



TOWN OF
VICTORIA PARK



Ordinary Council Meeting Agenda - 16 September 2025



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 PM** on **Tuesday 16 September 2025** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Carl Askew – Chief Executive Officer
11 September 2025

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1 Declaration of opening

Acknowledgement of Country

Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaadijtin, moort, wer boodja ye-ye.

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

In accordance with regulation 14I of the Local Government (Administration) Regulations 1996, this meeting is being audio and video recorded and live streamed on the Town's website.

Under clause 39(1) of the Meeting Procedure Local Law 2019 I do not give permission for any other person to record the proceedings of this meeting. By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to public. Recordings are also made available on the Town's website following the meeting.

2.2 Public question time and public statement time

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

In accordance with clause 40 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

2.3 No adverse reflection

In accordance with clause 56 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Meeting Procedures Local Law 2019*.

3 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Cr Claire Anderson

Cr Peter Devereux

Cr Peter Melrosa

Cr Lindsay Miles

Jarrah Ward

Cr Sky Croeser

Cr Jesse Hamer

Deputy Mayor Bronwyn Ife

Cr Daniel Minson

Chief Executive Officer

Mr Carl Askew

Chief Financial Officer

Mr Duncan Olde

Chief Community Planner

Mr David Doy

Chief Operations Officer

Ms Alison Luobikis

Manager Governance and Strategy

Ms Bernadine Tucker

Meeting Secretary

Ms Winnie Tansanguanwong

Public liaison

Ms Tomoko Kidahashi

3.1 Apologies

3.2 Approved leave of absence

4 Declarations of interest

4.1 Declarations of financial interest

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the Council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest, where they are providing advice or a report to the Council. Employees may continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

4.2 Declarations of proximity interest

A person has a proximity interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5) of the *Local Government Act 1995*) of land that adjoins the persons' land.

Land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

A member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

Employees are required to disclose their proximity interests where they are providing advice or a report to the Council. Employees may continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

4.3 Declarations of interest affecting impartiality

Elected members (in accordance with Code of Conduct for Council Members, Committee Members and Candidates) and employees (in accordance with the Code of Conduct for employees) are required to declare any interest that may affect their impartiality in considering a matter. The declaration must disclose the nature of the interest. This declaration does not restrict any right to participate in or be present during the decision-making process

5 Public question time

5.1 Response to previous public questions taken on notice at Ordinary Council Meeting held on 19 August 2025

Vince Maxwell, Victoria Park

1. Why have the financial and major project details been removed from the Corporate Business Plan (CBP) and when will it be re-instated?

The adopted budget for 25/26 was removed from the CBP as it is a stand-alone statutory document that does not need to be replicated in the CBP. However, the budget allocation for each project are still included. Projects that have been completed or are not progressing have been removed from the CBP for the 25/26 year.

Page 10 of the CBP has the Major Projects listed, as per last year. Throughout the document, costings are shown at a program level, i.e. a number of different projects are added into one line, the individual details are listed in the annual budget.

5.2 Public question time

6 Public statement time

7 Confirmation of minutes and receipt of notes from any agenda briefing forum

Recommendation

That Council:

1. Confirms the minutes of the Special Council Meeting held on 8 July 2025.
2. Confirms the minutes of the Ordinary Council Meeting held on 19 August 2025.
3. Confirms the minutes of the Special Council Meeting held on 1 September 2025.
4. Confirms the minutes of the Special Council Meeting held on 2 September 2025.
5. Receives the notes of the Agenda Briefing Forum held on 2 September 2025.

8 Presentation of minutes from external bodies

Recommendation

That Council:

1. Receives the minutes of Catalina Regional Council Meeting held on 19 June 2025.
2. Receives the minutes of WALGA South East Metropolitan Zone Meeting held on 18 June 2025.

9 Presentations

9.1 Petitions

9.2 Presentations

9.3 Deputations

10 Method of dealing with agenda business

11 Chief Executive Officer reports

11.1 Council Resolutions Status Report - August 2025

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Outstanding Council Resolutions Status Report August 2025 [11.1.1 - 31 pages] 2. Completed Council Resolutions Status Report August 2025 [11.1.2 - 2 pages]

Summary

The Council Resolution status reports are provided for Council's information.

Recommendation

That Council:

1. Notes the Outstanding Council Resolutions Report as shown in attachment 1.
2. Notes the Completed Council Resolutions Report as shown in attachment 2.

Background

1. On 17 August 2021 Council resolved as follows:

That Council:

1. *Endorse the inclusion of Council Resolutions Status Reports as follows:*
 - a) *Outstanding Items – all items outstanding; and*
 - b) *Completed Items – items completed since the previous months' report to be presented to each Ordinary Council Meeting, commencing October 2021.*
2. *Endorse the format of the Council Resolutions Status Reports as shown in Attachment 1.*

Discussion

The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.

