

Ordinary Council Meeting

Agenda

22 April 2026

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

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

Order of Business

| | | |
|-----------|--|-----------|
| 1 | Opening and Announcement of Visitors | 4 |
| 2 | Welcome to Country and Acknowledgement of Country | 4 |
| 3 | Dedication | 4 |
| 4 | Attendance, Apologies, Leave(s) of Absence (Previously Approved) | 4 |
| 5 | Public Question Time | 5 |
| 6 | Receiving of Petitions, Presentations and Deputations | 5 |
| 6.1 | Petitions | 5 |
| 6.2 | Presentations | 5 |
| 6.3 | Deputations..... | 6 |
| 7 | Confirmation of Minutes | 7 |
| 7.1 | Minutes of the Ordinary Council Meeting held on 25 March 2026 | 7 |
| 8 | Declarations of Interest (Financial, Proximity, Impartiality - both Real and Perceived) by Members and City Officers | 8 |
| 9 | Requests for Leave of Absence | 8 |
| 10 | Items Brought Forward for the Convenience of those in the Public Gallery | 8 |
| 11 | Any Business Left Over from Previous Meeting | 8 |
| 12 | Recommendations of Committees | 9 |
| 12.1 | Chief Executive Officer Performance and Remuneration Review 2025/2026 - Appointment of Appraisal Agent and Schedule of Review | 9 |
| 12.2 | Minutes of the Boola Maara Aboriginal Consultative Committee Meeting held on 13 April 2026 | 10 |
| 13 | Enbloc Reports | 12 |
| 14 | Reports - Community | 13 |
| 15 | Reports - Economic | 14 |
| 16 | Reports - Natural Environment | 15 |
| 16.1 | Response to WALGA Climate Change Advocacy Position | 15 |
| 17 | Reports - Built Infrastructure | 20 |
| 17.1 | Amendment 1 to Challenger Precinct (E26) Structure Plan | 20 |
| 18 | Reports - Civic Leadership | 33 |
| 18.1 | PROPOSED DISPOSITION BY WAY OF LEASE, SUITE 11, DARIUS WELLS LIBRARY AND RESOURCE CENTRE BEING PART OF 2 (LOT 107) ROBBOS WAY, KWINANA BETWEEN CITY OF KWINANA AND FINUCARE FINANCIAL COUNSELLING TRADING AS MONEY MENTORS | 33 |
| 18.2 | Local Law Review - Local Government Pest Plants Local Law | 38 |
| 18.3 | Monthly Financial Report February 2026..... | 45 |
| 18.4 | Accounts for Payment for the Month Ended 31 March 2026 | 48 |

18.5 Disposition by way of sale of vacant land at Lot 904 Chisham Ave, Kwinana (Lot 904 on Deposited Plan 63743)51

19 Notices of Motions of which Previous Notice has been Given56

20 Notices of Motions for Consideration at the Following Meeting if Given during the Meeting56

21 Late and Urgent Business56

22 Reports of Elected Members56

23 Answers to Questions which were Taken on Notice.....56

24 Mayoral Announcements56

25 Confidential Items.....56

 25.1 Kwinana Golf Club Redevelopment.....56

26 Close of Meeting57

1 OPENING AND ANNOUNCEMENT OF VISITORS

Presiding Member to declare the meeting open and welcome all in attendance.

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

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

2 WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor Barry Winmar to present the Welcome to Country:

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

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

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

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

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

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

Presiding Member to read the Acknowledgement of Country:

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

3 DEDICATION

Councillor 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):

Nil

5 PUBLIC QUESTION TIME

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

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

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

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

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

6 RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

6.1 PETITIONS

A petition must –

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

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

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

6.2 PRESENTATIONS

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

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

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

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

6.3 DEPUTATIONS

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

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

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

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 MARCH 2026

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 25 March 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 CHIEF EXECUTIVE OFFICER PERFORMANCE AND REMUNERATION REVIEW 2025/2026 - APPOINTMENT OF APPRAISAL AGENT AND SCHEDULE OF REVIEW

Reason for Confidentiality

This report and its attachments are confidential in accordance with the *Local Government Act 1995* Section 5.23(2), which permits the meeting to be closed to the public for business relating to the following:

- (b) a matter relating to the recruitment or employment of the CEO or a senior employee, including the following -
 - (i) the termination of employment;
 - (ii) a review of performance under section 5.38.

12.2 MINUTES OF THE BOOLA MAARA ABORIGINAL CONSULTATIVE COMMITTEE MEETING HELD ON 13 APRIL 2026

SUMMARY

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

COMMITTEE RECOMMENDATION

That Council notes the Minutes of the Boola Maara Aboriginal Consultative Committee held on 13 April 2026.

VOTING REQUIREMENT

Simple majority

DISCUSSION

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

STRATEGIC IMPLICATIONS

Outcome: Leadership / Boordiya Katidjin (Leader of knowledge)

Objective: Proactive leadership

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

SUSTAINABILITY FRAMEWORK

Sustainability Priority Area

3 - Liveability

4 - Engagement and Social Inclusion

LEGAL/POLICY IMPLICATIONS

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

FINANCIAL/BUDGET IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

ATTACHMENTS

1. Minutes - Boola Maara Aboriginal Consultative Committee Meeting - 13 April 2026 [12.2.1 - 16 pages]

13 ENBLOC REPORTS

14 REPORTS - COMMUNITY

Nil

15 REPORTS - ECONOMIC

Nil

16 REPORTS - NATURAL ENVIRONMENT

16.1 RESPONSE TO WALGA CLIMATE CHANGE ADVOCACY POSITION

SUMMARY

The City of Kwinana recognises that human-induced climate change is one of the most significant challenges we currently face. Local governments exist at the interface between government and community and carry a disproportionate burden of responsibility for protecting our operations and supporting our community from the impacts of climate change. In recognition of this in its Environment Strategy 2024-2034, the City committed to achieving net zero corporate greenhouse gas emissions by 2035 and becoming a net zero city by 2050.

WALGA originally released a climate change position in 2018 as their basis for climate-related advocacy on behalf of all WA local governments. This has recently been updated to reflect political and other changes that have occurred since then. WALGA has requested that local governments provide a Council-adopted response to their new advocacy position to assist them to consider the needs and perspectives of local governments across WA.

OFFICER RECOMMENDATION

That Council adopt City of Kwinana's response to the WALGA climate change advocacy position.

VOTING REQUIREMENT

Simple majority

DISCUSSION

Australia's climate has warmed by 1.51°C since 1910, with human activities being the predominant cause. For our region in south-west Australia, these warmer conditions have resulted in the following climate change effects:

- More heat extremes and heatwaves
- Reduced rainfall, particularly during the cool season
- More intense rainfall events of short duration
- Continued sea level rise
- Increased marine heatwaves

(Bureau of Meteorology, 2024)

The above effects result in a variety of negative impacts on our environment, urban and industrial infrastructure, services and community. These include but are not limited to:

- Increasing damage to infrastructure from extreme weather events and bushfires.
- Increasing operational pressure on Emergency Services due to a rising intensity of bushfires.
- Increasing erosion and inundation of coastal areas from sea level rise.

- Increasing health impacts and potential fatalities among our community from more frequent and severe hot days and heat waves.
- Declining native flora and fauna from hotter, drier conditions.
- Increasing spread of vector-spread diseases and introduced plants and animal species as rapidly changing conditions cause stress on local species less able to adapt.

The attached updated City of Kwinana Climate Change Policy was adopted in 2025 and calls for strong climate action at all levels of government, with effective and adequately funded Commonwealth and State Government climate change policies and programs to support the work of local government.

WALGA advocates on behalf of local governments for improved resourcing and support for climate change planning and response. WALGA released its previous climate change advocacy position in 2018. Since then, several key changes have occurred that have implications on how we respond to climate change. These include:

- Passing of the federal *Climate Change Act 2022*. This introduced a legislated economy-wide emissions 2050 net zero target, with an interim 43% reduction target by 2030, based on 2005 levels.
- The West Australian *Local Government Amendment Act 2023*, with a legislated requirement for local governments to plan for and mitigate the risks associated with climate change.
- The 2025 National Climate Risk Assessment identified 11 priority risks across seven systems, and how the effects of climate change will impact these. This was released in conjunction with the National Adaptation Plan, which addresses each of the seven systems from the National Climate Risk Assessment through the establishment of a framework, identifying roles and responsibilities and focus areas to drive adaptation.
- The release of the 2022 National Construction Code with increased energy efficiency requirements for buildings (due to be implemented in WA on 1 May 2026).
- An increase in the uptake of electric vehicles, renewable energy generation and storage across Australia.

