



TOWN OF  
VICTORIA PARK

# Special Council Meeting

## Agenda – Tuesday 25 August 2026

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**WE'RE OPEN**  
VIC PARK

Please be advised that a **Special Council Meeting** will be held at **6:00 PM** on **Tuesday 25 August 2026** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Mr Carl Askew – Chief Executive Officer**  
20 August 2026



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# **1 Declaration of opening**

## **Acknowledgement of the traditional owners**

*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**

As this is a Special Council Meeting, any public questions or statements must relate to the business of the agenda.

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**

#### **Banksia Ward**

Cr Claire Anderson  
Cr Scott Ingram  
Cr Peter Melrosa  
Deputy Mayor Lindsay Miles

#### **Jarrah Ward**

Cr Andra Biondi  
Cr Sky Croeser  
Cr Jack Gordon-Manley  
Cr Daniel Minson

#### **Chief Executive Officer**

Mr Carl Askew

#### **Chief Operations Officer Chief Community Planner A/Chief Financial Officer**

Ms Alison Luobikis  
Mr David Doy  
Ms Nana McIntosh

#### **Manager Governance and Risk**

Mr Brett Douglas

#### **Meeting Secretary Public Liaison**

Ms Laine Cooke  
Ms Sarah Vader

### **3.1 Apologies**

### **3.2 Approved leave of absence**

## **4 Declarations of interest**

### **4.1 Declarations of financial interest**

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. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

### **4.2 Declarations of proximity interest**

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are to declare an 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 land that adjoins the persons' land.

Land, the proposed 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.

### **4.3 Declarations of interest affecting impartiality**

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

- 5 Public question time**
- 6 Public statement time**
- 7 Presentations**
  - 7.1 Petitions**
  - 7.2 Presentations**
  - 7.3 Deputations**
- 8 Method of dealing with agenda business**

## 9 Reports

### 9.1 Mindarie Regional Council Waste to Energy Update

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location</b>            | Town-wide                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Reporting officer</b>   | Chief Operations Officer                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Responsible officer</b> | Chief Operations Officer                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Voting requirement</b>  | Simple Majority                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Attachments</b>         | <p><b>Reason for Confidentiality</b></p> <p>The attachment is confidential in accordance Section 5.23(4) of the Local Government Act 1995, as the business to be considered relates to the following:</p> <p>(a) Legal advice, or other information, over which the local government holds legal professional privilege.</p> <p>1. CONFIDENTIAL REDACTED - Memo - Waste to Energy Arrangements - 07.08.2026 [9.1.1 - 27 pages]</p> |

### Summary

Mindarie Regional Council (MRC) has been working with its member councils to negotiate agreements to transition the disposal of residual municipal waste at the Kwinana Waste to Energy plant ahead of the Tamala Park Landfill facility reaching the end of life. This paper seeks to ensure that appropriate authorisations are in place following an update to the proposed arrangements which sees agreements being entered into with five member councils as opposed to seven.

### Recommendation

That Council:

1. Note resolution 99/2026 that was adopted at the 16 June 2026 Ordinary Council Meeting
2. Note part 5 of resolution 99/2026 has already been completed
3. Note the intent of Mindarie Regional Council to enter into:
  - i. contractual arrangements to supply waste disposal services with Kwinana WTE Project Co Pty Ltd and five member councils as opposed to seven; and
  - ii. contractual documents include the Waste Supply Agreement, the Financier Side Deed and the Participants Agreement.
4. Agree to enter into:
  - i. the Participants Agreement with the five member councils and MRC as opposed to the seven; and
  - ii. the Side Letter with the five member councils and Kwinana WTE Project Co Pty Ltd of Mindarie Regional Council as opposed to seven.
5. Approve that the Chief Executive Officer proceed in accordance with part 6 resolution 99/2026.