The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 1 August 2025 to 28 August 2025. A status update has been included by the relevant officer/s.

Legal and policy compliance

Not applicable.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable.		Low	
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Data, Information Technology and Cyber	Not applicable.		Medium	
Assets	Not applicable.		Medium	
Compliance Breach	Not applicable.		Low	
Reputation	Not applicable.		Low	
Service delivery interruption	Not applicable.		Medium	

Engagement

Internal engagement	
Stakeholder	Comments
All service areas	Relevant officers have provided comments on the progress of implementing Council resolutions.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The reports provide elected members and the community with implementation/progress updates on Council resolutions.

Further considerations

Not applicable.

11.2 August 2025 Policy Review

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Attachment 1 - Policy to be revoked - Policy 113 - Homelessness the Towns Role [11.2.1 - 5 pages] 2. Attachment 2 - Amended policies [11.2.2 - 6 pages] 3. Attachment 3 - Policies reviewed with no changes proposed [11.2.3 - 11 pages] 4. Attachment 4 - Policy for noting Policy115 Public Art [11.2.4 - 3 pages]

Summary

A review of 8 of the Town's policies identified that 2 require amendment, 4 policies need no changes, and 2 policies are for Council to note that further reviews are to be conducted. This report addresses the findings of the review.

Recommendation

That Council:

1. Revokes Policy 113 – Homelessness – The Town's Role as contained in Attachment 1.
2. Amends the following policies as contained in Attachment 2:
 - a. Policy 111 – Commemorative recognition policy
 - b. Policy 202 – Directional signs
3. Notes that the following policies as contained in Attachment 3 have been reviewed with no changes proposed:
 - a. Policy 006 – Gratuity payments to employees
 - b. Policy 008 – Disaster Relief Donations
 - c. Policy 009 – Execution of Documents
 - d. Policy 010 – Information Disclosure
4. Notes that Policy 115 - Public Art as contained in Attachment 4 require further review and will be presented to a future Policy Workshop:

Background

1. Policy 113 – Homelessness – The Town's role was first adopted by Council in December 2016 and was last reviewed and amended in September 2022.
2. Policy 111 – Commemorative recognition policy was first adopted by Council in November 2005 and last reviewed and amended in April 2020.

3. Policy 202 – Directional Signs was adopted in August 1997 and was last amended by Council in August 2019.
4. Policy 006 – Gratuity payments to employees was adopted by Council in September 1999 and last reviewed and amended in December 2021.
5. Policy 008 – Disaster Relief Donations was adopted by Council in December 2021 and has not been reviewed since adoption.
6. Policy 009 – Execution of Documents was adopted by Council in December 2022 and has not been reviewed since adoption.
7. Policy 010 – Information Disclosure was adopted by Council in December 2022 and reviewed in February 2024.
8. Policy 115 - Public Art was adopted in May 2019 and was last reviewed and amended by Council in December 2022.

Discussion

9. On Monday 11 August 2025, a Policy Workshop was held with Elected Members to discuss a number of policies that had been reviewed. These policies are provided below.

10. Policy 111 – Commemorative recognition policy

This policy was first adopted by Council in November 2005. This policy was last reviewed and amended in April 2020. This policy was then presented to a Policy Workshop in November 2023 before being presented to the Ordinary Council meeting held in February 2024 to endorse proposed changes. At that meeting, Council resolved not to amend Policy 111, and instead, for it be presented to another Policy Workshop for further discussions on the proposed changes. As a result, this policy was then presented to the Policy Workshop held in September 2024 where the proposed changes were further discussed and a number of actions recommended. The reviewed policy, with changes, was then presented to the Ordinary Council Meeting held in October 2024. After a lengthy debate on the item, Council resolved to defer consideration of Policy 111 - Commemorative Recognition to a future Concept Forum to allow a further opportunity for Elected Members to consider this policy with appropriate consultation with the Town's Mindeera Advisory Group. The Mindeera Advisory Group met in February 2025. A final Concept Forum was held in June 2025 where the decision was made to reword the definition of culture to align with our Reconciliation Action Plan. The following proposed changes have been made:

- The definition of Culture has been reworded.
- Large memorials, the criteria for memorials and their application process has been amended.

11. Policy 202 – Directional Signs

This policy was adopted in August 1997 and was last amended by Council in August 2019. This policy requires only minor updates to grammar and changing the words "nearby arterial" to "Regional" when referring to roads.

12. Policy 006 – Gratuity payments to employees

This policy was adopted by Council in September 1999 and has been reviewed. It is considered fit for purpose and no changes are proposed.