WALGA has considered the above changes in the development of its proposed new climate change advocacy position, as follows:

1. *Local Government acknowledges the risks associated with, and is committed to, addressing climate change.*
2. *WALGA calls on the Australian and Western Australian Governments to:*
 - a. *Provide the necessary climate leadership, coordination and action to ensure an orderly transition to achieve emission reduction targets and address the impacts of climate change.*
 - b. *Provide dedicated funding, guidance and practical support to assist Local Governments to undertake emissions reduction and adaptation actions.*

The attached WALGA Climate Change Advocacy Position Consultation Paper requests Council endorsed feedback on WALGA's new climate change advocacy position.

CITY OF KWINANA'S POSITION TO WALGA ADVOCACY

It is important to note that the City's Climate Change Policy and WALGA's new climate change advocacy position are similar in what they are calling for from the Federal and State Governments. However, as WALGA is the primary advocacy body for our sector, the City would prefer to see further emphasis on specific points of concern. The City of Kwinana response is as follows:

The City of Kwinana supports WALGA's revised Climate Change Advocacy Position, which aligns with the City's own Climate Change Policy (2025). The City suggests consideration of the following within WALGA's Climate Change Advocacy Position to further emphasise current priority areas of concern:

1. Leadership and decisions by the Federal and State governments must consider the practicality of implementation by Local Governments, with clear delineation of the roles and responsibilities held by each level of government.
2. The climate transition must be just and consider the consequences of action on all parts of our community. Actions must deliver local benefits without disproportionately shifting costs to Local Governments and their communities without suitable funding.
3. A significant proportion of the burden of responsibility for taking climate action rests with Local Government. Most, if not all Local Governments would benefit from financial assistance. Recurring funding should be indexed and made available outside of a competitive grants process to ensure that all Local Governments are provided with financial support to act in a timely way. The *WA Local Government Amendment Act 2023* requires Local Governments to plan for and mitigate climate risks. Specific adaptation and resilience funding should be made available to address cost drivers such as road and drainage upgrades, urban greening, canopy and heat mitigation, coastal impacts and inundation, insurance impacts, and both proactive emergency management and emergency response capability. Separate funding must be made available to support decarbonisation works as part of climate change mitigation.
4. Local governments require local-scale climate data and projections with practical thresholds set to assist them to undertake risk assessments and make decisions. Due to the current and accelerating speed at which our local climate is changing, historical climate data does not accurately reflect what is currently happening, or what we can expect to occur in the future. Having access to small scale resolution climate projections would enable local governments to assess the potential impacts that climate will have on specific areas within their jurisdictions, informing infrastructure planning, maintenance and renewal, town planning decisions, emergency management planning and targeted community support. Setting thresholds for climate data would assist in prioritising planning and response actions.
5. Practical support should include guidance notes, case studies, templates and procurement panels.

STRATEGIC IMPLICATIONS

| | |
|-----------------------|---|
| Outcome: | Environmental Stewardship / Ngalla djoorapiny ngank boodjar (Looking after mothers' beautiful country) |
| Objective: | Transition to net zero emissions |
| Action in CBP: | Review and implement the Climate Change Plan |

How does this proposal achieve the outcomes and strategic objectives?

The City has committed to a transition to net zero corporate emissions by 2035 and to support our community to adapt to a changing climate. The City is currently developing a Decarbonisation Plan that will inherently require significant investment in capital and operational changes over time, and federal or state funding will likely be required to support this transition. The recommendations in the City's response specifically reflect the needs the City would like WALGA to advocate for when seeking resources and support from federal and state governments toward the City's carbon transition and climate change adaptation.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

- 4 - Environmental Stewardship
- 5 - Decarbonisation
- 6 - Resilient and Adaptable Communities
- 7 - Generational Value Creation
- 8 - Integrated and Transparent Decision-making

Sustainability Priority Area

- 1 - Climate Action

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

As above, the City has committed to a transition to net zero corporate emissions by 2035 and to support our community to adapt to a changing climate. The recommendations in the City's response more specifically reflect the needs the City would like WALGA to advocate for when seeking support from federal and state governments towards the City's carbon transition and climate change adaptation.

LEGAL/POLICY IMPLICATIONS

The City must operate consistent with the requirements of the *Local Government Act 1995*. Section 3.1 states, "the need to plan for, and to plan for mitigating, risks associated with climate change". This response forms part of our self-advocacy to ensure the City's needs are considered by WALGA in seeking additional resources and support for WA local governments to fulfil these legislated obligations.

FINANCIAL/BUDGET IMPLICATIONS

As above, the City must operate consistent with the requirements of the *Local Government Act 1995*, including "the need to plan for, and to plan for mitigating, risks associated with climate change". The costs of this are likely to increase over time. WALGA's role in advocating for more funding and resources to support local governments, including the City, will help attract relevant federal and state government funding opportunities.

ASSET MANAGEMENT IMPLICATIONS

None.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

There are no direct implications of this response, however climate change mitigation positively impacts on our natural environment as natural systems are unable to adapt to the rate of change caused by climate change.

COMMUNITY ENGAGEMENT

None required.

ATTACHMENTS

1. City of Kwinana Policy - Climate Change - 2025 [**16.1.1** - 4 pages]
2. WALGA Climate Change Advocacy Position Consultation Paper [**16.1.2** - 14 pages]

17 REPORTS - BUILT INFRASTRUCTURE

17.1 AMENDMENT 1 TO CHALLENGER PRECINCT (E26) STRUCTURE PLAN

SUMMARY

Amendment 1 to the Challenger Precinct (E26) Local Structure Plan (Structure Plan) has been lodged with the City of Kwinana in accordance with Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The current Structure Plan was approved subject to modifications by Council at its 25 September 2013 Ordinary Council Meeting.

Amendment 1 proposes to:

- a) Modify zoning along the northern portion of the Structure Plan area and associated textual provisions;
- b) Delete the Mixed Use R80 zone and replace it with Commercial R60 and Residential zoned land with a density range of either R60-80 or R40-60; and
- c) Replace the designation of the Grouped Residential R60-80 (closest to Meares Avenue) with Residential R40-60 zone.

These amendments primarily remove the requirement for medium density development and replaces it with low density single residential development.

The Western Australian Planning Commission (WAPC) is the determining authority for approval of structure plans.

This matter was withdrawn from the agenda of the Ordinary Council Meeting held on 6 August 2025 to allow further discussions between the City and the proponent regarding the administration's concerns about reduced densities close to the Kwinana Town Centre. Despite this the proponent has chosen not to address the City's concerns regarding removal of the medium density provisions and is progressing with proposing lower density single residential development.

The WAPC approved an extension to the current Structure Plan's approval period. While structure plans are typically valid for 10 years, in August 2025 the WAPC approved a further five-year extension for the Structure Plan, with the approval now expiring in October 2030.

The local government is now required to provide a report to the WAPC that:

- a) Lists and responds to submissions received;
- b) Provides an assessment based on planning principles; and
- c) Provides a recommendation on whether the amended structure plan should be approved or not, with or without modification.

Five submissions were received during the advertising period, comprising of three from the community and two from agencies. Two of the community submissions object to the proposed amendment. The submissions and planning matters raised are discussed in the report and further outlined in the attached Schedule of Submissions.

Following assessment and consideration of submissions, it is recommended that, although the proposed zoning changes are supported, Amendment 1 should not be approved as the proposed lowering of residential density is inconsistent with intended built form and density of development directly adjacent to the Kwinana Secondary Centre. Additionally, the proposed amendment will significantly reduce the potential for more housing diversity and choice in the locality - a key contemporary planning issue.

The Officer's Recommendation includes several recommendations to the WAPC that, should the amendment progress and be supported, modifications be undertaken to the documentation for matters relating to summary information, tree retention, built form provisions, and bushfire protection.

