

TABLE OF CONTENTS

1.	ATTENDANCES & APOLOGIES (including Leave of Absence) : .Error! Bookmark not defined.	
2.	PUBLIC QUESTION TIME:	1
3.	PUBLIC STATEMENT TIME:	1
4.	PETITIONS & DEPUTATIONS:	1
5.	PRESIDENT’S REPORT:	1
6.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	1
7.	RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:	2
SCM08/05/06	EXTENSION TO LANDFILL FOOTPRINT – SOUTH CARDUP LANDFILL – SHALE ROAD WHITBY. ENVIRONMENTAL PROTECTION AUTHORITY - ASSESSMENT LEVEL AND SETTING OF ENVIRONMENTAL CONDITIONS (P00066/02)	2
8.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	5
9.	CHIEF EXECUTIVE OFFICER’S REPORT	5
10.	URGENT BUSINESS:	5
11.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:	5
12.	CLOSURE:	5

NOTE:

- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
- b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON FRIDAY 5TH MAY, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 8.30AM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
THJ Hoyer
JC Star
KR Murphy
WJ Kirkpatrick

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr B Gleeson Executive Manager Planning & Regulatory Services
Mr A Pawluk Consultant Planner for Serpentine Jarrahdale Shire
Mr M Angeloni Environmental Officer
Mrs S Langmair Minute Secretary

APOLOGIES: Crs EE Brown Leave of Absence
AW Wigg
IJ Richards
JA Scott
Mr D Long Director Corporate Services
Mr R Montgomery . Executive Manager Strategic Community Planning

GALLERY: 0

2. PUBLIC QUESTION TIME:

Nil

3. PUBLIC STATEMENT TIME:

Nil

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

7. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

SCM08/05/06 EXTENSION TO LANDFILL FOOTPRINT – SOUTH CARDUP LANDFILL – SHALE ROAD WHITBY. ENVIRONMENTAL PROTECTION AUTHORITY - ASSESSMENT LEVEL AND SETTING OF ENVIRONMENTAL CONDITIONS (P00066/02)		
Proponent	Environmental Protection Authority	In Brief The Environmental Protection Authority has published Bulletin 1218 which sets the Level of Assessment and the Environmental Conditions that the owner/operator of the site must comply with. The process allows interested parties 14 days in which to lodge an Appeal either against the Level of Assessment set or against the recommended environmental conditions. It is recommended to lodge an Appeal against the Level of Assessment with argument that it be upgraded to a 'Public Environmental Review and to lodge an Appeal in respect to some of the environmental conditions.
Owner	West Australian Landfill Services Pty Ltd	
Officer	A Pawluk – Consultant Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	4 May 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
Delegation	Council	

Received : 27 April 2006
 Advertised (by EPA) : 14 day advertising period under Environmental Protection Act to allow Appeals
 Submissions : N/A
 Lot Area : 16.9274ha – Lot 200 and 21.8105ha – Lot 201
 TPS. Zoning : Special Use – waste disposal, composting and associated landfill activities
 MRS Zoning : Rural
 Byford Structure Plan : N/A
 Rural Strategy Policy Area : Raw materials extraction
 Rural Strategy Overlay : N/A
 Bush Forever : N/A
 Date of Inspection: : 11 April 2006

Background

The operator of the South Cardup Landfill site, West Australian Landfill Services lodged a development application with the Shire in April 2003 to modify the area of landfill to increase its capacity. It is proposed to use the land between Stage 1 (Cells 1,2,3 and 4) and Stage 2 (Cells 5 and 6) being proposed Cells 7 and 8. The additional area will extend the life of the landfill site until about 2015.

The application was referred to the Department of Environment (DoE) for its consideration. The DoE investigated the proposal and required additional information to be provided by West Australian Landfill Services. The additional information resulted in an updated application document titled 'South Cardup Landfill Modified Footprint Support Documentation (Volume 1 Version 2 April 2006). It is this document that has been assessed by the Environmental Protection Authority in setting its Level of Assessment and environmental conditions under Bulletin 1218.

A copy of a plan showing the proposed and existing footprint is attached and marked SCM08.1/05/06.

Statutory Environment:

The EPA has set the Level of Assessment and Environmental Conditions pursuant to the Environmental Protection Act through Bulletin 1218. A fourteen (14) day Appeal period commences from the release date of the Bulletin.

Following the setting of Environmental Conditions by the Minister for the Environment, Council will then be in a position to assess the development proposal in accordance with the Scheme.

**Policy/Work Procedure
Implications:**

There ARE no work procedures/policy implications directly related to this application/issue.

Financial Implications:

Council holds two (2) bonds (one (1) from each of the two (2) landowners) for the total sum of \$1.474 million against any works that Council may need to undertake in case of any emergency that may arise. One (1) bond expires in 2022 and the other in 2032.

Community Consultation:

There is no requirement for Council's consideration to Appeal to be the subject of community consultation.

The consideration of the development proposal for the modification of the footprint will be the subject of community consultation, prior to Council making a decision on the proposal.

Voting Requirements:

Normal

Comment

There are two (2) matters for Council to consider for Bulletin 1218:

1. Whether the Level of Assessment is adequate; and
2. Whether the environmental conditions set are adequate.

An Appeal may be lodged with the Appeals Convenor no later than 8 May 2006.

Level of Assessment

The EPA has set the Level of Assessment at an 'Assessment on Referral Information' (ARI).

