

Minutes

Meeting Date: Monday 17 August 2009

Time: 3.30pm – 5.30 pm

Location: Staff Room, Covenant Christian School, Belrose

Item	Issue	Action	By
	Welcome DW		
1	Minutes The minutes of the June meeting were approved with amendments		

2	Business Arising There was no new business arising		
3	Public Positive Covenant/DA Process KK Addressed the fact that some of the previous commitments made to the Belrose community members had not been met for various reasons. Acknowledged the time and energy spent by members of the community in trying to reach agreement on various aspects of the Belrose Waste and Recycling Centre. Noted that he personally was disappointed that WSN had been unable to fulfil some of the commitments made but recognised a number of internal and external factors have influenced where WSN is today. Proposed that in addition to the draft covenant, he would address a few issues raised by the community. The offer to be outlined is in conjunction with the PPC proceeding.		
3.1	Certainty of closure KK The landfill will cease when it reaches the final profile levels, or on 11 November 2014, whichever comes first. WSN is aiming for an earlier date, but this date gives a final level, or a 'drop-dead date' Public Positive Covenant or DA The simplest and quickest way to give effect to the items that the community would like to see included would be to proceed along the path of a Public Positive Covenant (PPC). The PPC is binding and could be established in a shorter time frame. On this basis, a Development Application (DA) would not be submitted. In the case of a PPC, councillors of the Warringah Council would be in control and changes could not be made other than by the elected Council, unlike the previous Covenant which was made by WSN, and which could be changed by WSN		

3.2

Use after closure

KK

Has held the view since 2001 that the site would not be suitable for active large scale recreation. Post closure, WSN in conjunction with the Warringah Council will create a concept plan for passive recreation which will be completed within 6 months (of this meeting). Does not want to specify which activities could be included but this would exclude playing fields, golf courses etc.

Important principles for the plan are:

- Passive (not intense) recreation use, taking into account limitations of the site
- Separate access and parking to avoid conflict with ongoing operations of the transfer site
- Works would need to be low maintenance, and able to be maintained without ongoing WSN supervision
- Works and maintenance costs would need to be met by the Enhancement Fund
- Plan will set out timing for the future works

WSN also committed to lodging a significant bank guarantee as a performance bond so that the community has confidence that the works will be carried out, and completed within the set time frame

3.3

Community Enhancement Fund

KK

WSN will pay an additional \$2/tonne for the additional tonnage (approximately 180 000 tonnes) on top of the \$1/tonne already provided. This will not be indexed retrospectively

WSN will also ask the SHOROC councils to match the WSN contribution in recognition of the benefit of the continued operation to the wider community. It will be up to SHOROC to determine how to respond

3.4

Additional odour works

KK

Has discussed with CN the need for additional gas well works (approximately \$150 000) – this will be in addition to the odour neutralising system which is proposed for September 2009. These gas works will be completed as soon as drill rigs become available (estimated to be October or November 2009). There is a limited number of drill rigs available

CAC member asked whether additional electricity would be generated

CN responded that the gas powered engine is being used to full capacity, and the additional landfill gas electricity generated is destroyed in the flare. There is not enough extra gas generated to warrant an additional engine

3.5

General Discussion of the Public Positive Covenant and the Restrictive Covenant

A CAC member noted that a response to a letter sent on behalf of the Belrose Rural Community Association had not elicited a response from WSN until a day after the last meeting, and that WSN had not acknowledged at all the first letter. Member asked for assurance that 10Ha site would remain a conservation area, pointing out that the community had requested this in return for a set limit on the landfill profile. Member also asked WSN to give some indication that community involvement would assured into the future

JP

Drew attention of members to Item 2(c) of the PPC which will contract WSN to 'consult with the community through the Belrose WRC Community Advisory Committee'

A member of the CAC asked what would happen in the event that the CAC should cease to exist and asked for eventualities to be detailed

DW

Consultation could happen between the Belrose CAC or any similar group to be convened, WSN, and the members of Warringah Council

The 10 Ha site

A CAC member stressed that an ecologically unique hanging swamp which provides habitats for various endemic species of fauna and flora exists within the 10Ha site and that this is the main reason the site should be conserved. Questioned the effect of the surrounding degradation of land and water on the site.