OFFICER RECOMMENDATION

That Council:

- 1. Recommend to the Western Australian Planning Commission pursuant to Schedule 2 Regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, that Amendment 1 to the Challenger Precinct (E26) Local Structure Plan should not be approved. Specifically, the proposed lowering of residential density from R80 to between R40-R80 adjacent to Challenger Avenue and the Kwinana Secondary Centre is not supported for the following reasons:**
 - a) The proposed lower residential density for single house development adjacent to a Secondary Centre is inconsistent with the objectives of State Planning Policy 4.2, the City of Kwinana Local Planning Strategy and the Local Commercial and Activity Centre Strategy, which promote higher density housing within activity centre catchments. The reduction in density will limit the population base needed to support the centre adversely impacting its economic viability and undermining the strategic intent to reinforce activity centres through increased residential intensity in their immediate vicinity.**
 - b) The proposed reduction in residential density is inconsistent with a key objective of the City's draft Local Planning Strategy, as it fails to facilitate housing diversity within the Secondary Centre catchment and the broader Cassia Glades Estate. It is also contrary to Directions 2031 and State Planning Policy 4.2, which require land in proximity to activity centres to provide a diverse range of housing at a scale commensurate with its Secondary Centre location.**
 - c) The built form outcomes associated with the reduced residential density are not appropriate for this site immediately adjoining a Secondary Centre, as they fail to provide adequate surveillance and do not support an active, pedestrian-oriented streetscape outcome.**
 - d) The proposed addendum to Part Two is not supported due to its flawed methodology, which creates an unclear and incoherent planning framework.**
- 2. Advise the Western Australian Planning Commission that should the Amendment proceed despite Council's recommendation, the following modifications are recommended:**
 - a. The Part One Land Use Summary table be updated to include estimated lot yield;**

- b. Additional development requirements be included in Part One to ensure there is adequate direction for the built form to appropriately address the desired reduced setbacks and built form outcomes as follows:**
- i. Include a specific provision within the Structure Plan to vary the deemed-to-comply setbacks under LPS2 (Table 2);**
 - ii. Introduce provisions requiring reduced or nil setbacks to the primary street to facilitate a pedestrian-oriented streetscape;**
 - iii. Amend setback requirements to the secondary street to ensure built form contributes positively to street activation and passive surveillance;**
 - iv. Include provisions requiring development to have a minimum two storeys or an equivalent two storey bulk and scale for single storey development to Challenger Avenue;**
 - v. Include provisions requiring buildings to:**
 - Address Challenger Avenue with primary frontage elements;**
 - Incorporate active frontages (e.g. entrances, windows, adaptable ground floor spaces);**
 - Avoid blank walls along key street interfaces;**
 - vi. Include provisions to ensure car parking is located behind or away from primary street frontages and does not compromise activation or surveillance of the street;**
 - vii. Include provisions requiring development to support a walkable environment, including:**
 - Weather protection (e.g. awnings);**
 - Direct pedestrian access from the street.**
- a) Part One is to clarify the requirement for the provision of Significant Tree Retention plan at subdivision stage:**
- i. Section 7.3, deleting reference to ‘any earthworks commencing or’; and**
 - ii. Update the text under Section 5.6 Conditions of Subdivision approval to require a Significant Tree Retention Plan to be provided as a condition of subdivision approval.**
- b) If the WAPC considers the approved modified Structure Plan results in an intensification of land use or development in the opinion of the WAPC, that the Structure Plan addresses relevant requirements of SPP 3.7 – Bushfire.**
- c) Minor textual changes are required to replace the following outdated provisions:**
- i. Revise text at section 6.1 to reflect that an LDP ‘may’ and not ‘must’ be required;**
 - ii. At section 6.1, delete lots less than 260sqm from circumstances where an LDP may be prepared; and;**
 - iii. Text at section 7.1 Bushfire updated to replace outdated requirements.**
- a) The Addendum to Part Two shall be deleted and the modifications incorporated into an amended Part Two document.**

3. Consider the Schedule of Submissions pursuant to Schedule 2, Clause 20(2)(a) of the *Planning and Development Regulations (Local Planning Schemes) 2015*.
4. Forward this Ordinary Council Meeting Report, Council’s Resolution and the Schedule of Submissions to the Western Australian Planning Commission pursuant to Schedule 2, Clause 20 of the *Planning and Development Regulations (Local Planning Schemes) 2015*.

VOTING REQUIREMENT

Simple majority

BACKGROUND

The Challenger Precinct (E26) Local Structure Plan (Structure Plan) area, also referred to as Cassia Glades Estate, is located to the immediate south of the Kwinana Town Centre. The Structure Plan comprises a total area of approximately 36.85 hectares and is bound by Challenger Avenue to the north, Meares Avenue to the east, Wellard Avenue to the south and Gilmore Avenue to the west. This being the land contained within the inner edge of the line denoting the structure plan boundary as shown on the Statutory Structure Plan Map (Figure 1 and Figure 2)



Figure 1 - Challenger Precinct (E26) Local Structure Plan Map (2014)



Figure 2 - Aerial of Structure Plan area (Source: Nearmap, dated June 2025)

The Structure Plan was approved subject to modifications by Council at its 25 September 2013 Ordinary Council Meeting. The Structure Plan was approved under Part 6.17 Division 14 of LPS2 and came into operation upon the gazettal of Planning Scheme Amendment 140 on 3 July 2015. It is comprised of Part 1 – Statutory Implementation, Part 2 – Explanatory Section, and seven appendices.

The approved Structure Plan, outlines land use, zones and reserves applicable within the Structure Plan area. As shown in Figure 1, the Structure Plan provides for a range of residential densities from medium density (R25, R30 and R60) for single residential allotments through to higher density (R60 and R80) grouped housing sites dispersed throughout, as well as two areas of Mixed Use with R80 density fronting Challenger Avenue. Those sites most relevant to the proposed amendment are the Group Residential R60 to R80 (orange) and Mixed Use (blue) sites.

The Mixed Use zone under the Structure Plan is designed provide for multi-storey commercial and residential development up to 5 storeys with commercial uses at the ground to first floor levels with residential above. As Mixed Use is not a zone that is prescribed in Local Planning Scheme No. 2 (LPS2), the approved Structure Plan includes objectives and a land use permissibility table with a range of preferred and permitted land uses in the zone.

The objectives of the Mixed Use zone can be summarised as being intended to support active ground to first floor commercial uses that promote an active streetscape, ensure a suitable transition between intensive commercial activity and low density residential uses. Mixed Use development is intended to facilitate local employment opportunities and enhance self-sufficiency, while maintaining high quality design standards for apartment living. Minimum development requirements are also specified, including height, street, side and rear setbacks as well as car parking, building facades, balconies, and plot ratio controls.

As illustrated in Figure 2, development within the Structure Plan area is progressing, with approximately half of the area subdivided and developed with single dwellings. Subdivision approvals have been granted or are currently under assessment for the remaining stages of residential development, except for the portion subject of Amendment 1. This area, located in the northernmost section of the Structure Plan, is designated in the approved Structure Plan for Group Dwelling (R60–R80) (orange) and Mixed Use (R80) (blue) development. The proposed amendment is outlined in further detail below.

Proposed Amendment 1

This is the first proposed amendment to the Structure Plan since it was endorsed in 2014. The amendment proposes to modify the zoning along the northern portion of the Structure Plan area and associated textual provisions. Figure 3 illustrates extracts from the existing and proposed Structure Plan Map, which delineates the proposed zoning changes.



Figure 3 - Local Structure Plan Map (Part 1) As Approved (on left) and Proposed Amendment (on right)

The Amendment area is confined to the area abutting Challenger Ave.

The proposed amendments to Structure Plan Part One are as follows:

- a) Delete the 'Mixed Use R80' (medium blue) and replace with 'Commercial' and R60 density (light blue) - located in the top left corner of map.
- b) Delete the 'Mixed Use Strategic Precinct' (medium blue colour with red dashed outline) zoned 'Mixed Use R80' and replace with 'Residential' R40-60 density and some R60-80 in hashed orange along Challenger Ave.
- c) Delete the 'Grouped Residential R60-80' (in orange) closest to Meares Avenue and replace with 'Residential R40-60',
- d) Realign the Public Open Space boundary with the Residential R40-60 fronting Meares Avenue associated with a no through road, and
- e) Associated modifications to textual provisions to reflect the above zoning changes, including:
 - i. Updates to Land use summary table to reflect changes,
 - ii. Deletion of the Mixed Use zone from Section 5 - Land use and subdivision, including the objectives and land use permissibility,
 - iii. Deletion of reference to Strategic Precinct from Section 5.3.2 Locational criteria,
 - iv. Updates to text included at Section 5.3.3 Dwelling target, including deletion of reference to the R60 and R80 grouped housing sites, which were to provide the opportunity for either grouped or multiple dwellings (not single house lots),
 - v. Deletion of Lot yield summary table included at Section 5.3.3 Dwelling target,
 - vi. Updates to provisions included in Section 5.4 Commercial to reflect deletion of the Mixed Use zone,
 - vii. Deletion of Section 6.3 Development requirements for Mixed Use Development, to reflect deletion of the Mixed Use zone, which included the table of provisions (i.e. heights and street setbacks) relating to development in the Mixed Use zone,
 - viii. Deletion of Section 7.2 Development Requirements for land within the Strategic Precinct, consistent with the proposed deletion of this precinct, and associated renumbering of other sections.

