

## **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.*

<b>FILE NO:</b>	<b>GR2.290</b>
<b>COUNCIL DATE:</b>	<b>31 March 2014</b>
<b>REPORT DATE:</b>	<b>27 March 2014</b>
<b>LOCATION/ADDRESS:</b>	<b>Lots 4869, 5931, 9926 &amp; 26932 (2948) Great Southern Highway, Saint Ronans</b>
<b>APPLICANT:</b>	<b>SITA Australia Pty Ltd</b>
<b>SENIOR OFFICER:</b>	<b>R Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>J Jurmann, MPS</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>1 – Responsible Authority Report 2 – DAP Practice Note No. 5</b>
<b>DOCUMENTS TABLED:</b>	<b>Community Submissions</b>

#### **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.

**OFFICER RECOMMENDATION**

***“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."***