There are five (5) potential levels, being:

- Assessment on Referral Information (ARI) – For proposals which raise one or a small number of significant environmental factors. The Environmental Protection Authority (EPA) will liaise with the proponent to seek further information where necessary.
- Proposal is Unlikely to be Environmentally Acceptable (PUEA) – For proposals which are unlikely to meet EPA's environmental objectives.
- Environmental Protection Statement (EPS) – For proposals of local interest that raise a number of significant environmental factors. This level includes the setting up of a stakeholders group for consultation purposes. Public review not warranted. Proponent prepares EPS document in consultation with stakeholders and other interested parties.
- Public Environmental Review (PER) – For proposals of local or regional significance that raise a number of significant environmental factors. Requires initial preparation

of a Public Environmental Review document for public review. The EPA assesses submissions and makes a final recommendation.

- Environmental Review and Management Program (ERMP) – for proposals of State interest.

The ARI level is the lowest level of formal assessment.

The proposal is considered to be of at least local significance and is considered to raise more than a small number of significant environmental issues. The assessment process so far has included regular stakeholder group meetings which suggests that at least an EPS level should have been set. Given the landfill operation and the proposed extension involved complex matters on which many scientific experts have been consulted and many involved reports and studies have been written, it is considered that two (2) weeks for the Shire to review the document is too short. It is also considered appropriate for the proponent's Supporting Documentation and Bulletin 1218 to be considered by the public given the consultative process so far and given that complaints have been received by the Shire since operations began.

It is recommended that the Council lodge an Appeal to the EPA seeking that a Public Environmental Review, Level of Assessment, be set. ***The grounds for Appeal against the Level of Assessment are provided in the attached Appeal report marked SCM08.2/05/06.***

Environmental Conditions

The Proponent's Commitment's - Appendix 2 and the Environmental Conditions - Appendix 3 as recommended by the EPA in Bulletin 1218 are attached to this report and marked SCM08.3/05/06 and SCM08.4/05/06 respectively, for Councillor's consideration and review.

Bulletin 1218 states that the EPA considers there to only be two environmental factors of significance, being:

1. Groundwater and surface water; and
2. Post closure management.

It is considered that there are other environmental factors of significance which should be addressed by environmental conditions within Bulletin 1218. These matters include:

- The known groundwater contamination. Conditions requiring measures to be undertaken now/immediately to prevent off-site impacts.
- Potential increase of impacts to future residents within the planned Whitby/Mundijong urban development area.
- Assessment of a new evaporative system being trialled.
- Rehabilitation of already completed cells.

These matters are raised in the attached Appeal report marked ***SCM08.1/05/06*** with grounds contending that they should require environmental assessment and be subject to operational 'conditions' and 'commitments' by the proponent.

An assessment of the Proponent's Commitments and the EPA's determined 'Status' as contained in Appendix 2 of Bulletin 1218 reveals that there are some inadequacies in the Commitments and in the change of 'Status' as recommended by the EPA. The attached Appeal Report identifies where such inadequacies occur and provides detailed appeal grounds which justify the need for the conditions and/or 'status' to be modified.

An assessment of the Environmental Conditions as contained in Appendix 3 of Bulletin 1218 reveals that some of the environmental conditions fail to adequately address environmental

matters which are considered to be significant. The inadequacies of the conditions are identified and grounds for modifications to the conditions are provided in the Appeal Report as provided in **SCM08.2/05/06**.

Minister for Environment

Council received a letter from the Minister for Environment on 2 May 2006 advising that the EPA had released Bulletin 1218 in respect of the proposal to Modify the Footprint on the South Cardup Landfill site. The letter invites Council's comment within 21 days on whether it considers the "implementation of this proposal and the conditions are acceptable". The letter also states that "unless I receive your advice within 21 days, the Appeals Convenor will contact you on my behalf and seek an immediate response."

It is recommended that a response be provided to the Minister advising that Council has a number of concerns over the inadequacy of the recommended approval conditions and provide a copy of the Appeal report to the Minister.

Planning Process

Once the Minister for the Environment has set environmental conditions for the Modified Footprint Landfill proposal, the Shire will then need to process the application under the Town Planning Scheme. Given that the proposal is considered significant, Council can require the matter to be advertised for public comment pursuant to Clause 6.2.1(c) of the Scheme in accordance with Clause 6.3 of the Scheme. Such public advertising may be instigated by Council irregardless of the Level of Assessment as finally set by the EPA. Following public advertising the matter will be put to Council for a decision.

SCM08/05/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Star seconded Cr Price

Council resolves:

- 1. To lodge an Appeal on Bulletin 1218 against:**
 - the Level of Assessment of "Assessment Referral Information" (ARI) Level of Assessment on the grounds as provided in the Appeal report provided as **SCM08.2/05/06**.
 - some of the Proponent's Commitments and Environmental Conditions as recommended in Bulletin 1218, on the grounds as provided in the Appeal Report provided as **SCM08.2/05/06**.
- 2 To provide a written response to the Minister for the Environment advising that Council has a number of concerns over the inadequacy of the recommended approval conditions and considers that the Level of Assessment is inadequate and should be set at a Public Environmental Review level, and provide a copy of Council's Appeal report.**

CARRIED 6/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

9. CHIEF EXECUTIVE OFFICER'S REPORT

Nil

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business the Presiding Member closed the meeting at 8.35am.