



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 21 SEPTEMBER 2017
COMMENCING AT 5.08PM
IN THE LESSER HALL,
YORK TOWN HALL, YORK**

Table of Contents

1. OPENING	5
1.1 Declaration of Opening	5
1.2 Disclaimer	5
1.3 Standing Orders.....	5
1.4 Announcement of Visitors	5
1.5 Declarations of Interest that Might Cause a Conflict.....	5
1.6 Declarations of Financial Interest.....	5
1.7 Declarations of Interest that May Affect Impartiality.....	5
2. ATTENDANCE	6
2.1 Members.....	6
2.2 Staff.....	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
3. PUBLIC QUESTION TIME.....	6
3.1 Written Questions – Current Agenda.....	7
3.2 Public Question Time.....	7
4. APPLICATIONS FOR LEAVE OF ABSENCE	8
5. PRESENTATIONS.....	8
5.1 Petitions.....	8
5.2 Presentations.....	8
5.3 Deputations.....	8
5.4 Delegates reports.....	8
6. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	8
7. OFFICER’S REPORTS.....	8
SY120-09/17 – Submission to DWER on the Application for Works Approval – Great Southern Landfill (Allawuna Farm).....	9
8. QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	22
9. CLOSURE	22



SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL HELD ON THURSDAY, 21 SEPTEMBER 2017, COMMENCING AT 5.08PM IN THE LESSER HALL, YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.08pm.

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declarations of Financial Interest

Nil

1.7 Declarations of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

*Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President;
Cr Pam Heaton; Cr Jane Ferro; Cr Tricia Walters*

2.2 Staff

Paul Martin, Chief Executive Officer; Paul Crewe, Executive Manager Infrastructure & Development Services; Suzie Haslehurst, Executive Manager Corporate and Community Services; Carly Rundle, Senior Planner; Colleen Thompson, Senior Planner, GHD; Helen D'Arcy-Walker, Executive Support Officer

2.3 Apologies

Cr Heather Saint; Cr Trevor Randell

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 34 people in the Gallery at the commencement of the meeting

3. PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

6.7 Other procedures for question time for the public

(1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.

(2) A question may be taken on notice by the Council for later response.

(3) When a question is taken on notice the CEO is to ensure that—

(a) a response is given to the member of the public in writing; and

(b) a summary of the response is included in the agenda of the next meeting of the Council.

(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

(5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.

(7) The Presiding Member may decide that a public question shall not be responded to where—

(a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;

(b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or

(c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member

of the public to phrase the question in a manner that is not offensive or defamatory.

(8) A member of the public shall have 2 minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

(10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.

(11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Time Commenced at: 5.10pm

3.1 Written Questions – Current Agenda
Nil

3.2 Public Question Time

Mrs Kay Davies

Question 1:

I wish to ask Council why their submission to the DWER is not concerned by the lack of a contingency plan and ask that they request a \$50 million contingency fund be set up by the applicant?

Response provided by the Senior Planner, GHD

Any works approval – if issued by the Department of Water and Environmental Regulation – will have conditions and expectations for the applicant to meet. Council will consider the request for a contingency fund in their consideration of the Officer's Recommendation.

Question 2:

Why the submission does not address the operating hours of the landfill specifically operating on Saturdays as this will affect tourism in York?

Response provided by the Senior Planner, GHD

The operating hours proposed in the works approval are consistent with a condition applied to the development approval by the State Administrative Tribunal in its determination of 8 March 2016.

Mr Denis Hill

Question 1:

AVRA are still engaged with Rockwater Principal hydrogeologist, Dr Roger Passmore. Our angle of attack is to challenge the validity of a decision made and based on a theoretical model, that allowed for the grant of the original works approval.

Would it not be prudent to have GHD liaise with Dr Passmore because of his long association with this project and so as not to work at cross purposes or duplicate effort?

If the answer is yes, how do you want to facilitate this?

Response provide by the Chief Executive Officer:

We are now requesting an additional point 6 to be included in the Officer Recommendation. If Council agrees with this additional point 6 the Shire will ask GHD to liaise with Dr Passmore.

Mr John Cole

As the question Mr Cole wished to ask was not relating to the Agenda Item for the Special Council Meeting the Shire President did not allow it.

