

Item No: 0.0
Title: Rescission Motion - SEPP 14 Wetland Warnervale



12 August 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13612466
Author: Greg Best, Councillor
Bruce McLachlan, Councillor
Troy Marquart, Councillor
Jilly Pilon, Councillor

Council, at the Ordinary Meeting held on 8 July 2019 gave consideration to a report regarding Notice of Motion – SEPP 14 Wetland Warnervale.

At that meeting, Council resolved as follows:

- 659/19 *That a report be prepared and submitted to Council on the following:*
- a Council undertaking remediation on land that was formerly part of Lot 26 DP 1159349 that was reportedly cleared in or around August/September 2015 and subject to correspondence with the Department of Planning.*
 - b Council developing a replanting plan in consultation with an ecologist prior to undertaking the remediation in minute number 659/19 part A above with such a plan specifying the proposed planting (species, size, number and location) as well as measures to ensure the plants are properly established and monitored.*
- 660/19 *That Council request the Chief Executive Officer;*
- a Ensure that Council not cause or permit mowing, slashing or trimming of vegetation within 100 metres of the land referred to in minute number 659/19 part A without first obtaining consent or carrying out environmental assessment as required under the EP&A Act.*
 - b Ensure that Development applications and/or any activities (as defined under the EP&A Act) on land owned or under the care control and management of Council within 200 metres of the northern boundary of Warnervale Airport and 200 metres from the southern end of the runway are referred to Council for determination.*
- 661/19 *That the report referred to in minute item 659/19 above be submitted to the Ordinary Council Meeting on or prior to 26 August 2019.*

A Rescission Motion has been received from Councillors Best, McLachlan and to be moved at the Ordinary Council Meeting of Council to be held on Monday, 12 August 2019, as follows:

“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 8 July 2019 be rescinded:

- 659/19 *That a report be prepared and submitted to Council on the following:*
- a Council undertaking remediation on land that was formerly part of Lot 26 DP 1159349 that was reportedly cleared in or around August/September 2015 and subject to correspondence with the Department of Planning.*
 - b Council developing a replanting plan in consultation with an ecologist prior to undertaking the remediation in minute number 659/19 part A above with such a plan specifying the proposed planting (species, size, number and location) as well as measures to ensure the plants are properly established and monitored.*
- 660/19 *That Council request the Chief Executive Officer;*
- a Ensure that Council not cause or permit mowing, slashing or trimming of vegetation within 100 metres of the land referred to in minute number 659/19 part A without first obtaining consent or carrying out environmental assessment as required under the EP&A Act.*
 - b Ensure that Development applications and/or any activities (as defined under the EP&A Act) on land owned or under the care control and management of Council within 200 metres of the northern boundary of Warnervale Airport and 200 metres from the southern end of the runway are referred to Council for determination.*
- 661/19 *That the report referred to in minute item 659/19 above be submitted to the Ordinary Council Meeting on or prior to 26 August 2019.*

Should the above Rescission Motion be carried, further notice is given that Councillors Best, McLachlan and will move the following motion:

“MOVE

- 1 That Council recognises the concern and outrage that has arisen from the lack of consultation in response to minute items 659/19, 660/19 and 661/19 carried at the 8 July 2019 Ordinary Meeting.*
- 2 That it is with this understanding that this matter now be deferred pending a Councillor briefing and a high level meeting between Council Staff and the Central*

Coast Aero Club (CCAC) to better understand the impacts and risks to all parties associated with the action of minute items 659/19, 660/19 and 661/19 carried at the 8 July 2019 Ordinary Meeting.

- 3 That Council further investigates what impacts such revegetation may have on the value and usability of the adjoining Council asset.*
- 4 That Council consider the issues associated with bush fire impacts on the asset.*
- 5 That indicative costs of such a major planting also be the subject of any Report.*
- 6 That Council's duty of care be legally assessed around knowingly establishing vegetation in such close proximity to a Trainee Flight Corridor.*
- 7 That Council request the Chief Executive Officer provide a report on the findings of the above actions identified in items 3, 4, 5 and 6."*

Councillors Note

Councillors the two maps below highlight the confusion between the parties as the first map with the blue insert has been provided by Senior Staff and the second map with the light green shading has been provided by CCAC. As can quite clearly be seen there is a significant difference between what the parties believe is the true situation.

With such confusion and ambiguity, we can not credibly progress such an action. As outlined in the Motion, there are significant impacts and liabilities that we must be across, not to mention public safety. You may recall at the Council Meeting I asked for a map to assist in our decision however one was not able to be forthcoming.



Lot 26 DP1159349



Attachments

Nil.