

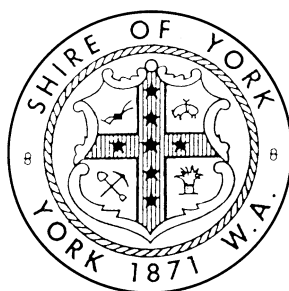


SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 12 FEBRUARY 2018
COMMENCING AT 5.0PM
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	7
5. PRESENTATIONS.....	7
5.1 Petitions.....	7
5.2 Presentations.....	7
5.3 Deputations.....	7
5.4 Delegates reports.....	7
6. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	7
7. OFFICER’S REPORTS.....	7
SY001-02/18 – Responsible Authority Report: Form 2 Application to Mid-West Wheatbelt Joint Development Assessment Panel to extend period for substantial commencement of Development Approval for the construction and use of Allawuna Farm for the purposes of a Class II Landfill at Lots 4869, 5931, 9926 and 26934 (2948) Great Southern Highway, St Ronans	9
8. QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	13
9. MEETING CLOSED TO THE PUBLIC.....	13
9.1 Matters for which the meeting may be closed	13
9.2 Public reading of resolutions to be made public	13
10. CLOSURE	13



SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL HELD ON MONDAY, 12 FEBRUARY 2018, COMMENCING AT 5.00PM 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 5.00pm.

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 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 Kevin Trent, Deputy Shire President;
Cr Denese Smythe; Cr Jane Ferro; Cr Denis Warnick*

2.2 Staff

Paul Martin, Chief Executive Officer; Suzie Haslehurst, Executive Manager Corporate & Community Services; Carly Rundle, Senior Planner; Helen D'Arcy-Walker, Council and Executive Support Officer

2.3 Apologies

Cr Pam Heaton; Cr Heather Saint

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 21 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: 5.02pm

3.1 Written Questions – Current Agenda
Nil

3.2 Public Question Time
Nil

Public Question Time Concluded at 5.03pm due to no questions being asked.

4. APPLICATIONS FOR LEAVE OF ABSENCE
Nil

5. PRESENTATIONS

5.1 Petitions

A petition containing 138 signatures was received regarding this matter during the public submission process. The Petition has been incorporated into the schedule of submissions and is presented attached to the agenda for Council's consideration as part of item SY001-01/18.

Officers have not reviewed the petition to determine which signatories are electors in the Shire, it is presented to Council in its current form for consideration.

5.2 Presentations
Nil

5.3 Deputations
Nil

5.4 Delegates reports
Nil

6. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President advised that the Joint Development Assessment Panel will sit on 27 February 2018 at 10.30am at the YRCC. The meeting is being held in the YRCC as the Town Hall is unavailable due to works taking place.

7. OFFICER'S REPORTS

The Chief Executive Officer advised the meeting that legal advice on this matter had been circulated to Councillors as a Confidential attachment under separate cover.

SY001-02/18 – Responsible Authority Report: Form 2 Application to Mid-West Wheatbelt Joint Development Assessment Panel to extend period for substantial commencement of Development Approval for the construction and use of Allawuna Farm for the purposes of a Class II Landfill at Lots 4869, 5931, 9926 and 26934 (2948) Great Southern Highway, St Ronans

FILE REFERENCE: GR2.290
APPLICANT OR PROPONENT(S): LSV Borello, AMI Enterprises Pty Ltd
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: Nil for this specific application
DISCLOSURE OF INTEREST: Nil.
APPENDICES: A. Responsible Authority Report
B. Petition Received

Nature of Council’s Role in the Matter:

- Advocacy

Purpose of the Report:

To seek the endorsement of Council on the Responsible Authority Report (RAR) prepared by officers in response to a Form 2 application submitted to the Mid-West Wheatbelt Joint Development Assessment Panel (JDAP) to extend period for substantial commencement of Development Approval for the construction and use of Allawuna Farm for the purposes of a Class II Landfill at Lots 4869, 5931, 9926 and 26934 (2948) Great Southern Highway, St Ronan’s.

Background:

A development application for the construction and use of Allawuna Farm for the purposes of a Class II Landfill at Lots 4869, 5931, 9926 and 26934 (2948) Great Southern Highway was refused by the JDAP 31 August 2015. The determination notice (which gives effect to the decision) was issued on the 4 September 2015. The decision was overturned on appeal to SAT, which issued orders 8 March 2016 to approve the development subject to conditions.