Public Question Time Concluded at 5.17pm

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. PRESENTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

5.4 Delegates reports

Nil

6. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

7. OFFICER'S REPORTS

SY120-09/17 – Submission to DWER on the Application for Works Approval – Great Southern Landfill (Allawuna Farm)

FILE REFERENCE: Gr2.290
APPLICANT OR PROPONENT(S): Alkina Holdings Pty Ltd
AUTHORS NAME & POSITION: Colleen Thompson, Consultant Planner
RESPONSIBLE OFFICER: Paul Crewe, Executive Manager Infrastructure and Development Services
PREVIOUSLY BEFORE COUNCIL: Nil
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil

Nature of Council's Role in the Matter:

- Advocative

Purpose of the Report:

To seek Council endorsement of a formal submission on an application for a works approval by Alkina Holdings Pty Ltd for a landfill facility on Lot 4869, Great Southern Highway, Saint Ronans.

Background:

On 14 April 2014, the Wheatbelt Joint Development Assessment Panel (JDAP) refused a development application to construct and use a portion of Lots 4869, 5931, 9926 and 26932 Great Southern Highway, Saint Ronans (the subject land) for a Class II landfill facility. The applicant subsequently filed an Application for Review with the State Administrative Tribunal (SAT) on 24 April 2014. As part of this SAT review process, the applicant submitted an amended application to the JDAP, which was refused by the JDAP on 31 August 2015.

On 8 March 2016; the SAT upheld the appeal and approved the application subject to conditions. The SAT decision replaces the decision of the JDAP, made on 31 August 2015.

The applicant has since acquired Perthwaste, a waste management operation, including an operating landfill at North Bannister. As a result, Suez Environment has not progressed its plans to develop the Allawuna landfill site, and a works approval for the operation was revoked at the request of the applicant. However, as development approval runs with the land and not ownership, the development approval remained valid.

Alkina Holdings is now proposing to develop a landfill facility on the site, in accordance with the previous development approval. The proponent has applied for a concurrent works approval and licence, which is currently being advertised for public comment with the submission period closing on the 28 September 2017.

Comments and details:

The following comments are offered in relation to the works approval:

Ad hoc nature of the proposal

Numerous state government documents, including the *State Planning Strategy 2050* and the *Waste Strategy 2012* recognise the need for government to undertake strategic planning for the location of waste facilities.

The State Planning Strategy, released by the Western Australian Planning Commission, establishes a framework of planning principles, strategic goals and state strategic directions. The State Planning Strategy relevantly identifies the need to secure strategic sites and infrastructure corridors for waste facilities to ensure that they are appropriately sited, designed, operated and managed. Specifically, in terms of identifying strategic sites, the State Planning Strategy states:

“Planning for strategic waste sites involves the assessment of buffers, transport access, relationships to existing waste facilities producers and the degree of risk of air, soil, groundwater and surface water pollution.”

This is mirrored in the *Waste Strategy 2012* which includes as a strategic objective the need to undertake long term planning for waste facilities to enable access to suitably located land to cater for the State’s waste management needs. Importantly, it stresses the need to identify the number and types of facilities likely to be required, their optimum location and access to transport networks.

Clearly waste facilities, including landfill sites, should not be approved in the absence of strategic planning. The ad hoc nature of the proposal has removed the ability of the community to engage with government on the appropriate identification of a range of potential landfill sites, and to prioritise the most appropriate sites on the basis of environmental, social, and economic performance. Whilst it is unlikely that any proposed landfill site will be supported by nearby residents, the lack of any strategic planning makes it impossible to demonstrate that the potential impacts are justified by broader social and community benefit.

The community has not been able to contribute to a broader planning process that enables the most appropriate location to be debated, tested and considered in a collaborative, transparent manner. In the absence of a meaningful, strategic and engaging process, the Shire cannot support a development that has drawn so much concern and opposition from the community.

Consistency with Local Planning Scheme and development approval

The Shire is currently progressing an omnibus amendment (Amendment No. 50) to Local Planning Scheme No. 2, which includes two amendments of relevance to this proposal:

- The use class ‘Waste Disposal Facility’ (which includes landfill activities) will become an ‘X’ or ‘not permitted’ use in the General Agriculture Zone; and
- The insertion into Schedule 3 of the Scheme of a Special Use Zone No. 8 (SU8), identifying a waste disposal facility on Lot 4869 subject to various conditions that require the development to be undertaken in accordance with the 8 March 2016 decision of the SAT.

