

ADDENDUM**SY072-06/23 - GREAT SOUTHERN LANDFILL (ALLAWUNA FARM) - ENVIRONMENTAL PROTECTION AUTHORITY REPORT 1738 - APPEAL SUBMISSION****Additional Information**

Following the release of the Agenda, further legal advice has been received with regard to the State Administrative Tribunal's (SAT) consideration of the development application for the Gt Southern Landfill (Allawuna Farm) and possible input from the Shire of York.

While the legal advice remains confidential, it suggests that in the circumstances of the present case, the Shire would have a reasonable prospect for an application for intervention. It is recommended that the Shire be represented by senior counsel in the application for intervention. If the Shire was successful in an application for intervention, then under the provisions of the *Salaries and Allowances Tribunal Act 1975*, it would have the right of a party to appeal against the SAT decision if there appeared to be an error of law. The Shire would have no such right if it is not made a party.

As mentioned in the Financial Implications of the Council report, it is anticipated that an allocation of approximately \$40,000 be included in the 2023/24 budget specifically for the Allawuna proposal to enable procurement of appropriate legal/consultative representation and advice for any future appeal and/or representation at a SAT Directions Hearing.

Due to the priority nature of these works, there is a requirement to include additional points to the Recommendation to Council to progress future action. The amended Recommendation is as follows:

That, with regard to Great Southern Landfill (Allawuna Farm) - Environmental Protection Authority Report 1738 - Appeal Submission, Council:

- 1. Notes the appeal submission made to the Appeals Convenor WA, as presented in Appendix 1, on the outcome of the Environmental Protection Authority Report 1738.**
- 2. Authorises the Chief Executive Officer to instruct the Shire's solicitors to seek an opportunity with the State Administrative Tribunal for an application for the Shire to be joined as an intervener in the Application for Extension of the planning approval for the Allawuna landfill development proposal.**
- 3. Authorises the Chief Executive Officer to appoint senior counsel to represent the Shire on the application for intervention and the application to extend time, and in representing the Shire either as intervener or as a submitter, do what is legally possible to oppose the application for extension of time of the planning approval for the Allawuna landfill development proposal.**
- 4. Authorise the Chief Executive Officer to liaise with the Shire's solicitors in regard to the appointment of senior counsel, and in regard to the Shire's representation on the application for joinder as an intervener, and in opposing the application for extension of time of the development approval.**