The key modifications to the Land Use summary table as referenced above between the approved and proposed LSP are illustrated in Figure 4 below.

| Item | Approved (2014) | Proposed (2025) |
|------------------------------------|--|--|
| Estimated Number of Dwellings | 916 | 550-600 |
| Estimated Residential Site Density | 32 dwellings / gross ha | 25.332 dwellings / gross ha |
| Estimated population | 1941 people | 1485 (calculated from 2.7 people per household for 550 dwellings) |
| Estimated Commercial Floor Space | Commercial uses only permitted within Mixed Use zone: -Up to 4032m ² NLA 'Shop' use permitted. - No m ² NLA cap for non 'shop' | Approx. 4000m ² to 5000m ² of commercial area. |

Figure 4 – Key Changes to Table 1 between approved and proposed amended Structure Plan

A new document titled Part 2 – Explanatory Report Addendum is also proposed. The Addendum is proposed to modify or supersede sections of the existing Part Two rather than simply amending Part Two.

This is a confused approach by the applicant. Consequently, as the proposed Part Two Addendum does not supersede all of Part Two, sections of Part Two will remain relevant to implementation of the Structure Plan if amended. It would be necessary to read across two documents to understand the rationale for the structure plan which is not clear or accessible to the general public. This method of using an addendum is not supported as it is not in the form of a true addendum but rather purports to make substantial and extensive changes to the document. A single amended Part Two document should be produced.

In support of the proposed amendment to the approved Structure Plan, the following documentation was provided:

- Structure Plan Part One – Statutory Section (prepared by CLE dated Jan 2025)
- Structure Plan Part Two – Addendum (prepared by CLE dated Jan 2025)
- Attachment 1 – Mixed Use Opportunities Assessment (prepared by Urbis dated June 2024)
- Attachment 2 – Transport and Access Report (prepared by PJA dated November 2024)
- Attachment 3 – Bushfire Management Plan (prepared by Natural Area Consulting Management Services dated 3 June 2015)

In addition to the amended Structure Plan and supporting attachments, the following documents were also provided, but do not form part of the amended documentation:

- Cassia Glades Landscape Masterplan (prepared by Emerge Associates dated March 2024)
- Cassia Glades Significant Tree Plan (prepared by CLE dated 4 April 2024)

DISCUSSION

This report has been prepared in accordance with Part 2 Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and provides an assessment of the proposal based on appropriate planning principles. The Structure Plan amendment has been assessed against a range of statutory and strategic planning documents as well as sought comments from the public and from government agencies. The key policy context which has informed the consideration of the amendment are:

- City of Kwinana Local Planning Scheme No. 2
- City of Kwinana Local Commercial and Activity Centre Strategy (2023)
- City of Kwinana Draft Local Planning Strategy (2024)
- Directions 2031 (WAPC, 2010)
- Kwinana City Centre Master Plan (2019)
- SPP 3.7 – Bushfire (WAPC, 2024)
- SPP 4.2 - Activity centres (WAPC, 2023)
- Liveable Neighbourhoods (WAPC, 2015)

The assessment of the key planning considerations is detailed below.

Mixed Use zone and Retail/Commercial Floorspace

The amendment proposes to delete the two Mixed Use precincts and replace them with Commercial and Residential (R60-80) zones. While the change from Mixed Use to Commercial would not result in a notable change in land uses permitted, the change from Mixed Use to Residential will result in reducing the potential for employment generating land uses in the

Structure Plan area. Central to the consideration of the change in zoning from Mixed Use to Residential is the policy direction established by the Draft Local Planning Strategy (2024), Local Commercial and Activity Centre Strategy (LCAC's), and State Planning Policy 4.2 - Activity centres.

The proposed change from Mixed Use to Residential is however supported for the following reasons:

1. The change will have a minimal reduction in the overall amount of employment generating floorspace as the retail/commercial floorspace is restricted to ground floor only under the current Structure Plan.
2. LCACS does not support the existing Mixed Use zone providing additional commercial development opportunities. LCACS has not considered the potential additional retail/commercial floorspace in the Structure Plan area. LCACS comments that any retail/commercial floorspace in the Structure Plan area should be limited to only supporting residents of the estate development so as not to detract from the activity and primacy of the City Centre.
3. There is sufficient land available within the Kwinana City Centre to accommodate projected retail/commercial demand to 2050.
4. Activation and surveillance of Challenger Avenue can be achieved with suitably intense and well-designed medium density residential development.

The proposed change from Mixed Use to Commercial for the corner location of Challenger Avenue and Gilmore Avenue is also supported. In effect, the proposed change to the Commercial zone aligns with the zones listed in LPS2 and provides clearer direction and interpretation as to what land uses are to be permitted. Commercial development at the corner location is considered appropriate and will not further impact on the vibrancy or primacy of the City Centre.

Under the proposed Structure Plan, the development of the Commercial zone is to be guided by the provisions of LPS2 and the principles included in Section 5.3 of the Structure Plan. The proposed Structure Plan therefore needs to provide less direction for built form on the proposed Commercial zoned site. This is due to the proposed Commercial zone being an established zone under the Scheme, whereas Mixed Use is not a zone listed under LPS2. Additional built form guidance was therefore required to be provided for the Mixed Use zone under the current Structure Plan.

In considering application of the standards within LPS2 for the Commercial Zone, it is apparent that the building setbacks contained within Table 2 of LPS2 (6m front, 1.5m side, 6m rear, 3m secondary street) are inconsistent with the strategic direction for achieving an activated built form fronting Challenger Avenue as established in the approved Structure Plan. The Structure Plan emphasises reduced setbacks and a pedestrianised environment that supports a walkable environment for this area which the typical standards in LPS2 do not facilitate.

While the Commercial Zone does provide for principles to be incorporated 'where possible' within Section 5.3, there are some inconsistencies between these principles to what is contained within LPS2, and the intended outcomes clearly articulated by the approved Structure Plan.

Accordingly, modifications to the proposed Structure Plan are recommended to provide adequate direction for design of the built form and ensure it appropriately addresses the desired reduced setbacks and built form outcomes. In this regard, the following provisions should be incorporated into the Structure Plan:

1. Include a specific provision within the Structure Plan to vary the deemed-to-comply setbacks under LPS2 (Table 2);
2. Introduce provisions requiring reduced or nil setbacks to Challenger Avenue to facilitate a pedestrian-oriented streetscape;

3. Amend setback requirements to secondary streets (including Gilmore Avenue, where relevant) to ensure built form contributes positively to street activation and passive surveillance;
4. Include provisions requiring development to have a minimum two storeys or an equivalent two storey bulk and scale for single storey development to Challenger Avenue.
5. Include provisions requiring buildings to:
 - a. Address Challenger Avenue with primary frontage elements;
 - b. Incorporate active frontages (e.g. entrances, windows, adaptable ground floor spaces);
 - c. Avoid blank walls along key street interfaces
6. Include provisions to ensure car parking is located behind or away from primary street frontages and does not compromise activation or surveillance of Challenger Avenue.
7. Strengthen provisions requiring development to support a walkable environment, including:
 - a. Weather protection (e.g. awnings);
 - b. Direct pedestrian access from the street;
 - c. Minimisation of vehicle dominance along Challenger Avenue.

These provisions will ensure better built form outcomes that are consistent with state planning policy and the intent of the Structure Plan. They will also provide greater clarity for the design and assessment of development.

Housing Density and Form

The amendment proposes to delete the Mixed Use (R80) zone and designate the area as Commercial and Residential with a density range of R40-60 with a portion of R60-80 fronting Challenger Avenue. The R40-R80 residential densities is intended to result in development of single dwellings as shown on the concept plan immediately adjacent to the Kwinana City Centre. The Kwinana City Centre is designated as a secondary centre in SPP4.2, which is the highest order commercial activity centre in the City of Kwinana.

Under SPP 4.2 the description of a Secondary Centre addresses the expectations for the surrounding built form as follows:

Medium and high-density urban area within the centre core characterised by mid to high-rise buildings that provide contiguous, activated and pedestrian-friendly street frontages and public spaces. Outside the core, low to mid-rise buildings achieve a pedestrian scale at the street frontage and streetscapes retain an attractive landscaped character through street planting and landscaping of the private realm.

In this regard the Structure Plan area is immediately adjacent to the centre core and should be providing a transition of mid-rise development which is currently provided for in the Structure Plan. The proposed amendment is inconsistent with this by reducing the development potential of the area to low density single residential development.

It is notable that there are no other opportunities for the area around the Kwinana City Centre to provide this form of mid-rise development. The proposed result is a reiteration of past examples of low scale single housing lots that do not support a diverse and complex commercial centre.