The introduction of Special Use Zone No. 8 was subject of a separate report to the Ordinary Council Meeting held on 28 August 2017, where it was resolved:

“That Council:

- 1. Requests the CEO to write to the Minister for Planning advising that:***
 - (a) Council’s preferred position is that the Special Use Zone No. 8 be removed and Lots 9926, 26934, 4869 & 5931 Great Southern Highway, St Ronans remain zoned General Agriculture;***
 - (b) Should the Minister choose not to remove the Special Use zone No. 8, Council supports the inclusion of the ‘sunset clause’ into the Special Use Zone No. 8 to read as follows:***

	No.	Particulars of Land	Special Use	Conditions
<i>SU 8</i>	8	<i>Lots 9926, 26934, 4869 and 5931 Great Southern Highway, St. Ronans</i>	<p><i>1. Waste Disposal Facility and associated infrastructure on Lot 4869 (AA)</i></p> <p><i>2. Caretaker's dwelling on Lot 4869 (AA)</i></p> <p><i>3. Single House on Lot 9926 (P) and on the other three lots in the event that the waste disposal facility is not developed on Lot 4869.</i></p> <p><i>Agriculture extensive (P)</i></p>	<p><i>1. The waste disposal facility shall only accept waste types permitted for disposal at a Class I and Class II landfill (DER, Landfill Waste Classification and Waste Definitions 1996 (as amended)).</i></p> <p><i>2. The development is to be undertaken in accordance with the 8 March 2016 decision of the State Administrative Tribunal ([2016]WASAT22) and a development approval issued by the local government.</i></p> <p><i>3. If the development of the waste disposal facility is not substantially commenced prior to the expiration of 2 years from the date the SAT approval is taken to have had effect, the SU8 provisions other than this condition and condition 4 will cease to have effect, and use and development of the site shall be only in accordance with the 'General Agriculture' zone and use permissibility's</i></p>

				<p>for the General Agriculture zone in the Zoning Table.</p> <p>4. If, a development approval is sought following expiry of the approval mentioned in point 2, the application is to be assessed under the requirements applicable to the 'General Agriculture' zone.</p>
--	--	--	--	---

2. In the event that the Minister for Planning modifies the Special Use No. 8 zone, authorises the CEO to send the modified Scheme Amendment No. 50 documents to the Western Australian Planning Commission.”

Amendment 50 is currently before the Minister for Planning for final determination, after which it will be confirmed whether the land will be:

- a. Retained as General Agriculture,
- b. Rezoned to Special Use with a sunset clause, or
- c. Rezoned to Special Use with no sunset clause.

Until Amendment 50 is finalised and it is known whether the land use will be permitted by the scheme, a works approval and licence should not be issued.

Notwithstanding the above, there are a number of conditions of the development approval which have not, as yet, been complied with. This includes:

- A fire management plan to be approved by the Shire of York;
- A revegetation plan for the Thirteen Mile Brook;
- Upgrading the site access road junction onto Great Southern Highway; and
- Establishment of a community reference group

While Section 14 of the landfill management plan provided with the works approval application describes community communication, it does not acknowledge the requirement to establish a community reference group, as required by the development approval.

The design of the operation presents minor inconsistencies with the approved development plans. This includes a slight reduction in the scale of the landfill, which of itself is unlikely to require an amendment to the development application as the minor changes to scale and layout would not substantially change the development approved. However, the inclusion of an additional proposed sediment management structure, which is not included in the approved development plans, may require additional development approval.

It is proposed that the Shire recommends that no works approval or license be issued until the applicant can demonstrate it has complied with the relevant conditions of the development approval.

Modifications from previous proposal and environmental management plan

The Shire notes that the new application by Alkina Pty Ltd proposes several minor modifications from the previously approved proposal, for which works approval had been granted by the Department of Water and Environmental Regulation and was subsequently withdrawn by the original applicant. These include:

- Slight reduction in the scale of the operation, with resultant modification to the layout of the proposed landfill cells;
- Minor reduction in truck movements associated with the lesser scale of the operation; and
- Recommended modifications to various environmental management plans as a result of the review undertaken by the applicant's consultants to determine their suitability for the new operator, including:
 - Surface water management (including water monitoring and sampling, and Rivercare project stakeholder engagement)
 - Updating of the 2015 odour management plan
 - Updating of the 2015 dust management plan
 - Updating of the 2015 noise management plan.

