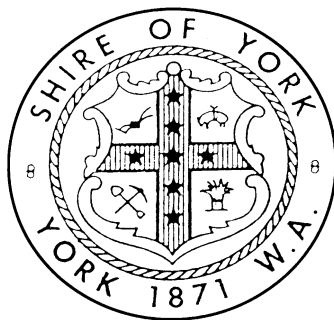


SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 31 MARCH, 2014
COMMENCING AT 4.00pm
IN THE YORK TOWN HALL,
YORK**

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON MONDAY, 31 MARCH 2014, COMMENCING AT
4.00PM IN THE 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 Matthew Reid, Shire President, declared the meeting open at 4.00pm.

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 Suspension of Standing Orders (undergoing the repeal process) –

Clauses 1 to 19 excluding Clause 8.5.1 which states "No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council."

Moved: Cr Duperouzel Seconded: Cr Smythe Carried: 6/0

1.4 Announcement of Visitors

Hon Paul Brown MLC

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interest

Nil

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

- 2.1 Members
*Cr Matthew Reid, Shire President; Cr Mark Duperouzel, Deputy Shire President
Cr Denese Smythe, Cr Pat Hooper, Cr Tony Boyle, Cr Wallace*
- 2.2 Staff
*Ray Hooper, Chief Executive Officer; Jacky Jurmann, Manager of Planning Services;
Graham Lantzke, Manager Works & Projects; Gail Maziuk, Finance/Special Projects;
Helen D'Arcy-Walker, Executive Support Officer*
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 64 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Previous Public Questions Taken on Notice
Nil

4. PUBLIC QUESTION TIME

Cr Reid read the following statement at the commencement of Public Question Time:

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

"Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.

- Where possible questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.
- Shire of York guidelines for Public Question Time are included on the meeting agenda.”

PRESIDING OFFICER

21 October 2013

Public Question Time

Public Question Time commenced at 4.07pm

The Shire President announced that the DAP meeting will be held on Monday, 14th April, 2014 at 1.00pm in the York Town Hall. The timing of the meeting is a DAP process and not at the discretion of the Council.

4.1 Written Questions

Mr Keith Schekkerman

Question 1:

What provisions are in hand to rectify the misleading information supplied by SITA and quoted on page 5 of the RAR? Height finished landfill quoted at 327 AHD. Correct height 354 AHD as per map on page 6.

Response:

Shire President responded that the information has been supplied and included on page 6 of the RAR.

Question 2:

If information is left in the report this will make people still think that it is still included.

Response:

A footnote can be added on page 5 to clarify the updated information and the original data is incorrect.

4.2 Public Question Time

Ms Jane Ferro

Question not accepted.

Mr Denis Hill

Question 1:

Why is a plan by the applicant dated the 25th March, 2014 included in the RAR on page 6? This plan was not part of the development application to the Shire of York.

Is the Shire Planner aware that the EPA and DOW referral responses are based on old information prior to the close of the DER submission period and is the Shire Planner aware that irregularities in the applicants data is under investigation by the EPA, DOW and the DER?

Response:

The Shire Planner is aware that the information is to be reviewed.

Public Question Time was declared closed by the Shire President at 4.16pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

I would like to thank Jacky Jurmann Manager Planning for the very thorough and detailed Responsible Authority Report (RAR) that is before Council today. We acknowledge the many hours of research that you have undertaken and the breadth of information sources you have studied using sources across Australia.

Thank you also to Nial Stock and his team for the substantial amount of work that they have undertaken in the preparation of the application for a landfill at Allawuna Farm. Council acknowledges the professionalism of Mr Stock and his team in all of their dealing with Council.

Thirdly I would like to acknowledge the substantial amount of work that has been done by numerous volunteers in preparing submissions to Council and actively participating in the debate. Robin Davies, Kay Davies, Keith Schekkerman, Denis Hill and Colin Cable have all made substantial contributions to the information presented to Council today.

I commend you all for the professional and factual approach that you have taken.

I encourage you all to stay engaged with your Council and your Shire staff as we move forward as a community.

The outcome we all seek is a progressive, harmonious community working toward common goals achieving progress for all.