Potential residential density is proposed to be significantly reduced, noting the approved Structure Plan sets out the ability to develop structures up to 5 storeys in height. The land use summary table (Figure 4) reflects an overall reduction in the estimated number of dwellings of up to 40% from 916 down to 550-600 dwellings. Average density across the site is also proposed to decrease by 21% from 32 to 25.3 dwellings per gross hectare.

Collectively, the strategic direction of the applicable planning framework of Directions 2031, SPP 4.2 - Activity centres and Liveable Neighbourhoods, seeks to facilitate increased housing diversity,

with the highest density housing located within proximity to activity centres. This high-level strategic framework is also reflected at the local level by the City's Local Commercial Activity Centre Strategy 2023 (LCACS). A key objective of the LCACS is to encourage and facilitate development of higher density housing in the vicinity of activity centres to enhance centre viability. The land subject of this amendment is directly adjacent to the City's highest order commercial centre and therefore is the most logical and appropriate location for higher density, multiple dwelling development. Not only will higher density in this location provide for greater dwelling diversity, but it will also enhance viability of the Kwinana City Centre into the future.

The proposed reduction in density is inconsistent with both the City's draft Local Planning Strategy and draft Local Planning Scheme No. 4 (LPS4). The proposal does not align with the strategy which seeks to promote housing diversity within walkable catchments of activity centres. The reduction in density limits the ability to achieve a mix of housing types in this highly accessible location. The proposal is also inconsistent with draft LPS4. A key objective of the Residential zone in draft LPS4 is to provide a range of housing types and densities to meet the needs of the community. The proposed amendment reduces this diversity and is therefore contrary to the intent of these strategic documents. Furthermore, the existing infrastructure and community facilities in close proximity, including provision of high frequency public transport, shopping and civic uses makes the amendment area highly suitable for higher density development.

In summary, the proposal to reduce density in the Structure Plan area is not supported for the following reasons:

1. The proposed residential density and single house product does not improve housing diversity in the City or the Cassia Glades estate, contrary to the principles of the state and local planning framework.
2. Single house built form is inconsistent with the Secondary Centre status of the adjacent City Centre. Reducing density is inconsistent with the objectives of the LCACS.
3. The reduced population will lessen the positive economic benefits and viability for the Secondary Centre.
4. The lower density coding may respond to current market demand for single house product, however this will be a long term sub-optimal outcome for ideally located land that can provide a diverse range of housing of a scale commensurate with its Secondary Centre location.
5. Single house built form provides little passive surveillance of Challenger Avenue.

Although the proposed zoning change from Mixed Use to Residential is supported, the proposed lower residential density coding's are not. A fundamental function of the Structure Plan is to appropriately allocate residential density where it has the best overall effect. The proposed reduction of residential density is inconsistent with the strategic planning framework and will negatively impact the viability of the Kwinana City Centre.

It is recommended that Amendment 1 not be supported for these reasons.

Transport and Movement

The amended Structure Plan would result in less vehicle movements compared to the approved Structure Plan. The traffic treatments are adequate for the proposed intensity of development, noting that detailed design of internal road layouts and access not depicted in the Structure Plan map will be assessed and determined at subdivision stage. It should be noted that the laneway access to Challenger Avenue indicated in the concept plan is not supported. No modifications are required to the amended Structure Plan regarding traffic given the proposed reduction in the intensity of development.

Public Open Space & Vegetation

The amendment proposes to a minor realignment of the Public Open Space boundary with the Residential R40-60 fronting Meares Avenue to facilitate a no-through road. The application does not propose to modify the total area of public open space provided which is retained as per the approved Structure Plan.

A plan was provided to demonstrate the proposed amendment would not result in any change to the significant trees required to be retained under EPBC controlled action. The significant tree retention plan was provided only for this purpose. As was the case with previous stages of subdivision in the structure plan area, a significant tree retention plan will be required to be prepared for each subdivision application. For improved clarity regarding the process for the retention of significant trees, a recommended modification (if approved) is to update the text under section 5.6 Conditions of Subdivision Approval, to require a Significant Tree Retention Plan to be provided. The consideration of public open space landscaping, vegetation and tree retention is all outside the scope of a Structure Plan and these matters will be determined at the detailed design stage of subdivision.

Bushfire

The Structure Plan area is located within a designated bushfire prone area. State Planning Policy 3.7 - Bushfire is only applicable to proposals which would result in an intensification of development or land use; or results in an increase in visitors, residents or employees; or adversely impacts or increases the bushfire risk to the subject or surrounding sites. As detailed in the proposal section of this report, the proposed amendment overall would result in a less intense outcome than the approved Structure Plan and therefore SPP 3.7 does not apply.

The amended Structure Plan retains the section from the approved Structure Plan 'Bush Fire Prone Area'. The text under this clause 7.1 is now outdated, including declaring a bushfire prone area. For improved clarity, this clause should be updated to reflect the relevant requirements under SPP 3.7 and the associated *Guidelines*. This may include rewording to note that areas of the subject land area included within a designated bushfire prone area and that subdivisions will be required to address the requirements of SPP 3.7.

Part Two Addendum

The proposed Part Two Addendum sets out significant and material changes to the existing Part Two document. This is inconsistent with the definition of Addendum and results in a confusing and opaque planning process where two documents must be read in parallel to be understood. This is entirely unnecessary and an ineffective process for communicating important information about the planning for the area. It is recommended that should the amendment proceed that the applicant be required to prepare an amended Part Two document.

Conclusion

The proposed amendments significantly impact on the future function of the Kwinana Town Centre. The downgrading and elimination of the opportunity to provide a range of housing types and choice within a walkable catchment of the Secondary Centre is not supported and is contrary to established planning principles and practice.

The modifications extensively change the intended residential outcomes for the area and are inconsistent with the City's LCACS and draft Local Planning Strategy. While there is an imperative to deliver land to supply the housing market, there is no supply shortage of zoned subdividable land in Kwinana that justifies the significant loss of residential development potential in this key strategic location as proposed by this amendment.

STRATEGIC IMPLICATIONS

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

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

How does this proposal achieve the outcomes and strategic objectives?

The Structure Plan amendment is inconsistent with the draft Local Planning Strategy and the Local Commercial and Activity Centre Strategy. The recommendation therefore reflects the inconsistencies.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

6 - Resilient and Adaptable Communities
8 - Integrated and Transparent Decision-making

Sustainability Priority Area

3 - Liveability

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

The proposed amendment is not considered consistent with the principles of the City's draft Local Planning Strategy that seeks to provide housing diversity within walkable catchments of centres.

LEGAL/POLICY IMPLICATIONS

The Structure Plan amendment has been lodged with the City in accordance with Schedule 2, Part 4 of the *Planning and Development Regulations (Local Planning Schemes) 2015*.

FINANCIAL/BUDGET IMPLICATIONS

The cost of preparing the Structure Plan Amendment has been borne by the applicant. Reg. 48 of the *Planning and Development Regulations 2009* enables the City to charge a fee to the Applicant for the assessment of a structure plan, based on hourly rates prescribed in the Regulations.

ASSET MANAGEMENT IMPLICATIONS

The Structure Plan establishes the planning framework for subdivision and development of the area. The City will be financially responsible for maintaining public open space, roads, verge trees and footpaths once the area has been developed.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Relevant environmental implications have been identified and discussed in this report. There are no public health implications of this proposal.

COMMUNITY ENGAGEMENT

Public advertising of the Structure Plan amendment was undertaken in accordance with the requirements of Schedule 2, Part 4 clause 18(1)(c)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 42 days from 1 May to 11 June 2025. It comprised of the following:

- Letters sent to surrounding owners and residents,
- Display of two signs on site, fronting Challenger Avenue and Mears Avenue,
- Notice information and documents published on the City's engagement website Love My Kwinana, and
- Notice to relevant State government agencies.

A total of five submissions were received during the advertising period. Three submissions were received from community during the advertising period, two objecting and one neutral. Two submissions were received from agencies, including Department of Fire and Emergency Services and Main Roads WA.

A summary of each submission is detailed in the Schedule of Submission Attachment. Where relevant the issues raised have been considered in the previous sections of this report and are responded to in the Schedule of Submissions.

ATTACHMENTS

1. Challenger Precinct Structure Plan and Attachments Amendment 1 (Part One, Addendum, and Attachments Combined) [17.1.1 - 146 pages]
2. Supporting Documents - Concept Landscape Masterplan and Significant Tree Plan [17.1.2 - 2 pages]
3. Schedule of Submissions [17.1.3 - 4 pages]

18 REPORTS - CIVIC LEADERSHIP

18.1 PROPOSED DISPOSITION BY WAY OF LEASE, SUITE 11, DARIUS WELLS LIBRARY AND RESOURCE CENTRE BEING PART OF 2 (LOT 107) ROBBOS WAY, KWINANA BETWEEN CITY OF KWINANA AND FINUCARE FINANCIAL COUNSELLING TRADING AS MONEY MENTORS

SUMMARY

The Darius Wells Library and Resource Centre (**Centre**), owned by the City of Kwinana (**City**) and located at 2 Robbos Way, is a prominent multi-purpose community hub, providing essential library, crèche, commercial, and social support services. The Centre incorporates ten office areas on the first floor, which the City leases to commercial entities and community groups.