The Responsible Authority Report prepared by the Shire of York, and adopted by Council on 10 August 2015, considered the various environmental and nuisance management plans prepared to support the previously issued works approval. The report concluded that:

“With environmental risks managed through Works Approvals processes, the proposed development is consistent with planning policy measures regarding the protection of land, surface and groundwater resources.”

It is noted that the recommendations for upgrading of environmental management plans to comply with conditions of the previous works approval will likely result in plans that provide for better management of environmental risk. It is recommended that these reviews are required prior to the issuing of a works approval and license for the new proposal.

Implications to consider:

Consultative

In accordance with the *Environmental Protection Act 1986*, the application for a works approval and licence has been released for public comment by the Department of Water and Environmental Regulation.

All community members have the opportunity to make a submission by the closing date of 28 September 2017.

Strategic

Providing a submission on the application for a licence and works approval supports delivery of the following outcomes from Council's Strategic Community Plan 2016-2026

- 5.5 There is a strong collective voice on key issues of concern to the community.
- 5.6 There are high levels of community engagement in decision-making

Legal and Statutory

Works approvals and licences are issued under the provisions of the *Environmental Protection Act 1986*. These approvals are separate to any approvals administered by the Shire of York under the *Planning and Development Act 2005*, and therefore the Shire may have limited influence over these matters.

Risk related

A landfill facility provides a range of environmental risks. The application for works approval includes a range of management plans to address these risks. In considering the application, the Department of Water and Environmental Regulation will review the appropriateness of the management actions.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council advises the Department of Water and Environmental Regulation that it does not support the issue of a works approval for Alkina Holdings Pty Ltd for a Class II landfill facility on Lot 4869, Saint Ronans for the following reasons:

- 1. The proposed landfill facility represents adhoc and unplanned development and is inconsistent with orderly and proper planning. In this respect it is noted that the proposal is inconsistent with the State Planning Strategy 2050 and the Waste Strategy 2012. These documents both stress the importance of strategically planning waste management facilities to ensure:-*
 - The number and types of facilities required and their relationship to existing waste facilities can be identified;*
 - They are optimally located;*
 - That they have appropriate access to transport networks;*
 - Buffers are appropriate and adequate; and*
 - That the degree risk of air, soil, groundwater and surface water pollution is acceptable.*
- 2. The absence of any strategic planning has removed the ability of the community to engage with government on the appropriate identification of a range of potential landfill sites, and to prioritise the most appropriate sites on the basis of environmental, social, and economic performance. The community has not been able to contribute to a broader planning process that enables the most appropriate location to be debated, tested and considered in a collaborative, transparent manner. In the absence of a meaningful, strategic and engaging process, the Shire cannot support a development that has drawn so much concern and opposition from the community.*

3. *The Shire of York is currently progressing Amendment 50 to the Shire of York Local Planning Scheme No. 2, which includes two amendments of relevance to this proposal:*

- *The use class 'Waste Disposal Facility' (which includes landfill activities) will become an 'X' or 'not permitted' use in the General Agriculture Zone; and*
- *The insertion into Schedule 3 of the Scheme of a Special Use Zone No. 8 (SU8), identifying a waste disposal facility on Lot 4869 subject to various conditions that require the development to be undertaken in accordance with the 8 March 2016 decision of the SAT.*

Amendment 50 is currently before the Minister for Planning for final determination. Upon the Minister's determination of the amendment, it will be confirmed whether the subject land will be:

- *Retained as General Agriculture;*
- *Rezoned to Special Use with a sunset clause; or*
- *Rezoned to Special Use with no sunset clause.*

It would be premature to determine and issue a works approval and license until the Minister for Planning has made her decision on Amendment 50 and it is known whether the land use will be permitted by the scheme.

4. *The proposal submitted for the Works Approval does not align with the approved development application. Specifically, an additional sediment management structure is proposed which does not have development approval; and*

5. *There are a number of conditions of the development approval which have not been complied with. These include:*

- *A fire management plan to be approved by the Shire of York;*
- *A revegetation plan for the Thirteen Mile Brook;*
- *Upgrading of the site access road junction onto Great Southern Highway; and*
- *Establishment of a community reference group*

While Section 14 of the landfill management plan provided with the works approval application describes community communication, it does not acknowledge the requirement to establish a community reference group, as required by the development approval."