13. Policy 008 – Disaster Relief Donations

This policy was adopted by Council in December 2021. A review of this policy has identified no changes are required.

14. Policy 009 – Execution of Documents

This policy was adopted by Council in December 2022. A review of this policy revealed that no changes are required.

15. Policy 010 – Information Disclosure

This policy was adopted by Council in December 2022. A review of this policy revealed that no changes are required.

16. Policy 113 – Homelessness – the Towns role

This policy was adopted in December 2016 and was last reviewed and amended by Council in September 2022. A workshop was held on Tuesday 12 August to discuss this policy and homelessness generally. It is suggested to revoke Policy 113 to redirect focus toward developing a high-level action plan for homelessness in the Town. This plan will align with the Public Health and Wellbeing Strategy. The strategic shift embeds the homelessness response within a broader, integrated public health framework, strengthening coordination among internal and external stakeholders, including other local governments, and enhancing long-term impact.

17. Policy 115 - Public Art

This policy was adopted in May 2019 and was last reviewed and amended by Council in December 2022. This policy will be presented to Councillors at the first policy workshop for 2026.

Relevant documents

Not applicable.

Legal and policy compliance

[Section 2.7\(2\)\(b\) of the Local Government Act 1995](#) – to determine the local government's policies.

Financial implications

Current budget impact	Not applicable
Future budget impact	Not applicable

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental			Medium	
Health and safety			Low	
Data,			Medium	

Information Technology and Cyber			
Assets		Medium	
Compliance Breach	Not reviewing policies may lead to non-compliance with regulation.	Low	Treat the risk by conducting regular reviews of policies.
Reputation	Not reviewing policies to ensure they are fit for purpose may impact on the Towns reputation.	Low	Treat the risk by conducting regular reviews of policies.
Service delivery interruption	Not reviewing policies may impact service delivery.	Medium	Treat the risk by conducting regular reviews of policies.

Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	A policy workshop was held with elected members on 11 August 2025.
Relevant staff	Relevant staff have provided feedback.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Conducting regular reviews of policies ensures that the policies align with the strategies and resources of the Town.
CL3 - Accountability and good governance.	Conducting regular reviews of policies ensures they are up to date and are fit for purpose.

Further consideration

Nor applicable.

11.3 Council Meeting Dates 2026

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	Nil

Summary

To set the meeting dates for Ordinary Council Meetings and Agenda Briefing Forums for the 2026 calendar year.

Recommendation		
That Council adopts the schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2026, with all meetings being held from 6.30pm in the Town of Victoria Park Council Chambers, 99 Shepperton Road, Victoria Park.		
Month	Agenda Briefing Forum	Ordinary Council Meeting
January	No meeting	No meeting
February	3 February 2026	17 February 2026
March	3 March 2026	17 March 2026
April	7 April 2026	21 April 2026
May	5 May 2026	19 May 2026
June	2 June 2026	16 June 2026
July	7 July 2026	21 July 2026
August	4 August 2026	18 August 2026
September	1 September 2026	15 September 2026
October	6 October 2026	20 October 2026
November	3 November 2026	17 November 2026
December	24 November 2026	8 December 2026

Background

1. Prior to 2018, Council held its briefing forum, known as the Elected Members Briefing Session, and the Ordinary Council Meeting on the first and second Tuesday of the month respectively. This was changed to allow elected members more time to engage with the community before making decisions and to allow Administration time to provide any further information requested for fully informed decisions to be made.
2. At the Ordinary Council Meeting held on 13 November 2018, Council resolved to continue to hold a briefing forum, now known as the Agenda Briefing Forum, on the first Tuesday of the month and moved the Ordinary Council Meeting to the third Tuesday of the month.
3. The meeting schedule has followed this format since it was introduced for the 2019 calendar year.

Discussion

4. The schedule of meetings proposed for the 2026 calendar year follows a similar format that was adopted for 2025.
5. It is noted that Agenda Briefing Forums to be held on 3 March and 2 June 2026 follow a long weekend however it was not considered necessary to move the meetings.
6. Meeting dates proposed for December have been brought forward so they are further from the holiday period. This will mean there will only be one week between the November Ordinary Council Meeting and December Agenda Briefing Forum.
7. The Town is required to provide local public notice of its Council meetings at least once each year, in accordance with regulation 12 of the Local Government (Administration) Regulations 1996. To do this, Council must adopt its schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2026.
8. Following adoption of the meeting schedule, the Town will communicate all Council meeting dates through a public notice in the Perth Now Southern, on the Town's website, noticeboards and social media platforms.

Relevant documents

Not applicable.