Development of the Centre was made possible through joint funding from the City, Lotterywest, and the Federal Government. Lotterywest funding was provided on the condition that the Centre offer low-rental office space to non-government organisations and groups that contribute to the health and wellbeing of the community.

This report concerns an office with an area of 12.32m² on the first floor, forming part of Lot 107 on Deposited Plan 70670, comprised in Certificate of Title Volume 2786 Folio 114 (**Premises**).

This report seeks Council resolution to authorise the CEO, on behalf of the City, to negotiate and finalise a lease of the Premises to Finucare Financial Counselling, trading as Money Mentors (Money Mentors) for a term of one year, with two options to extend for a further one year each.

Money Mentors is a not-for-profit organisation with charitable, cultural, and educational objectives. Accordingly, the proposed lease is exempt from the advertising requirements of section 3.58 of the *Local Government Act 1995 (Act)*, pursuant to regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*.

OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer to negotiate and execute a lease agreement (including make modifications where the intent of the agreements does not change) in relation to Suite 11 - 2 Robbos Way, Kwinana being part of Lot 107 on Deposited Plan 70670, comprised in Certificate of Title Volume 2786 Folio 114 to Finucare Financial Counselling trading as Money Mentors.

VOTING REQUIREMENT

Absolute majority

DISCUSSION

Money Mentors offers financial counselling, community education, outreach, as well as a financial crises advocacy service. In addition to Kwinana they currently operate from Mandurah and Byford, this allows the broader coverage of the Southwest Peel area.

Money Mentors have operated from Suite 11 within the Centre since 2023, providing a stable and accessible location for its financial counselling services. Their continued presence on this floor offers several benefits to the City. As a not-for-profit organisation delivering confidential financial guidance, supports some of the most vulnerable members of the community, including residents experiencing financial hardship, family stress, or difficulty managing debt.

Maintaining Money Mentors within the Centre ensures that these essential services remain easy to access in a central, well known community facility. This aligns with the City's objectives to support community wellbeing and provide facilities that enhance social inclusion. Their co-location alongside other community-focused services also strengthens the integrated service delivery model the City aims to promote, enabling residents to receive multiple supports in a single visit.

Money Mentors has built strong working relationships with City staff and other tenant organisations, contributing positively to the overall operation and reputation of the Centre. Their presence increases foot traffic, activates the space, and helps ensure the community perceives the facility as a hub for practical support and guidance.

The City's Leasing of Community Facilities Policy (**Policy**) provides for the circumstances in which an organisation is entitled to a discounted market rent. The proposed rent, has been determined by applying a 30% discount to the valuation amount, as set out in the Policy.

STRATEGIC IMPLICATIONS

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

Objective: Improved health and wellbeing

Objective: Thriving local economy

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

How does this proposal achieve the outcomes and strategic objectives?

Renewing the lease will enable Money Mentors to continue providing financial counselling and crisis support in Kwinana, strengthening community wellbeing and financial resilience, while also supporting a more stable and confident local workforce and contributing to a thriving local economy.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

1 - Social Inclusion

3 - Thriving Local Economy

7 - Generational Value Creation

Sustainability Priority Area

3 - Liveability

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

The proposal supports social inclusion and long-term community benefit by maintaining accessible financial counselling services in Kwinana, strengthens the local economy by improving residents' financial stability, and enhances overall liveability by contributing to a resilient and supported community.

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

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

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

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
- (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting, or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; or*
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government; or*
 - (d) *it is the leasing of land to an employee of the local government for use as*
the *employee's residence; or*

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

FINANCIAL/BUDGET IMPLICATIONS

This lease will provide an annual income of \$2,379.96 plus GST and outgoings The total income before the discount would be \$3,400 plus GST and outgoings.

ASSET MANAGEMENT IMPLICATIONS

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

Money Mentors supports positive public health outcomes by ensuring community members experiencing financial stress can easily access early-intervention financial counselling, which is recognised as a protective factor for overall wellbeing

COMMUNITY ENGAGEMENT

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

ATTACHMENTS

1. Valuation - v 077-26 Suite 11 DWLRC 2 (Lot 107) Robbos Way Kwinana 11.03.26 [18.1.1 - 20 pages]

18.2 LOCAL LAW REVIEW - LOCAL GOVERNMENT PEST PLANTS LOCAL LAW

SUMMARY

The proposed City of Kwinana Pest Plants Local Law (**Local Law**) provided at **Attachment 18.2.1** has been prepared for Council's consideration to undertake public consultation, prior to adoption.

This new Local Law will replace the existing and outdated Town of Kwinana Pest Plants Local Law, which was adopted by Council on 8 October 2003 and has not undergone amendment since.

The recently enacted *Local Government Amendment Act 2024* amends the mandatory review period for local laws from 8 years to 15 years. Failure to review a local law after 15 years will result in the law being repealed.

The proposed Local Law primarily retains the provisions of the existing law, which was based on the WALGA template local law. The penalties have been updated to align with those included in other recently enacted City local laws. Minor amendments are also proposed to ensure consistency with the *Biosecurity and Agriculture Management Act 2007* and to reflect current biosecurity practices in the identification, control, and management of pest plants within the district.

In accordance with section 3.12 of the *Local Government Act 1995*, public notice must be given seeking public submissions for a period not less than 6 weeks before it can be considered by Council for adoption. Copies must also be provided to the Department of Local Government, Industry Regulation and Safety (**LGIRS**).

It is recommended that Council resolve to give public notice of the proposal to adopt the Local Law.

A 'tracked changes' version of the law is provided at **Attachment 18.2.2** showing the changes proposed to the existing local law.

OFFICER RECOMMENDATION

That Council, in accordance with section 3.12 of the *Local Government Act 1995*:

- 1. Approves the proposed City of Kwinana Pest Plants Local Law 2026, as provided at Attachment 18.2.1, for the purpose of giving local public notice.**
- 2. Notes that the purpose and effect of the proposed local law are as follows:**

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.**
3. **Authorises the Chief Executive Officer to give public notice of the intention to make the proposed local law and to invite public submissions for a period of not less than six (6) weeks, in accordance with section 3.12(3)(a) of the *Local Government Act 1995*.**
 4. **Authorises the Chief Executive Officer to provide a copy of the proposed local law and the public notice to the Departmental CEO, in accordance with section 3.12(3)(b) of the *Local Government Act 1995*.**

VOTING REQUIREMENT

Absolute majority

DISCUSSION

Amendments to section 3.16 of the *Local Government Act 1995* (the Act) took effect on 7 December 2024. Local Governments are now required to review each Local Law (in accordance with the procedure set out in section 3.16 of the Act) every 15 years. Local Laws not reviewed within the required time are repealed. The application of these requirements to existing Local Laws is determined by transitional provisions set out in the Act.

If a current Local Law is not reviewed in the past 8 years, Local Governments have until 7 December 2026 to complete the review. If a Local Law is not reviewed within this two-year transition period, it will be automatically repealed and no longer be applicable or enforceable.

A review has been conducted of the City's outdated Town of Kwinana Local Government Pest Plants Local Law.

The City's current Pest Plants Local Law has been in place without amendment since its adoption on 8 October 2003.

The City has reviewed the existing Pest Plants Local Law in consultation with relevant internal departments and key stakeholders, and their feedback has informed the proposed amendments.

The purpose of the Pest Plants Local Law is to provide the City powers that enable it to take action in response to pest species impacting upon local biodiversity, agriculture, or amenity. The pest species listed in the Pest Plants Local Law are those that have local impacts but are not declared pests under the *Biosecurity and Agriculture Management Act 2007*.

The majority of the proposed changes to the Pest Plants Local Law are minor in nature and intended to align the local law with current biosecurity practices and legislative requirements, ensuring a consistent and effective approach to the management of pest plants within the district. However, noteworthy changes include the removal of one species due to it now being considered naturalised to WA and the addition of ten species identified as threats to the City's natural area reserves in the recently updated City of Kwinana Natural Areas Management Plan 2024-2034.