REVISED OFFICER RECOMMENDATION:

“That Council advises the Department of Water and Environmental Regulation that it does not support the issue of a works approval for Alkina Holdings Pty Ltd for a Class II landfill facility on Lot 4869, Saint Ronans for the following reasons:

- 1. The proposed landfill facility represents adhoc and unplanned development and is inconsistent with orderly and proper planning. In this respect it is noted that the proposal is inconsistent with the State Planning Strategy 2050 and the Waste Strategy 2012. These documents both stress the importance of strategically planning waste management facilities to ensure:-*
 - The number and types of facilities required and their relationship to existing waste facilities can be identified;*
 - They are optimally located;*
 - That they have appropriate access to transport networks;*
 - Buffers are appropriate and adequate; and*
 - That the degree risk of air, soil, groundwater and surface water pollution is acceptable.*
- 2. The absence of any strategic planning has removed the ability of the community to engage with government on the appropriate identification of a range of potential landfill sites, and to prioritise the most appropriate sites on the basis of environmental, social, and economic performance. The community has not been able to contribute to a broader planning process that enables the most appropriate location to be debated, tested and considered in a collaborative, transparent manner. In the absence of a meaningful, strategic and engaging process, the Shire cannot support a development that has drawn so much concern and opposition from the community.*
- 3. The Shire of York is currently progressing Amendment 50 to the Shire of York Local Planning Scheme No. 2, which includes two amendments of relevance to this proposal:*
 - The use class ‘Waste Disposal Facility’ (which includes landfill activities) will become an ‘X’ or ‘not permitted’ use in the General Agriculture Zone; and*
 - The insertion into Schedule 3 of the Scheme of a Special Use Zone No. 8 (SU8), identifying a waste disposal facility on Lot 4869 subject to various conditions that require the development to be undertaken in accordance with the 8 March 2016 decision of the SAT.*

Amendment 50 is currently before the Minister for Planning for final determination. Upon the Minister’s determination of the amendment, it will be confirmed whether the subject land will be:

- Retained as General Agriculture;*
- Rezoned to Special Use with a sunset clause; or*
- Rezoned to Special Use with no sunset clause.*

It would be premature to determine and issue a works approval and license until the Minister for Planning has made her decision on Amendment 50 and it is known whether the land use will be permitted by the scheme.

4. *The proposal submitted for the Works Approval does not align with the approved development application. Specifically, an additional sediment management structure is proposed which does not have development approval; and*

5. *There are a number of conditions of the development approval which have not been complied with. These include:*

- *A fire management plan to be approved by the Shire of York;*
- *A revegetation plan for the Thirteen Mile Brook;*
- *Upgrading of the site access road junction onto Great Southern Highway; and*
- *Establishment of a community reference group*

While Section 14 of the landfill management plan provided with the works approval application describes community communication, it does not acknowledge the requirement to establish a community reference group, as required by the development approval.

6. *Following community feedback, that Council requests the CEO to engage a suitably qualified consultant to undertake a peer review of the Geotechnical and Hydrological assessment of the site and includes any pertinent information from that review in the Works Approval submission.'*

The Chief Executive Officer requested the Executive Manager Infrastructure & Development Services to read out the additional Point 6 to the Officers Recommendation.

Motion to Amend Point 6:

Moved: Cr Walters

Seconded: Cr Smythe

“That Council advises the Department of Water and Environmental Regulation that it does not support the issue of a works approval for Alkina Holdings Pty Ltd for a Class II landfill facility on Lot 4869, Saint Ronans for the following reasons:

