

11.5 Winchelsea Common Land Management Responsibilities

Council Resolution

MOVED Cr Heather Wellington, Seconded Cr James McIntyre

That Council:

1. Notes that there is residual contamination on the Winchelsea Common and beyond the common boundary.
2. Notes the legal advice on Council's potential liability with respect to the Winchelsea Common when the new Environment Protection Act 2017 comes into force on 1 July 2021.
3. Determines that it should surrender its appointment as the Committee of Management for the Winchelsea Common by the 31 January 2021 or earlier by agreement.
4. Offers to undertake an alternative land maintenance role under a five year contract to the Crown subject to acceptance of the following conditions:
 - a) Department of Environment, Land, Water and Planning acknowledges its ongoing responsibility for management of residual contamination at the Winchelsea Common;
 - b) The Environmental Management Plan is finalised by agreement with Council;
 - c) Department of Environment, Land, Water and Planning maintains its existing funding commitment to the bike track;
 - d) Council will provide the existing maintenance service level and maintenance of the bike track at no cost to the Crown; and
 - e) Council will provide additional land maintenance services to the Crown on a cost recovery basis for those other parts of the Winchelsea Common currently managed by the Crown.
5. Requests the Chief Executive Officer to write to the Minister for Energy, Environment and Climate Change to communicate points three and four of this resolution including Council's surrender of its appointment as committee of management for the Winchelsea Common pursuant to section 14 of the Crown Land (Reserves) Act 1978.
6. Endorses the Chief Executive Officer to negotiate with Department of Environment, Land, Water and Planning on the provision of contract land maintenance services by Council for the Winchelsea Common.
7. Deems that this resolution be no longer confidential, after Council has negotiated a contract with Department of Environment, Land, Water and Planning for land maintenance services at the Winchelsea Common or 1 December 2020, whichever is sooner.

CARRIED 9:0