Legal and policy compliance

[Section 5.3 of the Local Government Act 1995](#)

[Regulation 12 of the Local Government \(Administration\) Regulations 1996](#)

[Policy 051 – Agenda Briefing Forum, Concept Forum and Workshops](#)

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental			Medium	
Health and safety			Low	
Data, Information Technology and Cyber			Medium	
Assets			Medium	
Compliance Breach	Non-compliance with the statutory requirement to set and advertise Council meeting dates	Minor	Low	TREAT risk by adopting meeting dates for 2026 and public notice given prior to January 2026.
Reputation			Low	

Engagement

Not applicable.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 – Communication and engagement with community.	Whilst legislatively required, the setting and communicating of Council meeting dates provides the community with information on when decisions will be made and assists with planning their participation at meetings.

12 Chief Community Planner reports

12.1 Bentley Technology Park Scheme Amendment Initiation

Location	Bentley
Reporting officer	Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	1. Bentley Technology Park - Scheme Amendment Request [12.1.1 - 210 pages] 2. Planning and Development (Local Planning Schemes) Regulations 2015 - [00-s 0-00] [12.1.2 - 273 pages] 3. Planning and Development Act 2005 - [04-ac 0-00] [12.1.3 - 391 pages] 4. Town-of- Victoria- Park- Local- Planning- Scheme- No 2- Scheme- Text [12.1.4 - 72 pages]

Summary

This report is seeking endorsement by Council to initiate an amendment to Local Planning Scheme No. 2 to extinguish restrictive covenants currently affecting land within the Bentley Technology Park.

The restrictive covenants imposed currently limit land use, development, and subdivision, which restrict the area's ability to be developed in line with contemporary State, regional, and local planning objectives.

Recommendation

That Council:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No.3) to the Town of Victoria Park Local Planning Scheme No. 2 by amending the Scheme Text to insert the following sub-clause (3) under 'Clause 35 – Restrictive Covenants':

“(3) A restrictive covenant affecting land in SU1 – Technology Park, Bentley depicted in Schedule D – Special Use Zones that has the effect of restricting sale, lease, subdivision, land use, construction, building height, fencing, parking or materials which may be developed on the land is extinguished.

Note: The owner of land affected by a restrictive covenant which is extinguished by operation of this clause should apply to the Registrar of Titles under the Transfer of Land Act 1893 for a memorandum of the discharge of the restrictive covenant to be entered on the certificate of title, to ensure that the Register reflects the statutory operation of this local planning scheme.”

2. Determines pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, that Amendment No. 3 is a 'standard amendment' for the following reasons:
 - a. The amendment is consistent with a local planning strategy for the scheme that has been

- endorsed by the Commission;
 - b. Is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - d. It is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment.
3. Forwards Amendment No. 3 to the Environmental Protection Authority for assessment in accordance with Section 81 of the Planning and Development Act 2005.
 4. Requests the CEO to seek approval to advertise Amendment No. 3, from the Western Australian Planning Commission, pursuant to Regulation 46A of the Planning and Development (Local Planning Schemes) Regulations 2015, and the Minister of Planning, pursuant to Section 83A of the Planning and Development Act.
 5. Require the CEO to provide a report back to Council following the closure of the advertising period that outlines a schedule of submissions made during the advertising period, together with the comments and recommendations in response to those submissions.

Background

1. Taylor Burrell Barnett (TBB) have been engaged by Development WA to prepare a Precinct Structure Plan (PSP) for the Bentley Technology Park. The purpose of the PSP is to establish a contemporary and comprehensive planning framework to support future use and development of the precinct. The PSP is intended to operate within the existing State and local planning frameworks and assist in guiding planning decisions by relevant stakeholders.
2. TBB is developing the PSP in collaboration with the Department of Planning, Lands and Heritage (DPLH), the Town of Victoria Park (ToVP), the City of South Perth (CoSP), and major landowners within the precinct. When completed the PSP will be submitted to the ToVP and CoSP for consideration and will subsequently be subject to public advertising and formal assessment by DPLH on behalf of the Western Australian Planning Commission (WAPC), which is the responsible decision-making authority. The PSP is intended to provide updated land use and development controls that would supersede those established by the current restrictive covenants. The PSP offers detailed planning guidance at the site level to support coordinated development.
3. If approved, the PSP will take effect under clause 27 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, requiring that decision-makers have due regard to the PSP when determining applications for development or subdivision within the area.
4. This Scheme Amendment request seeks to exercise powers under the *Planning and Development Act 2005* to amend the Town's Local Planning Scheme No. 2 (LPS2) to extinguish 29 restrictive covenants currently affecting various properties within the Bentley Technology Park (BTP).
5. A restrictive covenant is an agreement that restricts the use or enjoyment of a landowner's land ('burdened land') for the benefit of other land ('benefited land') or for the benefit of a public authority. Restrictive covenants which benefit a public authority are referred to as restrictive covenants 'in gross' where there is no benefited land. A restrictive covenant not only binds the present landowner but also subsequent owners of that land, where the burden of the covenant is intended to run with the land. A restrictive covenant is negative in nature as it prevents the owner of the burdened land from undertaking particular activities or exercising certain rights.

