



SHIRE OF YORK

Minutes of the Annual General Meeting of Electors
Held at the York Recreation & Convention Centre, York on
Monday, 17th December, 2012 at 4.30pm

OPENING

The Shire President declared the meeting open at 4.30pm.

ATTENDANCE

Cr Boyle, Shire President; Cr Scott, Deputy Shire President;
Cr Hooper, Cr Smythe, Cr Lawrance, Cr Duperouzel

STAFF

R Hooper, T Cochrane, A Brown, H D'Arcy-Walker

APOLOGIES

Nil

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

NUMBER OF PEOPLE IN ATTENDANCE

There were 55 people in the Gallery at the commencement of the meeting

BUSINESS OF THE MEETING

Receiving of the 2011/12 Annual Report

Moved: Cr Hooper

Seconded: Cr Scott

"That the Shire of York 2011/12 Annual Report be received".

CARRIED

Receiving of the Auditor's Report for 2011/12

Moved: Cr Scott

Seconded: Cr Lawrance

"That the Auditor's Report of the 2011/12 financial year be received"

CARRIED

Cr Boyle read the Auditor's Opinion and Statutory Compliance as stated in the Auditor's Report.

Receiving of the Shire President's Report for 2011/12

Moved: Cr Hooper

Seconded: Cr Scott

"That the 2011/12 Shire President's Report be received"

CARRIED

Cr Boyle read the Shire President's report in its entirety.

OTHER BUSINESS

Question Received in Writing

Mr Ralph McColl

Question:

I would like to ask why the Shire of York did not immediately inform land and stake holders in the Shire of York that there was a proposal to put a landfill site 18 kms west of York, especially the surrounding land holders?

Response:

The Shire of York has not received an application or a proposal for a landfill facility 18 kms west of York at any stage up to now and consequently there was nothing to formally advise adjoining landowners or the community about.

Until the company submits an application to the Environmental Protection Authority in the first instance followed up by the relevant land use planning and development applications and any licence applications to the Department of Environment and Conservation and relevant bodies then there is no project and no need to advise any other parties. This remains the stage that this potential landfill facility is at. The Shire of York strictly follows all statutory advice processes when planning and development applications are received and this will occur if or when the proponents lodge an application.

GENERAL BUSINESS

Ms Jane Ferro

Why was there no notification about the SITA meeting.

Response:

SITA asked if they could have the Town Hall meeting.

Council believe that the meeting was well advertised with a letter drop by SITA.

Mr Ralph McColl

As Cr Tony Boyle chaired the meeting it seemed like the Shire was all over the meeting.

Response:

Cr Boyle stated that he offered his services to chair the meeting out of courtesy to SITA as long as there would be an opportunity for questions from the public.

An offer had been made by a third party to record and video the SITA meeting, this had nothing to do with the Shire.

Mr Keith Moore

Question:

If Council did not know about the meeting they need to read the mail from SITA.

Response:

Cr Boyle cannot explain a letter that he has not read. No meeting held with SITA. There is a holding fee on the property, told to go through normal process.

SITA asked for public meeting in the Town Hall.

Ms Jane Ferro

Question:

Can the Shire President tell the meeting what benefits the landfill site will be to the town.

Response:

Cannot comment as the Shire has not received a development application.

Cr Boyle read out an email received from the Local Government on this issue.

... "Under the provisions of the Local Government Act 1995, the adoption of an 'in principle' position by council on a potential planning issue won't necessarily prevent councillors from voting on a subsequent application for planning approval. However, the Planning and Development Act requires that neither local government officers nor councillors take any position on a particular development, even an 'in principle' position, before an application is lodged. Officers and councillors are required to judge each application on its planning merits, and any council resolution that could be depicted as demonstrating an existing bias before an application is lodged may provide applicants with a legal basis to challenge council's eventual decision.

While councillors can and should be mindful of community opinion throughout their deliberations, they also need to be wary of the potential for any perception of a prejudged position to provide avenues for applicants to appeal against the validity of their final decision...."

Cr Boyle also stated that both he and Cr Scott are on the DAP Committee, if they speak prematurely on this matter they will not be able to sit on this Committee and a decision will be made by others with no interest in York.

Have to wait until the Shire receives a development application.

Mr Tony O'Hara

Question:

Are all Councillors independent of one another right through this or is it a majority by hands, or can it be a split Council on the decision?

Response:

All Councillors remain independent. However majority decision does rule in Local Government.

Mr Kim Hack

Question:

Australia is worst in the world for landfill. Residents Action Group to take campaign into next election.

Response:

A motion from Denis Hill will answer the question. Residents Action Group to take to the politicians.

Ms Tanya Richardson

Question:

Legal position – why did Councillors not get information out to the public in March.

Response:

Had Council taken a position York would have been like Toodyay.

Mr Denis Hill

Mr Hill placed a motion before the meeting ...

I move a motion from the floor that the subject "Waste Disposal in the Wheatbelt Region of WA" be discussed at a Special Electors Meeting to be arranged by Council as soon as practicable.

Moved: Denis Hill

Seconded: Ralph McColl

CARRIED: Unanimous

Mr Hill has tentatively booked the Town Hall for either the 4th February, 2013 or 11th February, 2013 at 6.30pm. Date to be confirmed.

Mr Hill to organise a Facilitator to run the meeting and arrange various experts to attend.

Ms Kay Kneuss

Question 1:

Who does SITA take an application to if the proposal is over \$7 million and does not go to Council?

Response:

Application is first lodged with the Environmental Protection Authority and if it gets through that process a development application can be lodged with the Local Government.

Question 2:

When is SITA free to make the application with the Shire?

Response:

- Can go to DAP. If the project is over \$7 million must go before the Assessment Panel.
- DEC – conditions of use.
- MRWA – traffic management
- Maybe Health Department – effluent
- Environment are separate

Question 3:

At what point does Council become involved?

Response:

After EPA application.

Ms Louis Draper-Sevenson

Question:

Could the State Government Department override the Shire?

Response:

Yes and there may be appeal rights by the proponent through all processes.

CLOSURE

There being no further business the Shire President thanked everyone for attending and declared the meeting closed at 5.12pm.