### Background

1. The Town of Victoria Park has been a member of MRC since November 1996.
2. Under it's constitution, MRC's primary function is:

- a. *"The orderly and efficient treatment and/or disposal of waste delivered to a building or place provided, managed or controlled for those purposes by the regional council*
  - b. *The entry into contracts with a municipality or municipalities for the treatment and/or disposal of their waste which is delivered to building or place provided, managed or controlled for those purposes by the regional council.*
  - c. *The provision and maintenance of buildings, places, equipment and machinery fit and reasonably necessary for the purpose of carrying out a designated function;*
  - d. *The entry into contracts or lease agreements with other parties, permitting those other parties to undertake, for or on behalf of the regional council, any designated function*
  - e. *The entry into contracts or lease agreements with other parties to enable the regional council to undertake or carry out any of its designated functions."*
3. Anticipating the need for timely and environmentally responsible management of member councils' residual municipal waste and recognising the impending closure of the Tamala Park Landfill at the end of its operational life, MRC has worked collaboratively with its member councils to establish contracts that enable the disposal of waste through a waste-to-energy facility.
  4. At the Town's 16 June 2026 Ordinary Council Meeting (OCM), Council considered the proposed contractual arrangements for waste to energy and consequently adopted Council Resolution 99/2026 which in part:
 

*Authorise the CEO to do all things necessary to enable the execution of a final Participant's Agreement and accompanying Side Letter Agreement on behalf of the Town including applying the common seal as necessary with the Mayor.*
  5. At the time the report was presented to Council, the prevailing understanding was that the consent of all seven MRC member councils was required before MRC could execute a contract with the preferred waste-to-energy provider.
  6. Reaching consensus among the seven member Councils on the terms and conditions underpinning the suite of contract documents proved to be a protracted process, extending over a period of more than 12 months. Consequently, to provide greater certainty regarding the proposed waste-to-energy arrangements, MRC passed a resolution at a Special Council Meeting in April 2026, establishing a deadline of 30 June 2026 for member councils to provide an Approval Letter confirming their agreement to the proposed arrangements. Councils who indicated their approval by this time also were granted an exemption from the requirement to dispose of residual municipal waste through MRC .
  7. Following the 16 June 2026 OCM the Town provided this letter to MRC on 19 June 2026. Receipt of this letter was acknowledged by MRC on 30 June 2026.
  8. Ultimately, five of the seven MRC member Councils provided this approval letter within the designated timeframe.
  9. Based on correspondence received from MRC, the Town understood that it had been granted an exemption under the MRC Constitution. On this basis, the Town commenced exploring alternative residual waste disposal options that would support its objective of achieving 100 per cent diversion of waste from landfill by 2030.

## Discussion

10. Town Officers understand that, following the 30 June 2026 deadline and the outcome of the approval process, MRC sought further legal advice. That advice concluded that MRC could proceed with the execution of the waste-to-energy contracts with the participation of five member councils.
11. On 23 July 2026, the Town received further correspondence from MRC providing an update on the waste-to-energy project and advising of its intention to convene a Special Council Meeting on 6 August 2026. The purpose of the meeting was to seek the Council's authorisation for the Chief Executive Officer to execute the relevant waste-to-energy contract documents.
12. At the MRC Special Council Meeting held on 6 August 2026, Council resolved to defer consideration of this item to 27 August 2026. The deferral was intended to provide Councillors and member Councils with

additional time to fully consider the implications of the proposed waste-to-energy arrangements and the associated contractual commitments.

13. Mindarie Regional Council have now provided member Councils with an updated set of contract documents reflecting the inclusion of the five member Councils who had previously provided their approval letters.
14. In response, Town officers sought legal advice to assess the materiality of the changes to the proposed arrangements and to determine the extent to which any consequential legal risks may have arisen.
15. The Town's position is that the changes to the "*Waste to Energy*" documents :
  - a. Have not materially altered the substantive terms and conditions previously reviewed and endorsed by the Town of Victoria Park, other than amendments necessary to remove the two member councils that have elected not to proceed; and
  - b. Have the practical effect of reallocating and concentrating certain contractual, financial and operational risks among a smaller group of participating councils, thereby changing the context in which the arrangements were originally considered and endorsed by Council
16. Given these changes the detailed legal advice has been shared with Council and the matter has been brought back to Council for further consideration.
17. Officers have reviewed the legal advice and consider, that on balance, the risks the Town is exposed to are not materially different than originally contemplated by Council. It is for this reason that it is recommended that the Town move forward with the entering into a contract with MRC and divert its waste to waste-to-energy as soon as practicable.