6. The image below details all properties within BTP that currently have restrictive covenants registered on their certificate of title:



7. The restrictive covenants impose limitations on land use, development, and subdivision, which restrict the area's ability to be developed in line with contemporary State, regional, and local planning objectives.
8. The current restrictive covenants also require landowners to obtain additional approvals—beyond standard statutory processes—from the Minister for State Development or the Western Australian Technology Development Authority. A detailed version of all restrictive covenants can be found within Attachment 1 - 'Proposed Amendment to Local Planning Scheme No. 2 Text'.
9. The restrictive covenants affecting the Bentley Technology Park (BTP) were introduced in 1985, when the land was initially subdivided and sold by the Minister for Commerce and State Development. The covenants were embedded in the Transfers of Land for individual lots to ensure that development within the area adhered to a specific set of standards and objectives. Since 1985, planning regulations within the area have changed significantly, both on a state and local level.
10. Having regard to amended Council Policy 011 'Elections', the *Local Government Act 1995* and r. 3A (6)(d) of the *Local Government (Functions and General) Regulations 1996* as the proposed Scheme Amendment is a 'standard amendment' this item is not a 'significant act' and can be considered by Council during the election caretaker period.

Discussion

11. The Scheme Amendment Request proposes to amend LPS2 as follows:

Amend the Scheme Text to insert (3) under 'Clause 35 – Restrictive Covenants':

“(3) A restrictive covenant affecting land in SU1 – Technology Park, Bentley, depicted in Schedule D – Special Use Zones that has the effect of restricting sale, lease, subdivision, land use, construction, building height, fencing, parking or materials which may be developed on the land is extinguished.

Note: The owner of land affected by a restrictive covenant which is extinguished by operation of this clause should apply to the Registrar of Titles under the Transfer of Land Act 1893 for a memorandum of the discharge of the restrictive covenant to be entered on the certificate of title, to ensure that the Register reflects the statutory operation of this local planning scheme.”

12. The result of this amendment will allow future development within the BTP to be unencumbered by the current restrictive covenant.
13. The recommendation to support the proposed Scheme Amendment is based on clear and well-established planning rationale. The restrictive covenants affecting Bentley Technology Park (BTP) are outdated and no longer align with the current State, regional, and local planning framework. Their original intent was to guide development in the absence of detailed planning controls. However, with the introduction of Local Planning Scheme No. 2 (LPS2) and other contemporary policies, comprehensive statutory mechanisms are now in place or progressing to regulate land use, built form, subdivision, parking, and amenity across the precinct.
14. The current planning framework provides the necessary standards and processes to manage development in a coordinated and orderly manner. The restrictive covenants, by contrast, introduce a separate and non-statutory layer of control. They require landowners to obtain approval from the Minister for State Development prior to undertaking development, subdivision, or changes in land use. This process is not regulated, lacks transparency, and duplicates existing planning assessment pathways. As such, it adds unnecessary complexity and delays to otherwise straightforward development proposals.
15. The covenants now act as a barrier to development. They restrict flexibility, limit investment potential, and inhibit the growth of BTP as a Specialised Activity Centre of regional and State economic significance. Removing these covenants will allow the land to be developed in accordance with the current planning framework and will support efficient and consistent decision-making under the established statutory processes.
16. While the covenants were once appropriate, their purpose has been superseded by more effective and legally robust planning mechanisms. Their continued existence serves no ongoing planning function and undermines the ability of landowners to develop in line with current policy settings.
17. The *Planning and Development Act 2005* provides the legal basis for a scheme amendment to extinguish restrictive covenants where there is a valid planning reason. In this case, the amendment removes redundant controls that impede strategic development and are inconsistent with contemporary planning practice.
18. Next steps: If Council resolves to initiate the proposed Scheme Amendment, the amendment will be referred to the Western Australian Planning Commission for initial assessment and the Minister for Planning for consent to advertise. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment will be publicly advertised, and stakeholders, including affected landowners, will be given an opportunity to comment. Following this a report on any submissions received will be presented for Council’s consideration on final approval.