1. *The proposed landfill facility represents adhoc and unplanned development and is inconsistent with orderly and proper planning. In this respect it is noted that the proposal is inconsistent with the State Planning Strategy 2050 and the Waste Strategy 2012. These documents both stress the importance of strategically planning waste management facilities to ensure:-*
 - *The number and types of facilities required and their relationship to existing waste facilities can be identified;*
 - *They are optimally located;*
 - *That they have appropriate access to transport networks;*
 - *Buffers are appropriate and adequate; and*
 - *That the degree risk of air, soil, groundwater and surface water pollution is acceptable.*
2. *The absence of any strategic planning has removed the ability of the community to engage with government on the appropriate identification of a range of potential landfill sites, and to prioritise the most appropriate sites on the basis of environmental, social, and economic performance. The community has not been able to contribute to a broader planning process that enables the most appropriate location to be debated, tested and considered in a collaborative, transparent manner. In the absence of a meaningful, strategic and engaging process, the Shire cannot support a development that has drawn so much concern and opposition from the community.*
3. *The Shire of York is currently progressing Amendment 50 to the Shire of York Local Planning Scheme No. 2, which includes two amendments of relevance to this proposal:*
 - *The use class ‘Waste Disposal Facility’ (which includes landfill activities) will become an ‘X’ or ‘not permitted’ use in the General Agriculture Zone; and*
 - *The insertion into Schedule 3 of the Scheme of a Special Use Zone No. 8 (SU8), identifying a waste disposal facility on Lot 4869 subject to various conditions that require the development to be undertaken in accordance with the 8 March 2016 decision of the SAT.*

Amendment 50 is currently before the Minister for Planning for final determination. Upon the Minister’s determination of the amendment, it will be confirmed whether the subject land will be:

- *Retained as General Agriculture;*
- *Rezoned to Special Use with a sunset clause; or*
- *Rezoned to Special Use with no sunset clause.*

It would be premature to determine and issue a works approval and license until the Minister for Planning has made her decision on Amendment 50 and it is known whether the land use will be permitted by the scheme.

4. *The proposal submitted for the Works Approval does not align with the approved development application. Specifically, an additional sediment management structure is proposed which does not have development approval; and*
5. *There are a number of conditions of the development approval which have not been complied with. These include:*
 - *A fire management plan to be approved by the Shire of York;*
 - *A revegetation plan for the Thirteen Mile Brook;*
 - *Upgrading of the site access road junction onto Great Southern Highway; and*
 - *Establishment of a community reference group*

While Section 14 of the landfill management plan provided with the works approval application describes community communication, it does not acknowledge the requirement to establish a community reference group, as required by the development approval.

6. *Following community feedback, that Council requests the CEO to engage a suitably qualified consultant to undertake a peer review of the Geotechnical and Hydrological assessment of the site and includes any pertinent information from that review in the Works Approval submission to be capped up to a maximum of \$8,000.”*

LOST: 2/3

Reason: To include a capped amount for consultation

New Motion to Amend Point 6:

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council advises the Department of Water and Environmental Regulation that it does not support the issue of a works approval for Alkina Holdings Pty Ltd for a Class II landfill facility on Lot 4869, Saint Ronans for the following reasons:

1. *The proposed landfill facility represents adhoc and unplanned development and is inconsistent with orderly and proper planning. In this respect it is noted that the proposal is inconsistent with the State Planning Strategy 2050 and the Waste Strategy 2012. These documents both stress the importance of strategically planning waste management facilities to ensure:-*
 - *The number and types of facilities required and their relationship to existing waste facilities can be identified;*
 - *They are optimally located;*
 - *That they have appropriate access to transport networks;*
 - *Buffers are appropriate and adequate; and*
 - *That the degree risk of air, soil, groundwater and surface water pollution is acceptable.*

2. *The absence of any strategic planning has removed the ability of the community to engage with government on the appropriate identification of a range of potential landfill sites, and to prioritise the most appropriate sites on the basis of environmental, social, and economic performance. The community has not been able to contribute to a broader planning process that enables the most appropriate location to be debated, tested and considered in a collaborative, transparent manner. In the absence of a meaningful, strategic and engaging process, the Shire cannot support a development that has drawn so much concern and opposition from the community.*
3. *The Shire of York is currently progressing Amendment 50 to the Shire of York Local Planning Scheme No. 2, which includes two amendments of relevance to this proposal:*
 - *The use class 'Waste Disposal Facility' (which includes landfill activities) will become an 'X' or 'not permitted' use in the General Agriculture Zone; and*
 - *The insertion into Schedule 3 of the Scheme of a Special Use Zone No. 8 (SU8), identifying a waste disposal facility on Lot 4869 subject to various conditions that require the development to be undertaken in accordance with the 8 March 2016 decision of the SAT.*

Amendment 50 is currently before the Minister for Planning for final determination. Upon the Minister's determination of the amendment, it will be confirmed whether the subject land will be:

- *Retained as General Agriculture;*
- *Rezoned to Special Use with a sunset clause; or*
- *Rezoned to Special Use with no sunset clause.*

It would be premature to determine and issue a works approval and license until the Minister for Planning has made her decision on Amendment 50 and it is known whether the land use will be permitted by the scheme.

