



TOWN OF
VICTORIA PARK

Special Council Meeting Minutes - Tuesday 25 August 2026



WE'RE OPEN
VIC PARK

A **Special Council Meeting** was held at **6:00 PM** on **Tuesday 25 August 2026** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Her Worship the Mayor Karen Vernon
27 August 2026

Table of contents

Item	Page no
1 Declaration of opening	3
2 Announcements from the Presiding Member	3
3 Attendance.....	5
3.1 Apologies	5
3.2 Approved leave of absence	5
4 Declarations of interest.....	6
5 Public question time.....	6
6 Public statement time.....	6
7 Presentations.....	6
8 Method of dealing with agenda business	6
9 Reports	7
9.1 Mindarie Regional Council Waste to Energy Update	7
10 Public question time	12
11 Public statement time	12
12 Meeting closed to the public	12
12.1 Matters for which the meeting may be closed	12
12.2 Public reading of resolutions which may be made public	12
13 Closure	12

1 Declaration of opening

Mayor Karen Vernon opened the meeting at 6:00 pm and read out the Acknowledgement of Country.

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 kenya kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaaditjin, 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

Mayor	Mayor Karen Vernon
Banksia Ward	Cr Claire Anderson Cr Scott Ingram Cr Peter Melrosa Deputy Mayor Lindsay Miles
Jarrah Ward	Cr Andra Biondi Cr Sky Croeser 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
Public	1

3.1 Apologies

Jarrah Ward	Cr Jack Gordon-Manley
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3.2 Approved leave of absence

Nil.

4 Declarations of interest

4.1 Declarations of financial interest

Nil.

4.2 Declarations of proximity interest

Nil.

4.3 Declarations of interest affecting impartiality

9.1 Mindarie Regional Council Waste to Energy Update	
Mayor Karen Vernon	I am the Council's representative on MRC and have been involved in all discussions and decisions relating to Waste to Energy at MRC during my appointment.

5 Public question time

Public question time opened and closed at 6:04 pm

6 Public statement time

Public statement time opened and closed at 6:04 pm.

7 Presentations

7.1 Petitions

Nil.

7.2 Presentations

Nil.

7.3 Deputations

Nil.

8 Method of dealing with agenda business

Nil.

9 Reports

9.1 Mindarie Regional Council Waste to Energy Update

Location	Town-wide
Reporting officer	Chief Operations Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple Majority
Attachments	Reason for Confidentiality 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: (a) Legal advice, or other information, over which the local government holds legal professional privilege. 1. CONFIDENTIAL - Memo - Waste to Energy Arrangements - 07.08.2026 [9.1.1 - 27 pages]

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 CEO 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

Current budget impact	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.
Future budget impact	Future budgets will need to consider any cost escalation at the time of budget adoption.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Should MRC not be positioned to progress the Waste to Energy contract in a timely manner, alternative arrangements are likely to be more costly	High	Low	TREAT risk by Work with MRC to explore other options to put in place cost effective disposal options

	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	<i>MRC member councils</i>
Period of engagement	<i>On a weekly basis since the expiry of the MRC 30 June Deadline</i>
Level of engagement	2. Consult
Methods of engagement	<i>Face to Face Executive Meetings</i>
Advertising	n/a
Submission summary	n/a

Key findings	Alignment on issues faced
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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

COUNCIL RESOLUTION (160)/2026:

Moved: Mayor Karen Vernon

Seconded: Deputy Mayor Lindsay Miles

That Council:

1. Note resolution 99/2026 that was adopted at the 16 June 2026 Ordinary Council Meeting
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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.

Carried (8 - 0)

For: Mayor Karen Vernon, Cr Claire Anderson, Deputy Mayor Lindsay Miles, Cr Scott Ingram, Cr Andra Biondi, Cr Daniel Minson, Cr Peter Melrosa and Cr Sky Croeser

Against: Nil

10 Public question time

Public question time opened and closed at 6:06 pm.

11 Public statement time

Public statement time opened and closed at 6:07 pm.

12 Meeting closed to the public

Nil.

12.1 Matters for which the meeting may be closed

Nil.

12.2 Public reading of resolutions which may be made public

Nil.

13 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 6:07 pm.

I confirm these minutes to be true and accurate record of the proceedings of the Council/Committee.

Signed:

Dated this:

Day of:

2026