Relevant documents

Legislation	• Planning and Development Act 2005 • Planning and Development (Local Planning Schemes) Regulations 2015 • Town Planning Scheme No. 2 (LPS2)
Structure Plan	• Bentley-Curtin Specialised Activity Centre

Legal and policy compliance

[Planning and Development Act 2005](#) – Part 5 (Local Planning Schemes)

[Planning and Development Regulation 2015](#) – Part 5 (Amending Local Planning Scheme)

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	It is anticipated that the proposed modifications to the planning framework will result in a modest increase in Applications for Development Approval submitted to the Town. This in turn, will likely result in a slight increase in revenue from application fees.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Delaying or not progressing the project to advertising could result in additional costs associated with longer project timeframes.	Low	Low	TREAT risk by supporting the Scheme Amendment progressing to advertising.
Environmental	Not applicable			
Health and safety	Not applicable			
Data, Information Technology and Cyber	Not applicable			
Assets	Not applicable			
Compliance Breach	Not applicable			

Reputation	Delaying or not progressing the project to advertising would not align with engaged stakeholders of this project; Development WA, Technology Park Landowners, especially following the extensive community engagement undertaken to date	Low	Low	TREAT risk by supporting the Scheme Amendment progressing to advertising.
Service delivery interruption	Not applicable			

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Support. Strategic Planning The restrictive covenants are obstructive to achieving the vision and objectives set out for the Bentley Technology Park precinct, as outlined in the Town's Local Planning Strategy (2022) and the State's Bentley-Curtin Specialised Activity Centre Plan (2018). Economic Development Concerns are regularly received from landowners (and prospective landowners) that the covenants are inhibiting development investment in Technology Park. This suggests the covenants are inhibiting the achievement of objectives set out in the Town's Economic Development Strategy.

External engagement	
Community Consultation	Should Council initiate Amendment No. 3 for public comment, following approval from the WAPC and Minister for Planning, community consultation will proceed in accordance with Council's Local Planning Policy No. 37 - Community Consultation on Planning Proposals. Consultation will occur for a minimum duration of 42 days, including: - Public notices - Online advertising (Yourthoughts) - Direct letters to landowners and tenants within the precinct - Public inspection (Admin/Library)

The public advertising and consultation process will assist in enabling any potentially affected landowners to be identified and for Council to consider whether the proposal is appropriate.

Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN5 - Enhancing and enabling liveability through planning, urban design and development.	The proposed amendment will remove 'red tape' around development regulations in Technology Park, enabling better planning provisions, much more catered to the present and future design and development in the area, prompting enhanced planning outcomes for the local area.

Further considerations

Not applicable.

13 Chief Operations Officer reports

13.1 CTVP-22-19 Fletcher Park Grounds Maintenance Contract Variation

Location	Carlisle
Reporting officer	Manager Infrastructure Operations
Responsible officer	Manager Infrastructure Operations
Voting requirement	Simple majority
Attachments	Nil

Summary

The Town wishes to extend contract CTVP/22/19 for the maintenance of Fletcher Park Reserve in Carlisle. The initial term of the contract was 3 years with 2, 1 one year extension options (**Contract**). The initial term expires on 1 September 2025. The Town requires Council approval to extend the Contract for the first extension period as:

1. The extension would be a variation of the Contract that would result in a more than 10% increase in the contract value and would not be within the CEO's delegated authority; and
2. When the Contract was awarded by Council in August 2022, no expenditure was expressly authorised for the extension periods.

Recommendation

That Council authorises the extension of contract CTVP/22/19 Fletcher Park Grounds Maintenance Services with Green Options Pty Ltd T/A Green Options, for the maintenance of Fletcher Park active reserve for an additional 12 months, on the same terms and conditions, and the option to extend for 1 x 12 month period, for the estimated lump sum price of \$485,805.22 excluding GST subject to CPI.

Background

1. Fletcher Park is a (WACA) Premier grade cricket and A grade hockey Active Reserve in Carlisle.
2. In addition to the normal playing surface, there are two (2) blocks of turf wickets comprising five (5) pitches on each as well as sixteen (16) turf practice nets
3. The maintenance of the site requires specialist turf curators.
4. The Council approved a three (3) year contract period with two (2) possible 1-year extensions.
5. The first extension is due.