4. *The proposal submitted for the Works Approval does not align with the approved development application. Specifically, an additional sediment management structure is proposed which does not have development approval; and*
5. *There are a number of conditions of the development approval which have not been complied with. These include:*
 - *A fire management plan to be approved by the Shire of York;*
 - *A revegetation plan for the Thirteen Mile Brook;*
 - *Upgrading of the site access road junction onto Great Southern Highway; and*
 - *Establishment of a community reference group*

While Section 14 of the landfill management plan provided with the works approval application describes community communication, it does not acknowledge the requirement to establish a community reference group, as required by the development approval.

6. *Following community feedback, that Council requests the CEO to engage suitably qualified consultants to undertake a peer review of the Geotechnical and Hydrological assessment of the site and includes any pertinent information from that review in the Works Approval submission."*

CARRIED: 4/1

Reason: To achieve the best possible outcome without limitation to the scope

The Amendment Became the Motion:

**RESOLUTION:
160917**

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council advises the Department of Water and Environmental Regulation that it does not support the issue of a works approval for Alkina Holdings Pty Ltd for a Class II landfill facility on Lot 4869, Saint Ronans for the following reasons:

1. *The proposed landfill facility represents adhoc and unplanned development and is inconsistent with orderly and proper planning. In this respect it is noted that the proposal is inconsistent with the State Planning Strategy 2050 and the Waste Strategy 2012. These documents both stress the importance of strategically planning waste management facilities to ensure:-*

- The number and types of facilities required and their relationship to existing waste facilities can be identified;***
- They are optimally located;***
- That they have appropriate access to transport networks;***
- Buffers are appropriate and adequate; and***
- That the degree risk of air, soil, groundwater and surface water pollution is acceptable.***

2. *The absence of any strategic planning has removed the ability of the community to engage with government on the appropriate identification of a range of potential landfill sites, and to prioritise the most appropriate sites on the basis of environmental, social, and economic performance. The community has not been able to contribute to a broader planning process that enables the most appropriate location to be debated, tested and considered in a collaborative, transparent manner. In the absence of a meaningful, strategic and engaging process, the Shire cannot support a development that has drawn so much concern and opposition from the community.*

3. *The Shire of York is currently progressing Amendment 50 to the Shire of York Local Planning Scheme No. 2, which includes two amendments of relevance to this proposal:*

- The use class ‘Waste Disposal Facility’ (which includes landfill activities) will become an ‘X’ or ‘not permitted’ use in the General Agriculture Zone; and***
- The insertion into Schedule 3 of the Scheme of a Special Use Zone No. 8 (SU8), identifying a waste disposal facility on Lot 4869 subject to various conditions that require the development to be undertaken in accordance with the 8 March 2016 decision of the SAT.***

Amendment 50 is currently before the Minister for Planning for final determination. Upon the Minister’s determination of the amendment, it will be confirmed whether the subject land will be:

- Retained as General Agriculture;***
- Rezoned to Special Use with a sunset clause; or***
- Rezoned to Special Use with no sunset clause.***

It would be premature to determine and issue a works approval and license until the Minister for Planning has made her decision on Amendment 50 and it is known whether the land use will be permitted by the scheme.

- 4. The proposal submitted for the Works Approval does not align with the approved development application. Specifically, an additional sediment management structure is proposed which does not have development approval; and***
- 5. There are a number of conditions of the development approval which have not been complied with. These include:***
 - A fire management plan to be approved by the Shire of York;***
 - A revegetation plan for the Thirteen Mile Brook;***
 - Upgrading of the site access road junction onto Great Southern Highway; and***
 - Establishment of a community reference group***

While Section 14 of the landfill management plan provided with the works approval application describes community communication, it does not acknowledge the requirement to establish a community reference group, as required by the development approval.

- 6. Following community feedback, that Council requests the CEO to engage suitably qualified consultants to undertake a peer review of the Geotechnical and Hydrological assessment of the site and includes any pertinent information from that review in the Works Approval submission.”***

CARRIED: 4/1

8. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

9. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.29pm.