

Minutes

Meeting Date: Tuesday 29 September 2009

Time: 2 – 3pm

Location: Staff Room, Covenant Christian School, Belrose

Item	Issue	Action	By
	Welcome DW		
1	<p>Minutes</p> <p>The minutes of the 17th August meeting were approved with amendments</p> <p>A CAC member requested that WSN provide a consolidated document that lists every offer that is currently on the table from WSN (<i>Chair's note this was supplied in the alternative form of the table issued by WSN date 4 September 2009</i>)</p> <p>Omission of mention of closure 11 Nov 2014</p> <p>Pg 5 – A CAC member wanted words changed from 'end use' to 'passive recreation'</p>		
2	<p>Public Positive Covenant/Restrictive Covenant (PPC/RC) Process – discussion regarding the public positive covenant and the restrictive covenant prior to finalising</p> <p>An area of concern was the lack of management strategy for the third area of land. DW responded this could be put on the agenda for a future meeting</p> <p>Members of the CAC requested a map of the entire area clearly delineating the areas under discussion - WSN responded that this would be provided</p> <ul style="list-style-type: none"> • There was brief discussion of the status of the gas-to-energy power plant in relation to the PPC. Agreement for further discussion at a future meeting. • A CAC member suggested that monitoring take place at the 10ha site to ensure a record of what is currently there and what will be there. • A CAC member felt there should be independent legal review of the PPC/RC process particularly in view of the Restrictive Title that existed • A CAC member enquired whether Warringah Council is still willing to participate in the Restrictive Covenant - RH responded that Council is willing <p>RS clarified that a PPC is a legal document covering land use on an operational site while a RC is better suited to a site where there is no operational intent. 10 ha site also subject to restrictive zoning under Warringah LEP 2000 – 'to be preserved in its natural state'.</p> <ul style="list-style-type: none"> • A CAC member noted that management of the 10Ha site will be required in the future and therefore a PPC might be best for this site as well. RS responded that additional wording in the RC could achieve the necessary requirements • A member requested input from Council - Council responded that they would consider the matter and come back with some thoughts • A member felt it was important that a statement of value is attached to the Covenant for the 10Ha site detailing its long-term importance - RS responded that the preamble to the RC could cover this. Noted that previously the problem had been that WSN could initiate a change in the conditions covering the 10Ha, and the proposed RC would give more security <p>Indexation of the Belrose Enhancement Fund</p>	<p>KP</p> <p>CN</p>	<p>end of year</p> <p>ASAP</p>

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	<p>CJ responded to previous questions regarding indexation, noting that more detail will be available by the next meeting. WSN has reviewed the meeting records and cannot locate any formal sign off on the amount, that said, WSN is working towards trying to meet the figure if it was indexed, and it would have to be addressed through dollar contributions of the 180,000 future tonnes and replace the \$2 a tonne offer from last meeting. Member noted library used to contain the meeting records.</p> <p>Screening Bund</p> <p>In response to an enquiry from a CAC member, CN of WSN proposed that a bund in the vicinity of the works, and about 3m high, could be used to screen visual amenity and manage noise.</p> <p>The 'Right to Extinguish'</p> <ul style="list-style-type: none"> • Discussion regarding 'the right to extinguish' RH noted that any land title is imposed on the piece of land, regardless of who owns it. Any changes would have to go through Council, but would have to be initiated by WSN. Elected Councillors would have to make a decision regarding any changes. Noted that a third party, in this case Council, would give the best check and balance. • CAC members requested that it be noted in the wording of the RC that changes could be made in this way - RS responded that the RC is a standard legal document and that changes would need to be referred back to the conveyancing act • A member expressed disappointment that no Covenant would give a permanent guarantee of the security of the 10Ha site - DW suggested that the 'fleshed out' covenant be reread by the group so that the whole package of information can be considered as one entity <p>Environmental Value of the 10Ha site and the Environmental Management Plan (EMP)</p> <ul style="list-style-type: none"> • A CAC member suggested that specific wording would be needed to be added to the RC underlining the site's environmental value • A CAC member suggested there be a qualified independent assessment of the value, a baseline value, to enable community members to follow changes over time • A CAC member proposed that dust, water, noise and odour conditions needed to be reviewed. The Environmental Management Plan could be changed to reflect any agreed changes • DR asked whether there was an intention to submit a revised license. • JW noted that the current license quotes the 2004 LEMP and that was revised in 2006 and submitted to DECCW but DECCW did not update the license to reflect the updated LEMP. • A CAC member felt the license should be reviewed • JW noted that WSN would pick up these issues at the licence review time (if they had not been picked up before) • RH noted that a report would go to Council once all the information regarding RC/ PPC has been finalised <p>Plans for Landfill post-2014</p> <p>A CAC member asked where the landfill would go after 2014 -</p> <p>Discussion around where landfill would go after 2014 and whether or not the AWT would be established by then. Member queried whether landfill would go to Kimbriki or whether the PPC would be altered under new ownership - RH responded that covenants and restrictions apply to land and not owner.</p>		

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	<ul style="list-style-type: none"> A member asked what criteria Council uses to change a PPC - PR responded that Council would look at the argument supporting change. A report would go to Council and public comment would be invited. There is more an 'outline of process' than 'criteria' Member enquired whether it could be reflected in the wording that those reasons reflect back to the value of the 10Ha site in the preamble - DW noted that this could be included in the document history and there could be more covered in accompanying documentation - CJ noted that the cost of a fauna and flora study of the area would need to come out of the Belrose Enhancement Fund <p>Acknowledgement of Host Community</p> <p>A community member noted that the host community should be acknowledged as they are residents in a non-urban residential zone with a C7 specific area very distinct from this residential zone adjacent to it with no buffer zone in between - DW responded that this could also be captured in the preamble</p> <p>National Parks and Wildlife</p> <p>A community member noted that National Parks and Wildlife should be invited to take an interest in the proposals</p> <p>DW responded that the NPWS is a division of the DECCW but that the DECCW representative attending the meeting could forward any relevant information</p> <p>Other Issues</p> <ul style="list-style-type: none"> DW noted that WSN needs to send written responses addressing individual issues to each CAC member who has sent in a submission DW asked members whether they felt that the site visit should be postponed for the time being until the PPC/RC process is complete The members of the CAC agreed that it should A member of the CAC asked whether members could see a copy of the current Restriction to User Agreement and the Council's Conditions of Approval WSN representative agreed to supply this 	DR	ASAP
		WSN	ASAP
		WSN	before next meeting

Next meeting:	Monday 2 November at 3.30pm
Venue :	Covenant Christian School, Belrose

	Action summary		
2	An area of concern was the lack of management strategy for the third area of land. DW responded this could be put on the agenda for a future meeting	KP	End of year
2	Members of the CAC requested a map of the entire area clearly delineating the areas under discussion - WSN responded that this would be provided	CN	ASAP
2	DECCW representative attending the meeting could forward any relevant information	DR	ASAP
2	WSN to send written responses addressing individual issues to each CAC member who has sent in a submission	WSN	ASAP