Discussion

6. When the contract was awarded by Council in August 2022 (Council Resolution 169/2022 ("Resolution")), the Resolution authorised expenditure for the initial 3 year term of \$728,707.83 excluding GST. While the Resolution acknowledged the 2 extension periods, it did not expressly authorise expenditure for the extension periods.
7. The Town allocates funds in the Parks Maintenance Budget for Fletcher Park maintenance each year. There is \$270,000 in the current 2025/2026 budget.
8. The Town considers that the supplier's performance has been satisfactory to warrant the extension of the Contract for an additional 12 months.
9. As the proposed resolution relates to an existing contract, it does not have the effect of binding any incoming Council.
10. Under the Town's Delegation Authority 1.1.16 Function 10, only the Council has authority to vary a contract that has been entered into with a supplier that increases the contract value beyond 10%.
11. If the CEO were to exercise the first extension option, on the face of the Resolution, this would result in a 33.3% increase in the contract value of \$242,902.61 excluding GST. If the second extension option was exercised by the CEO, this would result in a 66.6% increase in the contract value of \$484,805.22 excluding GST. These extensions would be outside of the CEO's delegated authority.
12. It could be argued that the Resolution's acknowledgement of the extension options give implied authorisation to the CEO to exercise the extension options.
13. If the CEO were to proceed to exercise the options on this implied authorisation, the result would be that the Town's records would show the Council authorising expenditure of \$728,707.83 excluding GST over 3 years, but approximately \$1,214,513.05 excluding GST plus any CPI increases being spent over 5 years.
14. While this discrepancy could be explained, the Town's records would not clearly and accurately describe the contractual position and the extent of the CEO's authority.
15. The recommended resolution proposed above will provide:
 - a. clarity to the CEO and the Town's officers regarding future management of the Contract for its entire life; and
 - b. a clearer and more accurate record of the Town's decision making, compliance and contract management processes for the Contract.

Relevant documents

[Register of Delegations and Sub-Delegations](#) – Division 1.1.16 Function 10.

Legal and policy compliance

[Procurement Policy 301](#) – Sections 5 and 12.5(b)

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Imprecise records can cause confusion amongst external stakeholders about how the Town spends money and its record keeping.	Med	Low	TREAT risk by clarifying the Council's resolution and the CEO's delegated authority.
Environmental	If contract is not extended, Fletcher Park Reserve may not be properly maintained.	High	Low	TREAT risk by extending the Contract by 12 months and authorise expenditure for the remaining life of the Contract.
Health and safety	Not applicable			
Data, Information Technology and Cyber	Not applicable			
Assets	If contract is not extended, Fletcher Park Reserve may not be properly maintained.	High	Low	TREAT risk by extending the Contract by 12 months and authorise expenditure for the remaining life of the Contract.
Compliance Breach	Arguable breach of delegation authority if CEO extends the Contract without clarity on value of the Contract.	High	Low	TREAT risk by clarifying the Council's resolution and the CEO's delegated authority.
Reputation	Imprecise records may cause internal and external stakeholders to be unsure about the Town's direction and intentions.	Medium	Low	TREAT risk by clarifying the Council's resolution and the CEO's delegated authority.
Service delivery interruption	If contract is not extended, Fletcher Park Reserve may not be properly maintained. It will take significant time to run another procurement process to award a new contract.	High	Low	TREAT risk by extending the Contract by 12 months and authorise expenditure for the remaining life of the Contract.

Engagement

Internal engagement

Stakeholder	Comments
Procurement	Clarify contract extension requirements
Governance	Advice on submitting report to council
Parks	Feedback on Contractor performance

Strategic alignment

Civic Leadership

Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	By using a tender process we ensured we have a contract that is value for money and has measurable performance targets.

Environment

Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Regularly maintaining the green space ensures the reserve is kept in good condition, reducing potential weed outbreaks or issues with overgrown public open spaces.
EN4 - Increasing and improving public open spaces	By maintaining the public open space, it retains and improves the standard, making it available for passive and active recreation for the community.

Further consideration

Not applicable.

14 Chief Financial Officer reports

14.1 Statement of Accounts- July 2025

Location	Town-wide
Reporting officer	Coordinator Finance
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Payment Summary July 2025 [14.1.1 - 8 pages] 2. Credit Card Transactions July 2025 [14.1.2 - 3 pages] 3. Fuel and Store Card Transactions July 2025 [14.1.3 - 1 page]

Summary

Council is required to receive payments made from the municipal fund, payments by employees via purchasing cards each month and fuel and store card transactions under Section 13 and 13A of the Local Government (Financial Management) Regulations 1996.

1. To present the list of accounts paid by the Chief Executive Officer (CEO) under delegated authority for the period 1 to 31 July 2025.
2. To present the list of payments made by authorised employees using purchasing cards for the period 1 to 31 July 2025.

The information required for Council to receive the payments made is included in the attachment for the period 1 to 31 July 2025.

Recommendation

That Council for the period 1 to 31 July 2025, as included in the attachment:

1. Receives the list of accounts paid (cheques and EFT payments).
2. Receives the direct lodgement of payroll payments to the personal bank accounts of employees.
3. Receives the list of payments made using credit cards.
4. Receives the list of payments made using fuel and store cards.

Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the Local Government (Financial Management) Regulations 1996.
2. Under Regulation 13(1) and 13A of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or authorised an employee to use a credit, debit or other purchasing card, each payment is to be noted on a list compiled for each month showing:
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment

- d) Sufficient information to identify the transaction
3. That payment list should then be presented at the next ordinary meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
 4. The payment list and the associated report was previously presented to the Audit and Risk Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.
 5. The list of accounts paid in accordance with Regulation 13 and 13A of the Local Government (Financial Management) Regulations 1996 is contained within the attachment and is summarised below.