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Responsible Authority Report – Allawuna Landfill Development Proposal

When acting as a planning authority in accordance with the powers conferred by the Planning and Development Act 2005 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

FILE NO:	GR2.290
COUNCIL DATE:	31 March 2014
REPORT DATE:	27 March 2014
LOCATION/ADDRESS:	Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans
APPLICANT:	SITA Australia Pty Ltd
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Responsible Authority Report B – DAP Practice Note No. 5
DOCUMENTS TABLED:	Community Submissions

Summary:

The purpose of this Report is for Council to receive, authorise and endorse the Responsible Authority Report for the Development Assessment Panel application for the proposed Allawuna Landfill at 2948 Great Southern Highway, St Ronans.

Background:

A planning application was submitted to the Shire of York on 17 December 2013 for the purposes of establishing a landfill at Allawuna Farm situated at 2948 Great Southern Highway, St Ronans.

At a Special Meeting of Council held on 4 February 2014 it was resolved that the proposal may be consistent with the objectives of the General Agriculture zone.

Consultation:

The application was advised in accordance with Clause 8.3 of the York Town Planning Scheme No. 2 from 15 February to 17 March 2014 (inclusive).

212 submissions were received from the community, with 211 objecting to the proposal.

28 government agencies were requested to comment, with 17 responses received.

Statutory Environment:

Planning and Development (Development Assessment Panels) Regulations 2011

The value of the development exceeds \$7 million and is therefore a 'mandatory' DAP application where the Wheatbelt Joint Development Assessment Panel becomes the determining authority.

Policy Implications:

The planning assessment indicates that the proposal is not consistent with objectives of the General Agriculture zone, which is therefore not consistent with the objectives of the York Town Planning Scheme No. 2. The proposal is also inconsistent with State Policies for the use of rural land.

Financial Implications:

Council resolved at its Ordinary Meeting held on 17 March 2014 to allocate up to \$5,000 for the purposes of employing an appropriate person to advocate at the DAP Meeting on behalf of the community.

Strategic Implications:

The planning assessment indicates that the proposal is not consistent with the Local Planning Strategy or the York Community Strategic Plan.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:**Economic Implications:**

There are no quantified economic benefits for the community associated with this proposal.

Social Implications:

The social impacts associated with the proposal are considered unacceptable for the community and locality.

Environmental Implications:

The environmental risks associated with the proposal are considered unacceptable for the community and locality.

Comment:

Practice Note 5 – Regulation 12 Responsible Authority Reports (RAR)

The Practice Note provides guidance on the preparation and submission of RARs. Applicable to this report is Note 6 as follows:

“It was the original intention of the DAP Regulations that the report be provided by a local government planning officer, not necessarily by Council. However, it has been suggested that absent any delegation arrangements, Councils may or shall endorse a RAR prepared by the planning officer. Whenever possible, Councils are encouraged to have sufficient delegation arrangements in place to facilitate a timely approvals process.”

There are no appropriate delegations in the Shire of York delegations, and therefore Council needs to receive and authorise the submission of the RAR. It may also endorse the RAR in accordance with this Practice Note.

**RESOLUTION
190314**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

- 1. Receive the Responsible Authority Report for the proposed Allawuna Landfill at Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans.***
- 2. Authorise the submission of the Responsible Authority Report for the proposed Allawuna Landfill at Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans to the Development Assessment Panel’s Secretariat.***
- 3. Endorse the Officer’s Recommendation to REFUSE the development application for the proposed Allawuna Landfill at Lots 4869, 5931, 9926 & 26932 (2948) Great Southern Highway, Saint Ronans.”***

CARRIED: 6/0

**RESOLUTION
200314**

Moved: Cr Smythe

Seconded: Cr Boyle

“That Council:

Immediately engage Steve Allerding as the representative advocate to the DAP hearing on 14th April, 2014.”

CARRIED: 6/0

Item 9.1.1 Appendices

9.2 Administration Reports

9.3 Works Reports

9.4 Financial Reports

9.5 Late Reports

9.6 Confidential Reports

10. CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 4.41pm