A summary of proposed amendments is as follows:

| Section / Clause | Summary of Changes |
|---------------------------------|--|
| Title & Header | “Town” replaced with “City”; year updated to 2026. |
| Enabling Legislation | Removed reference to the repealed <i>Agriculture and Related Resources Protection Act 1976</i> and inserted the correct <i>Biosecurity and Agriculture Management Act 2007</i> . |
| Part 1 Heading | “Interpretation” retitled to align with standard Local Law drafting. |
| 1.2 Commencement | Commencement date added. |
| 1.4 Application | Application of local law added. |
| Definitions | Updated definitions (district, authorised person, owners/occupiers); removed outdated terms. |
| Part 2 – Pest Plants | Consolidated reference to Schedule 1 as the list of pest plants. |
| 3.1 Notices | Updated wording; replaced destroy/eradicate/control with broader term “treat”; improved compliance language. |
| 3.2 Form | Inclusion of the Notice to be issued in the event of a breach of the law. |
| 3.3 Compliance | Modernised wording to remove outdated phrasing (“therein”). |
| 3.4 Non-compliance | Updated for plain English; clarified LG powers; removed gendered language. |
| Part 4 – Offences and Penalties | Minor reformatting. |
| 4.2 Prescribed Offences | Included to establish prescribed offences. |
| 4.3 Infringement Forms | Included to confirm the form for infringement notices is as set out in the <i>Local Government (Functions and General) Regulations 1996</i> . |
| Schedule 1 | List retained with corrections to scientific names, with the exception of the removal of <i>Typha orientalis</i> and the addition of the following species: <ul style="list-style-type: none"> • Brazillian Pepper • Black Flag • Coastal Teatree • Giant Reed • Watsonia • Gazania • Veldt Daisy • Freesia • Sydney Golden Wattle • Flinders Range Wattle |
| Schedule 2 – Notice Form | Inclusion of the Notice. |
| Schedule 3 – Modified Penalties | Established penalties for non-compliance, aligned to other City local laws. |
| Execution Clause | Replaced “Town” with “City”; updated officeholders’ names and year. |

In accordance with section 3.12 of the *Local Government Act 1995*, the Local Law will be open for comment for a period of not less than 6 weeks. All submissions will be presented to a future meeting of Council for consideration prior to adoption of the Local Law (with or without amendment).

STRATEGIC IMPLICATIONS

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

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.*

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 15year 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 15year 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.*

*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

Cost of advertising of the proposed local law in state-wide and local newspapers is estimated to be \$1,000.

Upon adoption by Council, a further public notice will be required at an estimated cost of \$1,000, in addition to the publication in the WA Gazette at an estimated cost of \$1,000.

ASSET MANAGEMENT IMPLICATIONS

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Community engagement is proposed to take place in the form required by section 3.12(3) of the *Local Government Act 1995* – Procedure for making local laws and includes the requirement to give state-wide public notice that the local government proposes to make a local law the purpose and effect of which is summarised in the notice.

In order to facilitate community engagement with respect to the proposed local law, the City also intends on utilising its *Love My Kwinana* website. In addition to compiling the submissions, *Love*

My Kwinana will be able to provide a platform for the community to ask questions and increase their understanding of the impacts and changes.

Part of the engagement process will include identifying key stakeholders and ensuring they are appropriately communicated to regarding the proposed law, potential impacts and opportunities for them to make submissions.

ATTACHMENTS

1. Proposed Pest Plants Local Law 2026 [**18.2.1** - 9 pages]
2. Proposed Pest Plants Local Law 2026 - Tracked Changes [**18.2.2** - 11 pages]

18.3 MONTHLY FINANCIAL REPORT FEBRUARY 2026

SUMMARY

The Monthly Financial Reports has been prepared and includes the monthly financial variance between actual and budget for the period ending 28 February 2026.

OFFICER RECOMMENDATION

That Council:

1. **Accepts the Monthly Statements of Financial Activity for the period ended 28 February 2026, as detailed at Attachment 18.3.1; and**
2. **Accepts the explanations for material variances for the period ended 28 February 2026, as detailed at Attachment 18.3.1.**

VOTING REQUIREMENT

Simple majority

DISCUSSION

The purpose of this report is to provide a monthly financial report in accordance with Section 6.4 of the *Local Government Act 1995*. This report is a summary of the financial activities of the City at the reporting date 28 February 2026 and includes the following key reporting data:

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

Closing Surplus Position

As of February 2026, the municipal surplus is \$31,614,272, while the budgeted position is \$8,686,814. The variance is mainly affected by timing of expenditure and revenue items and adjustments that will be processed at end of the year.

Revenue Summary for February 2026

Year-to-date income for the period ending February 2026 is \$80,642,130 compared to the current budgeted income of \$77,862,987 resulting in a favourable variance of \$2,779,143. This is mainly due to capital grants received in advance and additional fees and charges being received.

Expenditure Summary for February 2026

The total expenditure for February 2026 was \$73,789,962 which is \$7,909,209 less than the current budget of \$81,699,171. This amount includes both operating and capital expenses, detailed as follows:

- Operating expenses: \$59,391,895
- Capital acquisitions: \$14,398,067

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

Rates Receivables

The outstanding rate balance for February as per note 4 of the Monthly Financial Report is 19.77%, representing a slight increase from 19.28% in the previous year. Active follow-up and ongoing review of outstanding rate balances are being conducted.

Investment Summary

The City currently has \$113,462,193 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 February 2026, 18.99% of the total portfolio is allocated to fossil fuel-free investments. For further information on the City's investment portfolio, please refer to Note 3 in the Monthly Financial Report.

STRATEGIC IMPLICATIONS

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

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

3 - Thriving Local Economy

Sustainability Priority Area

3 - Liveability

LEGAL/POLICY IMPLICATIONS

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

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

FINANCIAL/BUDGET IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

ATTACHMENTS

1. Monthly Financial Report February 2026 [**18.3.1** - 33 pages]

18.4 ACCOUNTS FOR PAYMENT FOR THE MONTH ENDED 31 MARCH 2026

SUMMARY

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

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the list of accounts, totalling \$11,447,178.30 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 March 2026, as detailed at Attachment 18.4.1**
- 2. Accepts the detailed transaction listing of credit card expenditure of \$30,460.45 for the period ended 04 March 2026, as detailed at Attachment 18.4.2**

VOTING REQUIREMENT

Simple majority

DISCUSSION

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

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

| Payment Type | Amount (\$) |
|--------------------------------|-------------------------|
| Automatic Payment Deductions * | \$ 232,577.24 |
| Cheque | \$ 501.20 |
| EFT Payments | \$ 9,407,453.73 |
| Payroll Payments | \$ 1,806,646.13 |
| Total Attachment 18.4.1 | \$ 11,447,178.30 |

*Automatic Payment deductions include a payment of **\$30,460.45** for credit card payments. A detailed transaction listing of credit card expenditure paid for the period ended 04 March 2026, is included at **Attachment 18.4.2**.

A detailed listing of March 2026 payments, including short descriptions for each payment, is provided in **Attachment 18.4.1**.

STRATEGIC IMPLICATIONS

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

Objective: Thriving local economy

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

3 - Thriving Local Economy

Sustainability Priority Area

3 - Liveability

LEGAL/POLICY IMPLICATIONS

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

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

1. *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - a. *the payee's name; and*
 - b. *the amount of the payment; and*
 - c. *the date of the payment; and*
 - d. *sufficient information to identify the transaction.*

2. *A list of accounts for approval to be paid is to be prepared each month showing*
 - a. *for each account which requires council authorisation in that month —*
 - i. *the payee's name; and*
 - ii. *the amount of the payment; and*
 - iii. *sufficient information to identify the transaction, and*
 - b. *the date of the meeting of the council to which the list is to be presented.*

3. *A list prepared under sub-regulation (1) or (2) is to be —*
 - a. *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - b. *recorded in the minutes of that meeting.*

FINANCIAL/BUDGET IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

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

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

ATTACHMENTS

1. AP Payment Listing Summary - March 2026 [**18.4.1** - 8 pages]
2. Credit Card Transactions Report - March 2026 [**18.4.2** - 6 pages]

18.5 DISPOSITION BY WAY OF SALE OF VACANT LAND AT LOT 904 CHISHAM AVE, KWINANA (LOT 904 ON DEPOSITED PLAN 63743)

SUMMARY

Lot 904 Chisham Avenue, Kwinana (Lot 904) is City-owned land situated at the corner of Gilmore Avenue and Chisham Avenue within the Kwinana Town Centre. The 1,605 square metre site, which previously formed part of the City's outdoor pool complex, has remained vacant since 2002. It is presently used as informal overflow parking for the adjacent Recquatic carpark.

The site is identified within the Kwinana City Centre Master Plan as suitable for high-density, mixed-use development and forms a key component of the long-term vision for activation along Chisham Avenue.