A member also asked if the covenant would cover the issue of maintenance, for instance who would be responsible for weed control in the 10Ha site. It was agreed that WSN would look into this question

DW

This is an important issue and needs to be considered. All the questions will be noted and answered in time

A CAC member questioned the naming of the documents and asked whether 'restriction' (Restriction on the Use of Land Vested in Prescribed Authority) implied something negative in contrast to the 'positive' covenant

PR

Answered that it is a legal definition

A member noted that the 10Ha already has a Restriction on it which is always referred to as a 'public positive covenant' and asked what the difference is (NB 10 ha site has Restrictive Covenant (RC) registered in 2003).

DW

Suggested that the names are not judgemental but that it would be a good idea to have a plain English definition that explained the meaning, purpose

WSN

19 Oct

<p>and difference between the document names</p> <p>WSN to supply plain English explanations of the names and contents of the documents</p>	WSN	19 Oct
<p>A CAC member asked what the reason behind a further Restriction was and what power would be vested in the prescribed authority. The member suggested that it is very important that the nature and importance of the hanging swamp be described in the RC, clearly describing the specific suite of species hosted in the area and the need for leaving it undisturbed</p> <p>DW</p>		
<p>This could be put to WSN and their legal advisors: is this appropriate in this document and how can it be achieved</p>	WSN	19 Oct
<p>The CAC member asked that the sensitive nature of the swamp be part of the agreement, covering issues such as the negative impacts from surrounding land use and lack of weed control etc on surrounding land. The ongoing, intergenerational value of the land needs to be emphasised</p> <p>A CAC member noted that a study of the site was undertaken (it may be housed in the Belrose Library) and that it should be resurrected and attached to the Restriction. He also commented that the definition of the site and its position is very vague. A member suggested that GPS be used to define the boundaries of the site</p>		
<p>The south boundary fence was discussed – a member felt that fences should be installed or tightened up, while another member pointed out that fences would restrict wildlife corridors</p>		
<p>A member pointed out that 2.b of the Restriction only limits commercial use on the 10Ha site and suggested this be extended to include active recreational use</p> <p>DW</p>		
<p>Proposed that Item 2.b be reviewed to decide if this should be done</p> <p>WSN agreed</p>	WSN	19 Oct
<p>A CAC member pointed out that WSN is not the registered proprietor of the land as stated in Item D on the first page of the draft covenant</p> <p>It was agreed this needed to be amended</p>	WSN	19 Oct
<p>The member noted that there was confusion around the establishment of the RC when a RC was already in place that had been signed by WSN, and asked why this needed to change. He suggested that it would be helpful if the reason for the RC was clarified and asked if a plan that identified the site boundaries and neighbouring land uses could be supplied</p> <p>WSN agreed to provide a site plan of the 10Ha site – the prescribed authority for the existing RC is WSN, the draft new RC proposes Warringah Council as the prescribed authority</p>	WSN	
<p>The member pointed out that the incentive for the group to accept more landfill (being given the 10Ha site) had been lost and that this information should be put into a report that would be signed off by the Warringah Council, or this information gets lost over the years</p> <p>DW</p>		
<p>Appear to be two streams of information, perhaps a separate document containing the history and background should be included</p> <p>A community member noted that she felt the document to be meaningless and that problems had not been fixed and are always met with the same responses</p>		