Condition 9 of the approval required:

“the development approved is to be substantially commenced within two years after the date of the approval, and the approval will lapse if the development is not substantially commenced before the expiration of that period.”

As detailed in the attached RAR, the period to substantially commence the development ended on 4 September 2017, although the applicant considers this period ends on 8 March 2018.

No substantial commencement of the proposal has occurred to date.

A Form 2 application to the JDAP was received 28 November 2017 (and considered completed on 28 November 2017 following submission of additional information) proposing to amend condition 9 of the approval to extend the period for substantial commencement. The application proposes to amend condition 9 by:

- Deleting: ‘within two years after the date of approval; and*
- Extend the period for substantial commencement by inserting ‘8 March 2020’.*

The Shire is required to prepare a 'Responsible Authority Report' assessing the application and providing a recommendation to the JDAP to consider when determining the application by the 15 February 2018.

This report is attached for Council's consideration.

Comments and details:

The Responsible Authority Report is attached, which contains a detailed background of the proposal, assessment and recommendation for the application to extend the period for substantial commencement.

Options:

Practice notes released by the Development Assessment Panel provide the following:

- It was the original intention of the DAP Regulations that the report be provided by a local government planning officer giving a technical opinion on the application, not necessarily by Council. Although in the absence of any delegation arrangements, Councils may or shall endorse a RAR prepared by the planning officer.
- Given the original intent, the DAP suggests that if the local government or Council wishes to make a statement regarding an application, it should do so by making a submission on the RAR.

Based on the above, should Council not support the recommendation of the Responsible Authority Report in its current format it could:

- Resolve not to endorse the submission, which would create uncertainty in terms of what could be submitted to the JDAP for consideration; or
- Resolve to make a submission to the Mid-West Wheatbelt JDAP including statements for consideration.

Implications to consider:

- **Consultative**
Consultation undertaken is discussed within the RAR.
- **Strategic**
Strategic implications are discussed within the RAR.
- **Policy related**
Policy implications are discussed within the RAR.
- **Financial**
There are no direct financial implications as a result of the RAR recommendations.
- **Legal and Statutory**
The Planning and Development (Development Assessment Panels) Regulations 2011 make provisions for the operation, constitution and administration of Development Assessment Panels. The application to amend the proposal is made in accordance with section 17(1)(a) of this Regulation.

Other relevant legal and statutory documents applicable to assessment of the application are outlined in the attached RAR.

- **Risk related**
Risks associated with the proposal, i.e environmental risks etc are discussed within the RAR.

- **Workforce Implications**

The recommendation of the RAR has no implications on workforce.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council endorses the Shire’s Responsible Authority Report (as provided in Attachment A) to the Mid-West Wheatbelt Joint Development Assessment Panel in relation to the Form 2 Application to extend period for substantial commencement of Development Approval for the construction and use of Allawuna Farm for the purposes of a Class II Landfill at Lots 4869, 5931, 9926 and 26934 (2948) Great Southern Highway, St Ronans.”

REVISED OFFICER RECOMMENDATION

“That Council:

- 1. Endorses the Shire’s Responsible Authority Report (as provided in Attachment A) to the Mid-West Wheatbelt Joint Development Assessment Panel in relation to the Form 2 Application to extend period for substantial commencement of Development Approval for the construction and use of Allawuna Farm for the purposes of a Class II Landfill at Lots 4869, 5931, 9926 and 26934 (2948) Great Southern Highway, St Ronans.*
- 2. Authorises the Chief Executive Officer to make any minor typographical changes to the report.”*

Reason: The Chief Executive Officer advised that some minor typographical errors have been identified in the Responsible Authority Report (RAR).

RESOLUTION

010218

Moved: Cr Trent

Seconded: Cr Ferro

“That Council:

- 1. Endorses the Shire’s Responsible Authority Report (as provided in Attachment A) to the Mid-West Wheatbelt Joint Development Assessment Panel in relation to the Form 2 Application to extend period for substantial commencement of Development Approval for the construction and use of Allawuna Farm for the purposes of a Class II Landfill at Lots 4869, 5931, 9926 and 26934 (2948) Great Southern Highway, St Ronans.***
- 2. Authorises the Chief Executive Officer to make any minor typographical changes to the report.”***

CARRIED: 5/0

8. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

9. MEETING CLOSED TO THE PUBLIC

9.1 Matters for which the meeting may be closed

9.2 Public reading of resolutions to be made public

10. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.08pm.