## Relevant documents

[Ordinary Council Documents 16 June 2026](#)

## Legal and policy compliance

MRC Constitution Agreement.

Jackson McDonald has been engaged to review the Waste to Energy suite of documents, assessing risks, working with officers to establish a Town of Victoria Park position – prioritising issues that are necessary to enable the Town to approve and (where applicable) execute the agreements and identifying risk mitigation measures to ensure that the terms are acceptable to the Town. The outcome of this review is provided as a confidential attachment to this report.

## Financial implications

|                              |                                                                                                                                                                                                                                |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Current budget impact</b> | A preliminary estimate indicates sufficient funds exist within the current budget. If, upon execution of the agreement, costs increase substantially, a budget amendment will need to be submitted to council for endorsement. |
| <b>Future budget impact</b>  | Future budgets will need to consider any cost escalation at the time of budget adoption.                                                                                                                                       |

## Risk management consideration

| <b>Risk impact category</b> | <b>Risk event description</b>                                                             | <b>Risk rating</b> | <b>Risk appetite</b> | <b>Risk Mitigation</b>                                                                                  |
|-----------------------------|-------------------------------------------------------------------------------------------|--------------------|----------------------|---------------------------------------------------------------------------------------------------------|
| Financial                   | Should MRC not be positioned to progress the Waste to Energy contract in a timely manner, | High               | Low                  | TREAT risk by<br>Work with MRC to explore other options to put in place cost effective disposal options |

|                                        |                                                                                       |     |                                      |
|----------------------------------------|---------------------------------------------------------------------------------------|-----|--------------------------------------|
|                                        | alternative arrangements are likely to be more costly than what is currently on offer |     |                                      |
| Environmental                          | Medium                                                                                |     |                                      |
| Health and safety                      | Low                                                                                   |     |                                      |
| Data, Information Technology and Cyber | Medium                                                                                |     |                                      |
| Assets                                 | Medium                                                                                |     |                                      |
| Compliance Breach                      | Low                                                                                   |     |                                      |
| Reputation                             | The Town has been a participant in the Waste to Energy negotiation process which      | Low | TREAT risk by Stakeholder management |
| Service delivery interruption          | Medium                                                                                |     |                                      |

## Engagement

| Internal engagement |                                               |
|---------------------|-----------------------------------------------|
| Stakeholder         | Comments                                      |
| C-Suite             | Course of action noted and supported          |
| Financial Services  | Understanding of potential commercial changes |

| External engagement   |                                                                |
|-----------------------|----------------------------------------------------------------|
| Stakeholders          | MRC member councils                                            |
| Period of engagement  | On a weekly basis since the expiry of the MRC 30 June Deadline |
| Level of engagement   | 2. Consult                                                     |
| Methods of engagement | Face to Face Executive Meetings                                |
| Advertising           | n/a                                                            |

|                    |                           |
|--------------------|---------------------------|
| Submission summary | n/a                       |
| Key findings       | Alignment on issues faced |

## Strategic alignment

| Civic Leadership                                                                         |                                                                                                        |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Community Priority                                                                       | Intended public value outcome or impact                                                                |
| CL1 – Effectively managing resources and performance                                     | Securing a responsible, reliable and cost-effective waste disposal option for residual municipal waste |
| Environment                                                                              |                                                                                                        |
| Community Priority                                                                       | Intended public value outcome or impact                                                                |
| EN1 - Protecting and enhancing the natural environment. Diversion of waste from landfill | Diversion of waste from landfill                                                                       |
| EN2 - Facilitating the reduction of waste.                                               | Increased reuse options for our community's residual waste                                             |

**10 Public question time**

**11 Public statement time**

**12 Meeting closed to the public**

**12.1 Matters for which the meeting may be closed**

**12.2 Public reading of resolutions which may be made public**

**13 Closure**