<p>KK Responded that without wishing to be critical, WSN had made many attempts to engage Warringah Council but had previously been significantly rebuffed. The Council now has a plan, and post 2014 waste disposal in the area becomes council responsibility. WSN has in the past attempted to increase capacity at other sites, including putting the issue of waste disposal to a Commission of Enquiry in 2005 but the increase allowed was insufficient. WSN has made a substantial effort to create alternative facilities, here or elsewhere but this is beyond our control A CAC member wished it to be recorded that the activities of WSN has made this land residentially unsuitable and that it should be acknowledged that in the beginning, in order to preserve the 10Ha site the community agreed to increased landfill height, but that the community has no more trading power. Other needs may have taken over, but at the expense of the local community, and this is important to recognise A member noted that he had bought his house 18 years ago on the understanding the landfill site was to close. A member suggested that the restrictions regarding odour should include restrictions on dust and noise</p>		
<p>KK Offered that WSN would come forward with suggestions on wording about all environmental issues JOD The Local Member acknowledged KK for the time spent working on the issues, and commented that he felt that today's meeting marks a change in the history of the Belrose site. Gave commitment to driving harder should promised changes not occur. Believes the community should give WSN a fair go, and recognition that things haven't worked out as WSN would have liked, and in return a PPC should be established that is acceptable to the community and council. Feels there is still room for negotiation but that things are on a better track. He thanked WSN for all done to date and looks forward to more positive future relationship. A CAC member asked what the additional enhancement fund figure would be</p>	WSN	19 Oct
<p>WSN responded that it would be \$360,000 and then subject to any further contributions from the SHOROC councils JOD The Local Member thanked WSN for the extra \$2/tonne (\$360,000) and suggested that this be reviewed with the possibility of becoming more generous at a future date. Suggested that WSN should proactively include commercial and other details, for example on-site parking. Noted that there should be two timeframes, the 5 year plan and also a longer, 30 - 40 year plan which would take into account redundant gas wells etc. Noted the need to plan for beyond our lifetimes There was further discussion about the nature of passive recreational use. A member asked if this would include uses such as horse-riding and mountain-bike riding KK Responded that the principles of safety, low level maintenance and covering of costs from the Fund were paramount A member enquired whether there was a possibility that mountain-bike riding could take place while the tip is still in operation, including the</p>		

<p>possibility of a third party providing insurance KK Responded that it would be difficult to keep operations and recreation separate, that safety would be put at risk and there is no infrastructure to support recreational activity <i>(It was agreed that this discussion could be continued outside the meeting)</i> JOD The Local Member noted that there is a degree of urgency and that the agreements should proceed as quickly as possible, that he had met with Malcolm Ryan from Warringah Council and the lawyers are ready to be briefed and are happy to move quickly A CAC member noted that the future should be regarded as a blank sheet and every possible matter or problem that needs to be addressed should be recorded now, that as many things as possible should be included because nobody knows what the future holds or who will manage it. Suggested a 5-10m buffer zone of endemic species to screen surrounds from dust and odour and noise DW Facilitation team will call on CAC for all issues prior to the next meeting A member asked if the PPC relates only to landfill, and whether the question of an AWT (Alternative Waste Technology) is included KK Responded that the PPC would not cover the AWT The member asked if the PPC would cover issues such as electricity generation, access roads and fire management DW Responded that these would be addressed in operational activities CN WSN will be drawing up an after-closure management plan KK WSN will undertake to pull together a range of documents describing what is, and will be done in this area, and how the plans all work together. Would like to avoid duplication A member asked whether Warringah Council had expressed willingness to be the prescribed authority PR Responded that Council would have a close look at the documents and come up with suggestions A member enquired whether or not the Council would have any responsibilities in terms of future land uses post closure, and suggested that Council provide an independent witness and checkpoint to the process if involved in future approvals KK Suggested that there be some discussion with Council regarding how the process be administered A member noted that it is encouraging to witness this exercise of engagement and that it could be viewed as an opportunity to make a difference in terms of coming up with a document that is fair and just in all respects, which could be a model, and that it is therefore worth making the effort A member requested some safeguard that the consultation comes to a positive conclusion. She suggested a document that would articulate the consultation process and identify varying needs between now and closure</p>	<p>IdP</p>	<p>ASAP</p>
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	<p>and post-closure DW Community will input into final use of the site Suggested information be forwarded including the PPC, the Restrictive Covenant and a reminder regarding options on future use of the site Outlined the process from here on:</p> <ul style="list-style-type: none"> • WSN will provide an outline of relevant instruments including licenses, the Environmental Management Plan and their relationship to the PPC • Members would be sent an email or letter requesting details of the items they would like to see included in the PPC and Restriction • These would be collated, and sent to WSN for their consideration and response • The cycle should be completed within three weeks, in time for the response to be sent out to members and digested before the next meeting 		
<p>4</p>	<p>Update on Operational and Environmental Matters and Community Feedback</p> <p>CN and DD showed the group an aerial photo of the site and detailed the varying height levels across the landfill area. JW Tabled the results of Dust Deposition Monitoring Members expressed strongly that there had been high levels of dust, that the week before last on a very windy day the valley was filled with dust. A member questioned whether or not WSN takes weather forecasts into account when planning daily activities on site A member commented that water was not being used to subdue dust DD Responded that the weather is taken into account and that WSN has dust procedures in place, including a street sweeper which operates 3days/week. Dust issues are taken very seriously, particularly because of the complementary issues experienced with Benedict (Warringah Gravel and Stone Supplies) DD offered to suggest increased usage of the water cart A member asked how WSN responds to gas and odour problems DD WSN meets with gas contractors monthly and an odour matrix is filled out weekly and updated. EDL tries to sign things off, for instance if the problem is a faulty pump or lack of pressure CN Added that WSN is mindful of issues of gas collection and management and has allocated substantial budget funding over recent years to install additional wells...WSN is capturing more gas than ever before, and an additional 200m³ per hour of gas is being processed this year. A monitoring program is in place which identifies areas where work remains to be done, and .WSN has a commitment to continuous improvement of systems. The member commented that it could sometimes be a month before anything is done in response to a complaint DD Responded that it can take a while if the origin of the problem is not on site but usually better if WSN can address odour trailers or problems in the gas infrastructure</p>	<p>DD</p>	<p>ASAP</p>

