Amendment Act 2024*.
6. Work has been proceeding to develop replacements for the local laws affected, as well as addressing a range of age and obsolescence related issues with some local laws and by-laws made under the old *Local Government Act 1960*.
7. Not all of the City's local laws, impacted by the automatic repeal scenario, require complete and total replacement.

DETAILS AND ANALYSIS

8. A small cohort of local laws are identified for review, as they were not reviewed under the previous 8-year requirement of the Act, yet are relatively new and therefore not considered to require replacement. These are:
 - Health Local Law 2011, made on 15 August 2011, Government Gazette No. 188 on 7 October 2011.
 - Standing Orders Local Law 2015, made on 21 December 2015 (OCM 168/2015), Government Gazette No. 16 on 29 January 2016.

- Fencing Local Law, made on 27 June 2016, Government Gazette No. 159 on 2 September 2016.
9. Official (Government Gazette) versions of the local laws are attached to this report.
10. A local law review is required to be performed in accordance with section 3.16 of the Act, as amended. The basic procedure is prescribed as follows:
- (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*
11. At the end of the review, Council will need to decide whether to continue the local law unchanged, amend it, or repeal it. If Council decides to amend the local law, it will need to commence a separate local law amendment process under section 3.12 of the Act, as Council would with any other local law amendment.

12. For the purposes of acquitting the deadline of 6 December 2026, this can be achieved by performing a review in accordance with the Act, thus avoiding a default repeal situation for these three local laws.
13. A local law review process is not the same as making or amending a local law. Aside from the required 6-week consultation phase and considering any submissions from that, Council does not need to consider a new draft or redraft of existing because the local laws are already in effect. Similarly, there is no requirement to publish the results of a review in the Government Gazette, or for Parliamentary or Departmental review of them.
14. Council's resolution at the end of a local law review must give effect to section 3.16(4) of the Act, in order to satisfy the legal basis for having completed a local law review.
15. Due to these local laws being relatively new (i.e. 2011-2016) replacements for them are not considered necessary as they do not have the obsolescence, terminology and possible validity issues of the old by-laws and local laws previously drawn to Council's attention.
16. Once reviewed by Council, these local laws will still continue to have legislative effect after 6 December 2026 and beyond, because the review requirement of the Act will have been met. Council could later resolve to pursue amendment local laws to the individual local laws to correct some terminology changes (e.g. 'Shire' to 'City') and typographical errors. This could possibly be done in an 'omnibus' form.
17. With respect to the Standing Orders Local Law, the Department of Local Government (Department) has consulted with the sector for the development and commencement of a uniform meeting procedure instrument (at this point, understood to be in the form of regulations made under the Act). There has been no information forthcoming from the Department as to when this instrument will come into effect, or even if it is still intended to introduce such an instrument at all.
18. To ensure continuity of these regulatory instruments beyond the end of this year, it is considered prudent to review these local laws now. It is considered to be a high level of risk to the City if it was adopt a 'wait and see' approach with the Standing Orders/standardised meeting procedures, as there has been no assurance that the standardised meeting procedures will come to pass by 6 December 2026, or at all.
19. With respect to the Health Local Law 2011, officers are likely to present an amendment local law for the Health Local Law 2011 at a later date, due to changes to the overarching public health legislation and the phased repeal of the *Public Health Act 1911*.

APPLICABLE LAW

20. Section 3.16 of the *Local Government Act 1995*.

APPLICABLE POLICY

21. Nil.

STAKEHOLDER ENGAGEMENT

22. Section 3.16(2)(c) of the Act requires any local law review to be advertised for public comment for 6 weeks. Submissions received from this process are to be reported to Council.

FINANCIAL CONSIDERATIONS

- 23. Nil. Any work will be met by existing officer resources, and external legal advice required (if necessary) will be met from the City’s existing legal service budget.
- 24. Publication of any future amendment local laws in the Government Gazette and local public notice will cost approximately \$1000-\$1500 for each one.

SUSTAINABILITY

25. N/A

RISK MANAGEMENT

26.	<p>Risk: If the City’s local laws are not reviewed prior to 6 December 2026, which will result their repeal leaving Council with no regulatory instrument for the conduct of Council meetings, public health matters, or fencing of land.</p>		
	Consequence	Likelihood	Rating
	High	Unlikely	High
	Action/Strategy		
	Review the local laws before 6 December 2026.		

CONCLUSION

27. The Standing Orders, Health and Fencing local laws require review to ensure their continuance beyond the end of 2026. It is not expected that a review will

identify any significant issues. For this reason it is expected that a review will be a straight-forward affair that can be managed and delivered in a timely manner.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- (1) In accordance with section 3.16(1) and clause 65(9) and (10) of Schedule 9.3 of the *Local Government Act 1995*, commence a REVIEW of the –
 - (a) Shire of Kalamunda Health Local Law 2011, made on 15 August 2011, published in Government Gazette No. 188 on 7 October 2011.
 - (b) Shire of Kalamunda Standing Orders Local Law 2015, published in published in Government Gazette No. 16 on 29 January 2016; and
 - (c) Shire of Kalamunda Fencing Local Law, made on 27 June 2016, published in Government Gazette No. 159 on 2 September 2016.
- (2) AUTHORISE the Chief Executive Officer to give local public notice in the manner prescribed that –
 - (a) the local government proposes to review the local laws; and
 - (b) a copy of the local laws may be inspected or obtained at any place specified in the notice; and
 - (c) submissions about the local laws 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.
- (3) NOTE that any public submissions will be reported to Council for consideration prior to Council deciding whether to repeal, amend or continue the local laws unchanged; and
- (4) AUTHORISE the Chief Executive Officer to undertake any necessary administrative actions in order to give effect to (1)-(3) above.

11. Closure