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608920	\$ 5,666
Creditors – EFT Payments (incl. Fuel and Store Cards)		\$10,789,174.79
- Fuel and Store Cards (\$19,591.47)	July 2025	
Payroll		\$ 1,420,247.79
Bank Fees		\$ 4,825.19
Corporate MasterCard	July 2025	\$ 12,859.64
Total		\$ 12,235,773.41

Discussion

6. All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

It is therefore requested that Council receive the payments, as included in the attachments, for the period 1 to 31 July 2025.

Relevant documents

Not applicable.

Legal and policy compliance

[Section 6.10\(d\) of the Local Government Act 1995](#)

[Regulation 13 of the Local Government \(Financial Management\) Regulation 1996](#)

[Procurement Policy](#)

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation
Future budget impact	Not applicable.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Misstatement or significant error in Schedule of accounts.	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transactions	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Data, information technology and cyber	Not applicable.		Medium	
Assets	Not applicable.		Medium	
Compliance breach	Not accepting schedule of accounts will lead to non-compliance.	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.
Reputation	Not applicable.		Low	
Service delivery interruption	Not applicable.		Medium	

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 – Communication and engagement with the community	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL3 – Accountability and good governance.	The presentation of the payment listing to Council is a requirement of Regulation 13 & 13A of Local Government (Financial Management) Regulation 1996.

Further consideration

Not applicable.

14.2 Financial Statements- July 2025

Location	Town-wide
Reporting officer	Coordinator Finance
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Statements - July 2025 [14.2.1 - 25 pages]

Summary

To present the Monthly Financial Report for the period ending 31 July 2025, as included in the attachment, to Council, noting that there are reportable material variances for the period, and that this report is preliminary with the opening balances still subject to final audit confirmation for 30 June 2025.

The capital budgets that were adopted by Council to be carried forward to the 2025-26 financial year, is still in the process of being finalised. This will result in new capital projects being carried forward, which is evident in the Monthly Financial Report for 31 July 2025, where some capital projects have actual expenditures without budgets.

The variations reported in the Monthly Financial Report for the period ending 31 July 2025, relate primarily to the phasing of the budget and timing of revenues and expenditures.

Recommendation

That Council receives the Monthly Financial Report for the period ended 31 July 2025, as included in the attachment, pursuant to Regulation 34 and 35 of the Local Government (Financial Management) Regulations 1996.

Background

1. Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:

Revenue

Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$50,000 or 10% and, in these instances, an explanatory comment has been provided.

Expense

Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$50,000 or 10% and in these instances, an explanatory comment has been provided.

3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:

Period variation

Relates specifically to the value of the variance between the budget and actual figures for the period of the report.

Primary reason(s)

Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.

End-of-year budget impact

Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting and may subsequently change prior to the end of the financial year.

Discussion

4. The Monthly Financial Report for the period ending 31 July 2025 complies with the requirements of Regulation 34 and 35 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996.

It is therefore recommended that the Monthly Financial Report for the period ending 31 July 2025, be received.

Relevant documents

Not applicable.

Legal and policy compliance

[Regulation 34 of the Local Government \(Financial Management\) Regulations 1996](#)

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Misstatement or significant error in financial statements	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transaction	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Data information technology and cyber	Not applicable.		Medium	
Assets	Not applicable.		Medium	

Compliance Breach	Council not accepting financial statements will lead to non-compliance	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.
Reputation	Not applicable.		Medium	
Service delivery interruption	Not applicable.		Medium	

Financial implications

Current budget impact	Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.
Future budget impact	Commentary around the future budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.

Engagement

Internal engagement	
Service Area Leaders	All Service Area Leaders have reviewed the monthly management reports and provided commentary on any identified material variance relevant to their service area.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 – Communication and engagement with the community	To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future.
CL3 – Accountability and good governance.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> .

Further consideration

Not applicable.

15 Committee Reports

16 Applications for leave of absence

17 Motion of which previous notice has been given

18 Questions from members without notice

18.1 Questions taken on notice from members without notice at Ordinary Council Meeting held on 19 August 2025

Cr Peter Devereux

1. Does the Town receive information on monitoring of dust and other substances from the Cohn Street concrete plant?

Not currently. The Town is of the understanding that the operator is not required to advise the Town on any monitoring information/updates.

19 New business of an urgent nature introduced by decision of the meeting

20 Public question time

21 Public statement time

22 Meeting closed to the public

22.1 Matters for which the meeting may be closed

22.2 Public reading of resolutions which may be made public

23 Closure