	<p>A member thanked CN for the information pointing out that members had continually been given plans showing the final shape. He stressed that the CAC needs to feel confident that there the height and contours of the landfill are generally conforming to what was promised</p> <p>DW</p> <p>Requested that an update be given on six-monthly basis, or as the updated aerial photos become available.</p> <p>Clarified that WSN would send to members, via Id Planning, a copy of the letter confirming general compliance with the landfill contour and a longitudinal cross-section of the site, to be sent out with the minutes</p> <p>WSN agreed</p>	WSN	Early 2010
		WSN	19 Oct
5	<p>Bushfire Management Plan Update</p> <p><i>This will be discussed at a future meeting</i></p>		
6	<p>WSN Governance Updates</p> <ul style="list-style-type: none"> • Belrose Enhancement Fund - The balance as at the end of July 2009 in the Belrose Enhancement Fund is \$2,159,071 • Sustainability Reference Group Update – no SRG meeting has been held since the last CAC <p><i>These items were advised following the meeting.</i></p>		
7	<p>Summary</p> <p>DW</p> <p>Confirmed that members were in agreement that the site tour be postponed so that the next meeting could be dedicated to finalising the PPC and Restrictive Covenant process</p> <p>DD</p> <p>Announced an operations matter – the Artarmon site is to close in 3 weeks on 23 August and there will be diversions of waste to Ryde and to Belrose. The result of this will be additional trucks through the area, possibly one or two per day for about 6 weeks.</p> <p>A member noted that trucks always shortcut over the bend which is causing damage to the kerb</p> <p>CN</p> <p>Responded that WSN has a list of defects that is being worked through</p> <p>DW</p> <p>Asked for a timeframe</p> <p>CN</p> <p>Answered that a matters should be rectified within a month</p> <p>A member commented on the indexing of the Enhancement Fund and undertook to send all members copies of the information another community member has kept. She reiterated that she would like a response from WSN</p>	MA	19 Oct 09
Actions	<p>Update on outstanding actions</p> <ul style="list-style-type: none"> • A new letter, addressed to the Community Advisory Committee, in response to the request for confirmation that completed landfill conforms to landform shapes reflected in the contour maps included in the plans attached to the Restriction of User document which is part of the Land Title 	CM, CN	Once aerial flyover has been

