

Minutes from the Special Meeting

Date: Monday 18 May 2009

Time: 3.30pm – 4.30 pm

Location: Staff Room, Covenant Christian School, Belrose

Item	Issue	Action	By
1	<p>Welcome and Apologies DW Apologies from Jonathon O’Dea MP</p>		
2	<p>Update on DA Process</p> <p>CM Reported that, based on the wishes of the Belrose CAC, WSN had held discussions regarding the submission of a Development Application (DA) to Warringah Council. The response from Council was that, under Consent No. 78/213, continued operation is allowed subject to compliance with this consent and associated conditions. Further, that in order to provide a final landfill profile, WSN should enter into a public positive covenant (PPC) which can only be modified by the prescribed authority, in this case Warringah Council. It was noted that a PPC would be included on the existing landfill land title.</p> <p>The CAC pointed out that the landfill profile is one issue, and that the group is concerned with all aspects of environmental management of the site, including intergenerational equity. It was observed that the response from Council suggested that the landfill profile was only in regards to landfill.</p> <p>CM Responded that the advice from the Council is that a Covenant is the suggested way of proceeding and as WSN continues to meet all the licensing requirements. Council would not be able to request a new DA, nor could legal consent be revoked.</p> <p>The CAC commented that they had agreed to go along the route of requesting a DA because they felt a DA could take the site beyond classification as a Waste Disposal Unit (WDU), and that the Council had not actually refused to accept a DA.</p> <p>DW Summarised the situation: The response from Warringah Council has thrown up something different, and that is why the Special Meeting was called. WSN felt it was important to explain the implications of the response face to face</p>		

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	<p>with community members.</p> <p>CAC members felt that doubts had been raised about the value of a PPC.</p> <p>RPT Clarified that a PPC would be a covenant placed on WSN by WSN whether there was an existing DA or not, and that it could only be modified by Warringah Council (elected members). A major issue is the final height of the landfill and whether WSN would or could lodge a Section 96A modification. WSN could lodge a draft PPC that Council could assess and agree to or not.</p> <p>A CAC member enquired whether or not the 10 Ha site would be included, and WSN answered that it had not been directly discussed within WSN. The 10 Ha site was described as 'pristine bushland in the northeast corner' of the site. Inclusion of the site in a new PPC was questioned given that it is covered by an existing covenant.</p> <p>RPT Noted that there would be a review of the thirty year old consent and that the DA would include current status and operation conditions which would have been updated over time.</p> <p>It was confirmed that the Department of Conservation and Climate Change reviews licenses regularly.</p> <p>DW Council has advised WSN of the most appropriate process. CAC members would be assisted by a better understanding of the potential public participation process in the PPC. If the main criterion is height that's fine, but it would be better if the community knew it could cover other issues too, such as the environmental planning issues.</p> <p>There was discussion around the change of assessment body from the Warringah Development Assessment Panel to the Joint Regional Planning Panels on 1 July 2009, and the Independent Hearing and Assessment panel which sits mainly for public participation associated with any DA. A further observation from the CAC was that if one section under the old DA is no longer relevant that a new DA should be established to cover that section.</p> <p>The CAC asked what a PPC would cover.</p> <p>DW Responded that if the PPC was comprehensive, and if the information was available to members of the community,</p>		

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	<p>contributions could be made that might be 'locked off' in a Covenant.</p> <p>A CAC member noted that the state government has been working to take public participation away from elected councillors, and expressed concern that the general public would not have a say in this process.</p> <p>RPT Responded that that would be the advantage of having a PPC – that advice could be given, but the landowner could lodge what it determined was appropriate for council consideration.</p> <p>CM Noted that a PPC could probably be achieved faster than a DA and the process would be more straightforward, although he was unsure about what exactly could be covered and asked the CAC to let him know what they might want considered.</p> <p>A member of the CAC asked what the situation would be should a new party buy WSN in terms of the licensing conditions</p> <p>CM Responded that, should a sale proceed, that conditions in existence at that point in time would apply.</p> <p>A member of the CAC noted that the Environmental Management Plan needs to be included in any PPC.</p> <p>DW This was an initial point of discussion; all attendees should give some thought to the issues in readiness for the next meeting. Issues to be addressed were summarised as follows:</p> <ul style="list-style-type: none"> • WSN to find out exactly what could be covered by a PPC • WSN to establish whether or not a PPC could cover the 10 Ha site • WSN to further consider the possibility of putting in a DA because of the robustness of the process and potential for community participation • The CAC to consider what issues they would like to see addressed, and that • These items be worked through in time for the meeting on 15 June 2009 <p>KP to send out draft meeting minutes to all attendees, with a reminder to CAC members to send feedback on issues they would like to see covered by a PPC. Responses should be emailed by 8 June.</p>		

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	<p>RPT</p> <p>A member of the CAC asked whether or not it would be appropriate to raise the question of compensation at this point in time.</p> <p>DW</p> <p>Advised that, while this was a call for the CAC to make, it might be better not to 'muddy the waters' with a divergent issue, and that the DA/PPC process could be caught up in a side issue like this.</p>		
3	<p>Meeting Closure</p> <p>RP</p> <p>Thanked representatives from Warringah Council and WSN for attending the meeting</p> <p>DW</p> <p>Thanked members of the CAC for attending the meeting, and the Covenant Christian School for providing the meeting space.</p>		

<p>Next meeting: Monday 15 June 2009 at 3.30pm</p> <p>Venue : Covenant Christian School, Belrose</p>
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Item	Action summary		
2	WSN to find out exactly what could be covered by a PPC	WSN	15 June
2	WSN to establish whether or not a PPC could cover the 10 Ha site	WSN	15 June
2	WSN to further consider the possibility of putting in a DA	WNS	15 June
2	The CAC to consider what issues they would like to see addressed	All	8 June
2	KP to send out draft meeting minutes to all attendees with a reminder to CAC members to send feedback on issues they would like to see covered by a PPC	KP	1 June