



Central Coast Council  
Mangrove Mountain and Spencer Advisory  
Committee  
Held remotely - online

04 April 2024

## MINUTES

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### Attendance

#### Members

Gary Chestnut	Present
Joy Cooper	Present
Wolfgang Koerner	Present
Pam O'Sullivan	Absent
Margaret Pontifex	Absent
Stephen Rickards	Present
Danny Willmott	Present
Robyn Downham	Present

#### Staff

Administrator Rik Hart	Apology
David Farmer, CEO	Present
Luke Sulkowski, Acting Director Environment and Planning	Apology
Edward Hock, Unit Manager Governance Risk and Legal	Present
Matthew Corradin, Unit Manager Environment Compliance Services	Apology
Shann Mitchell, Section Manager Environment Compliance Services	Present
Briony Stiles, Civic Support Officer	Present

The Chairperson, Shann Mitchell, declared the meeting open at 11:02am

## **PROCEDURAL ITEMS**

### **1.1 Introduction: Welcome, Acknowledgement of Country, Apologies, Disclosures of Interest**

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11:02am

The Acting Chair introduced herself, and noted that Matthew Corradin will be the Chairperson in the future, but she is standing in today.

The Chair read an Acknowledgement of Country statement.

Apologies received were noted.

The Chair called for any disclosures of interest.

Gary Chestnut declared a less than significant non-pecuniary interest as he is a former employee of Gosford City Council and during this employment he received and presented confidential information to Councillors, Senior Management, Council's Solicitors, Council's Barrister and Council's Senior Counsel.

Danny Willmott declared same.

### **1.2 Previous business: Confirmation of Minutes**

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11:05am

The group confirmed the minutes from the previous meeting as noted below, which were distributed to members via email and uploaded to Council's website:

[MMASAC Meeting Minutes 7 December 2023](#)

Confirmed: Unanimous

## **REPORTS**

### **2.1 General Business**

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11:06pm

The Chair called for General Business.

Edward Hock provided an update on the Legal proceedings:-

- Parties are still negotiating on path forward
- The High Court judgement from last year restrains their desired path forward.
- The ongoing class 1 proceedings are being used as a bargaining tool.
- There is an uncertain path forward.

Edward Hock note that it was flagged at the last meeting that council would engage with EPA and convene a site meeting. The Chair will provide an update.

The Chair noted that Council staff and the EPA convened on 4 March 2024 – The EPA is currently reviewing Environmental Protection Licence.

There is a large amount of processing documents to undertake, but Council are working in ongoing collaboration with EPA staff.

The Chair clarified the following items in response to queries from the committee members:-

- At this stage there is no future site visit booked as EPA first need to carry out a full review, which is a large body of work.
- The Chair agreed to extend an invitation to EPA be invited to the next MMASAC meeting.
- The Chair clarified that the EPA are reviewing monitoring of the pond site and that she will request site inspection details from the EPA.
- The Chair confirmed that a few years ago the waste water from Agrana Fruits was being disposed of on the golf course side of site. The Chair will obtain updated information and provide that to the Committee at the next meeting.
- The Chair confirmed that the Council is taking reviewing environmental harm to the area outside of the Environmental Protection Licence as part of their collaboration work with the EPA.

Joy Cooper asked for a layperson's clarification of what is happening on-site.

The Chair noted that the site is not operational. It is not receiving or processing waste, it is essentially in standby mode. There are no works occurring other than general maintenance of the area. From Council's perspective, there is nothing outside of our work with EPA and EPL to immediately deal with, just the continued collaboration with EPA.

Edward Hock spoke to Joy Cooper's question and clarified:-

- The legal dispute is complicated.
- There is no legal pathway presently clear that would allow the Verde Terra parties to further develop the site towards it desired end state of being a large regional waste facility.
- There is an obligation on Verde Terra to complete remedial works from the 2014 consent orders. This likely means that the Class 1 appeals that the Verde Terra parties filed as a further attempt to advocate for licensing relief are doomed to fail. As said in December, we have a live question about what their ultimate intentions will be, whether there will be a view towards some type of commercially viable alternative. Don't know what that would look like – what we knew their desired end point is no longer available to them.
- The Environmental compliance team at Council, and the EPA that oversee and enforce have been frustrated by the long running proceedings that started in 2018. Noted

that the majority of the 10 year time frame of the proceedings, the parties have been tied up in court and neither can undertake the enforcement role.

- Confirmation that what is preventing Verde Terra from resuming land fill operations is the very clear absence of any licence that would permit them to do so, and the binding court orders.

Shann Mitchell noted that part of Council's collaboration with EPA is need for regular site checks, and review of the areas of site that are not lined. These issues will be reinforced with EPA at their next meeting.

Joy Cooper queried what remediation has happened at the Spencer Asbestos site.

Shann Mitchell replied that the owner needs to lodge a DA for remediation works as per orders issued by EPA. Council has not yet received a DA for those remediation works. The EPA is the regulator and Council will raise the issue with EPA to advise that there is community concern regarding the waste being washed into the river.

Next meeting – confirmed for 13th June 2024.

**The Meeting** concluded at 11:28am.