Lot 904's prominent corner location and proximity to the Kwinana Marketplace establish it as a valuable commercial site. In the context of favourable market conditions and increasing demand for centrally located commercial land, it is considered an appropriate time for the City to progress the disposal of the site.

The proposed sale will realise a capital return, remove ongoing maintenance and management obligations, and enable reinvestment into priority community infrastructure. Disposal is proposed by public tender in accordance with section 3.58 of the *Local Government Act 1995*.

OFFICER RECOMMENDATION

That Council authorise the Chief Executive Officer to:

- 1. Select and appoint a Commercial Real Estate agent to conduct the sale of Lot 904 Chisham Ave, Kwinana Town Centre by public tender;**
- 2. Accept the most advantageous offer on the City's behalf (being within 95% of the independent valuation price) and advertise the proposed disposal in accordance with section 3.58(3) of the *Local Government Act 1995* and subject to no significant objections, dispose of the property; and**
- 3. Note that the net sale proceeds will be placed in the Strategic Property Reserve.**

VOTING REQUIREMENT

Absolute majority

DISCUSSION

The subject land is currently owned by the City and is utilised informally as an overflow parking area. While this temporary use has provided some short-term operational benefit, the land has otherwise remained vacant, generates no income, and requires ongoing management and maintenance by the City.

The City adopted the Kwinana City Centre Master Plan in December 2019 to provide a long-term strategic framework for the redevelopment and revitalisation of the City Centre. The Master Plan identifies the subject site as part of the Main Street Precinct along Chisham Avenue, envisaged to accommodate higher-density, multi-storey, mixed-use development that delivers active ground-floor uses, strong pedestrian connections, and enhanced urban activation. This vision is intended to strengthen the City Centre's role as the City's primary activity centre and support economic vitality, employment opportunities, and extended hours of activity.

Earlier strategic and economic analysis, including work undertaken to inform the Local Planning Strategy, acknowledged that large-scale redevelopment aligned with the ultimate City Centre vision was, at that time, not immediately viable and cautioned against interim land uses becoming de facto long-term outcomes. Since then, the strategic planning context has matured, supported by continued population growth, increased demand for commercial floorspace, and the progression of the planning framework, including the current rezoning applicable to the site. Collectively, these factors have enhanced the development potential and market attractiveness of the land, strengthening the case for its disposal to facilitate timely redevelopment consistent with the adopted Master Plan and broader objectives of the Local Planning Strategy.

Commercial land within the City Centre is both limited in supply and of high value. Retaining the land in its current form represents an underutilisation of a strategically located asset and does not contribute to activation, economic development, or the delivery of community outcomes. By contrast, disposal of the land at this point in time presents an opportunity to realise a strong financial return on a City owned asset, reflecting current market conditions and development potential.

The land is ideally located within a high-traffic and highly visible area of the Kwinana Town Centre, benefiting from excellent exposure along key arterial roads. The site is well serviced by public transport and is within close proximity to a range of established commercial and community facilities, including retail and food services, medical and pharmaceutical services, educational facilities, sporting ovals, and major recreational assets such as the City's Adventure Park and Skate Park.

This strategic location enhances the site's attractiveness for commercial development and supports redevelopment outcomes consistent with the City Centre Master Plan objectives, including activation, accessibility, and economic activity within the City Centre.

The proceeds from the sale would provide a direct financial benefit to the City and can be redirected towards existing and future community projects, infrastructure, and service delivery priorities. Importantly, the sale provides a long-term financial benefit to the broader community by converting a non-income-generating asset into capital that supports strategic and operational objectives.

Sale of the land also transfers responsibility for development, activation, and ongoing management to the private sector, reducing the City's exposure to long-term holding costs and management obligations. Any future development will be subject to the established planning framework, including the approved zoning, the City Centre Master Plan, relevant design guidelines, and statutory approval processes, ensuring development outcomes remain aligned with the City's strategic vision for the area.

A previous attempt to lease the property in 2022 was unsuccessful, with negotiations failing to progress with multiple commercial parties.

On balance, the disposal of the land is considered the most appropriate option as it delivers a favourable financial return, supports activation of the City Centre, aligns with strategic planning objectives, and provides enduring benefits to the community when compared with retaining or continuing to manage the land for temporary use.

To protect the City's long-term strategic interests and mitigate the risk of land-banking, the sale contract is proposed to include a first right of refusal clause. This ensures the City retains the option to re-purchase the site if it is subsequently offered for sale in the future.

STRATEGIC IMPLICATIONS

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

Objective: Building communities

Outcome: **Leadership / Boordiya Katidjin (Leader of knowledge)**

Objective: Proactive leadership

How does this proposal achieve the outcomes and strategic objectives?

By facilitating redevelopment of a strategically located City Centre site in accordance with the City Centre Master Plan, the proposal enables future land use outcomes that promote economic activity, employment opportunities, and urban activation. The financial return generated from the sale allows the City to reinvest in community infrastructure, services, and projects that directly benefit the community over the long term. In addition, the disposal of an underutilised asset improves asset efficiency by reducing ongoing management costs while enabling private sector investment to deliver outcomes aligned with the City's long-term vision.

SUSTAINABILITY FRAMEWORK

Sustainability Guiding Principle

3 - Thriving Local Economy

Sustainability Priority Area

6 - Responsible Investment and Procurement

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

The proposed disposal of the land supports the City's guiding principle of fostering a thriving local economy through responsible and strategic investment. By enabling redevelopment of a well-located City Centre site, the proposal encourages private sector investment, commercial activity and employment opportunities that contribute to the long-term economic vitality of the City Centre.

The financial return achieved through the sale represents a responsible use of City assets, allowing proceeds to be reinvested into priority projects, services and infrastructure that deliver ongoing benefits to the community. This approach reflects prudent asset management and supports efficient allocation of resources in line with the City's commitment to responsible investment and sound financial decision-making.

LEGAL/POLICY IMPLICATIONS

Local Government Act 1995 – Section 3.58, Disposing of Property

3.58. Disposing of property

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

FINANCIAL/BUDGET IMPLICATIONS

In accordance with section 3.58 of the *Local Government Act 1995*, the proposed sale will be advertised in a local and state newspaper, with the estimated cost of advertising being approximately \$1,200.

All costs associated with the engagement of the selling agent, including agent commission and any additional advertising or marketing expenses related to the sale, will be funded from the proceeds of the sale. There is no anticipated impact on the City's operating budget.

ASSET MANAGEMENT IMPLICATIONS

The land is not required for the City's current or future operational or service delivery needs and is therefore considered surplus to requirements. Accordingly, the proposed sale will not result in any adverse asset management implications for the City.

Upon completion of the sale, the asset will be removed from the City's asset register, and the City will no longer incur ongoing maintenance, management or renewal costs associated with the property.

ENVIRONMENTAL/PUBLIC HEALTH IMPLICATIONS

The proposed sale of the property is an administrative and statutory land transaction only and does not involve any physical works or development activity. The land is currently subject to an approved rezoning, and the sale itself will not result in any additional environmental or public health impacts.

There are no known environmental constraints or public health issues associated with the disposal of the land. Any future use or development of the property will be the responsibility of the subsequent owner and will be required to comply with the applicable planning framework, zoning provisions, and all relevant environmental and public health legislation and approval processes administered by the appropriate authorities.

COMMUNITY ENGAGEMENT

Community advertising will be undertaken in accordance with section 3.58 of the *Local Government Act 1995*, which requires the proposed disposal to be advertised in a local newspaper to provide public notice of the City's intention to sell the property.

No additional community engagement is considered necessary, as the statutory advertising requirements provide an appropriate and lawful opportunity for public awareness of the proposed sale.

ATTACHMENTS

1. Valuation - Lot 904 Chisham Avenue Corner Gilmore Avenue Kwinana Town Centre - 10 September 2025 [**18.5.1** - 46 pages]
2. v 076-26 Lot 904 Chisham Ave cnr Gilmore Ave, Kwinana 12.03.26 [**18.5.2** - 6 pages]

19 NOTICES OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

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

Closure of Meeting to the Public

(Section 5.23(4) – Discretionary Closure for Confidential Information)

Decision to Close the Meeting

Pursuant to section **5.23(4)(a)** of the *Local Government Act 1995*, the Council/Committee resolved to close the meeting to members of the public to the extent necessary to ensure that the information is dealt with on a confidential basis.

25.1 KWINANA GOLF CLUB REDEVELOPMENT

Reason for Confidentiality

This report and its attachments are confidential in accordance with the *Local Government Act 1995* Section 5.23(4), which permits the meeting to be closed to the public for business relating to the following:

- (a) legal advice, or other information, over which the local government holds legal professional privilege

26 CLOSE OF MEETING