			done
CN showed CAC current contour maps	WSN	19 Oct 09	
WSN to send copy of letter to CAC, via Id Planning, confirming conformance to general landform shapes reflected in the contour maps included in the plans attached to the Restriction of User document which is part of the Land Title, to be sent out with the minutes - ACTION REMAINS OPEN			
<ul style="list-style-type: none"> Look into proposal regarding the platform perimeter bund to include minimising noise as well as visual and dust impacts 	CN	17 08 09	
Not addressed within the limits of this meeting – ACTION REMAINS OPEN	CN	19 Oct 09	
<ul style="list-style-type: none"> CM replied that there were a minor differences and undertook to identify the differences 	CM	17 08 09	
CN gave detailed response to this – ACTION CLOSED			
<ul style="list-style-type: none"> Discover whether it is possible to put in a PPC and at a later date put in a DA 	CM	17 08 09	
KK responded that, in the event that a decision is made to process a PPC, a DA would not be considered at a later date – ACTION CLOSED			
<ul style="list-style-type: none"> Find out whether the WSN Annual Report reflects number of complaints by group, or individual 	MK	17 08 09	
Not addressed within the limits of this meeting – ACTION REMAINS OPEN			
<ul style="list-style-type: none"> Follow up on the odour complaint made on 20 April 	JP	17 08 09	
Not addressed within the limits of this meeting – ACTION REMAINS OPEN			
<ul style="list-style-type: none"> Look into providing a table that reflects whether complaints were made during rain events and how to reflect a complaint that represents larger numbers of people. 	CJ	17 08 09	
A table was presented showing individual complaints. The issue of a table reflecting rain events was not addressed – Therefore this ACTION REMAINS OPEN			
<ul style="list-style-type: none"> Liaison with council regarding fox baiting 	CN	17 08 09	
Not addressed within the limits of this meeting – ACTION REMAINS OPEN			
<ul style="list-style-type: none"> Search for and provide members with a list of plantings done on site 	KP	17 08 09	
Not addressed within the limits of this meeting – ACTION REMAINS OPEN			

Next meeting: Monday 19 October at 3.30pm			
Venue : Covenant Christian School, Belrose			
Item	Action summary		
3.5	WSN to look into the question of responsibility for maintenance including weed control in the 10Ha site	WSN	19 Oct
	WSN to supply plain English explanations of the title and purpose of the covenant documents	WSN	19 Oct
	Appropriateness of description, and importance of, the hanging swamp/10 ha site be described in the RC – to be investigated	WSN	19 Oct
	Inclusion of active recreational use in 2.b of the RC along with commercial use	WSN	19 Oct
	Take out WSN as the registered proprietor of the land as stated in Item D on the first page of the RC	WSN	19 Oct
	WSN agreed to provide a site plan of the 10Ha site	WSN	19 Oct
	WSN to come forward with suggestions on wording about all environmental issues	WSN	19 Oct
	WSN will provide an outline of relevant instruments including licenses, the Environmental Management Plan and their relationship to the PPC	WSN	ASAP
	Facilitation team will call on CAC for all issues prior to the next meeting	IDP	24 Aug
4.0	DD offered to suggest increased usage of the water cart	DD	ASAP
4.0	CN offered to provide information about landfill gas and Belrose gas management.	CN	19 Oct
4.0	WSN to look specifically into the odour problems being experienced by JM	WSN	ASAP
4.1	Actions that remain open in above table to be addressed	various	
7.0	CAC member to send all members copies of the information about indexation of the Enhancement Fund		
7.0	WSN to respond to information regarding the Enhancement Fund and indexation when supplied.	WSN	Following supply of information