

Mangrove Mountain and Spencer Advisory Committee Meeting Record 9 April 2019



Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	9 April 2019	
Time	Started at: 5.02pm	Closed at: 6.38pm
Chair	Councillor Richard Mehrtens	
File Ref	F2017/02125	

Present:

Councillor Chris Holstein, Councillor Kyle MacGregor, Councillor Richard Mehrtens, Lillias Bovell, Gary Chestnut, Joy Cooper (arrived 5:10pm), Dr Stephen Goodwin, Wolfgang Koerner, Margaret Pontifex, Stephen Rickards, Marilyn Steiner, Danny Willmott, [Catherine Wade - (observer only)]

External Representatives present:

Guy Ohandja – Natural Resources Access Regulator, Greg Sheehy – Environment Protection Authority, Cate Woods – Environment Protection Authority

Council Staff present:

Shane Sullivan – Acting Director Governance, Brian Jones on behalf of Scott Cox – Director Environment and Planning, Kelly Drover – Advisory Group Support Officer

Item 1 Apologies, Welcome and Acknowledgement of Country

Mayor Jane Smith, Councillor Troy Marquart, Gary Murphy – Chief Executive Officer, Scott Cox – Director Environment and Planning, John Asquith, Pam O’Sullivan, Algis Sutas – Natural Resources Access Regulator

The Chairperson, Councillor Richard Mehrtens, declared the meeting open at 5.02pm, and gave an Acknowledgement of Country.

Item 2 Disclosure of Interest

Gary Chestnut previously 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 previously declared a less than significant non-pecuniary interest as he is a former respondent in the legal case regarding Mangrove Mountain Landfill.

Item 3 Confirmation of 18 December 2018 Meeting Record

The Committee confirmed the 18 December 2018 Meeting Record.

The Committee discussed the Action log.

Item 4 Update from Council Staff Regarding Current Council Actions

Brian Jones on behalf of Scott Cox – Director Environment and Planning provided an update that the matter was heard in the Land Environment Court today and is listed for 10 May 2019.

Item 5 Insight into Gauge Flow Trends

Guy Ohandja from the Natural Resources Access Regulator (NRAR) advised that there was no update on this matter.

Item 6 Letter to EPA 14 September 2018 regarding providing a copy of the Follow Up Independent Environmental Report to the Committee

Cate Woods from the Environment Protection Authority (EPA) advised that Council already has a copy of the report as part of the legal proceedings however a letter is currently being drafted advising Council that they can now use the report without restriction.

Action: Once letter is received from Environment Protection Authority, Council to proactively release report onto website and distribute link to Committee members.

Council had also requested from the Environment Protection Authority a copy of surface and groundwater quality data from the Mangrove Mountain Landfill site.

Action: Staff to provide further information to the Environment Protection Authority as to exactly what information is required in regards to surface and groundwater monitoring.

Item 7 Response to Questions received from Robyn Downham

Greg Sheehy from the Environment Protection Authority (EPA) provided an update in regard to Spencer, awaiting the court process and hoping the owner will enter a plea. Environment Protection Authority has issued a draft clean up notice on the owner of the property.

Item 8 List of Questions sent to EPA April 2018

Cate Woods provided a response in regards to the questions that were sent to the Environment Protection Authority by the Committee in April 2018.

- The Environment Protection Authority agrees to all 61 recommendations in the IER final report.

- Currently up to 8th round of Office of Environment and Heritage (OEH) surface water monitoring. (The Committee asked the question as to whether the monitoring can occur after a rain event; however Cate advised whilst this would be ideal, the monitoring is up to the availability of OEH staff).
- The Environment Protection Authority has not approved the commencement of construction of Cells X, Y or Z.
- In regard to Annual Returns, apart from the most recent one which is currently being assessed, all are available on the public register.
- Sub-surface wells have been replaced, existing wells depressurised and new wells placed adjacent. New wells are not on the licence.
- A GIPA request would be required to obtain inspection reports.

The Committee raised the issue of leachate pouring out of mounds and going straight into stormwater.

Action: The Committee requested that the issue of leachate going into stormwater to be investigated by the Environment Protection Authority and information provided back to the Committee.

Action: The Committee requested that the current surface gas monitoring information to be provided by Environment Protection Authority at a future meeting.

Item 9 Stormwater and Leachate

Cate Woods advised that the information she has indicates there is no intermixing of stormwater and leachate, however will confirm this and provide confirmation back to the Committee.

Margaret Pontifex raised the issue that the rainforest ferns along the rainforest walk at Ourimbah Creek have all died since the latest rain events and asked whether the Environment Protection Authority could investigate this.

Action: The Committee requested that the Environment Protection Authority and Council staff investigate the matter of the rainforest ferns along the rainforest walk at Ourimbah Creek that have all died since the latest rain events.

Item 10 Committee Questions on Notice

Cate Woods and Greg Sheehy (Environment Protection Authority) responded to the Committee Questions on Notice. The responses have been provided to all Committee member via email.

Item 11 Update on Spencer Site

This was covered in Item 7.

Item 12 Risk Profile Mangrove Mountain Landfill

Brian Jones (Unit Manager Environment and Certification) advised that Council has a consultant reviewing the risk profile of Mangrove Mountain Landfill. This matter is currently tied up in the Court case and no further information is able to be provided at this stage.

Action: A further update to be provided at a future meeting in regards to the risk profile for Mangrove Mountain Landfill.

Item 13 General Business and Close

a) Dr Goodwin raised the issue of the Land and Environment Court matter that was heard in Court today and noted that it is of interest to the community however the media aren't being given any information that they can report on. Dr Goodwin asked that, without compromising the ongoing court proceedings, Council release some information to media outlets as this matter is of considerable public interest. Dr Goodwin gave a summary of the matter as he understood it and this has been provided to Committee members via email.

Action: The Committee reaffirmed its support of Council's commitment to the ongoing legal matter and the Committee offered to provide all necessary additional information and assistance in this matter.

b) The Committee asked whether the Environment Protection Authority could request the Minister to establish a Special Commission of Inquiry into the operation, regulation and approvals of the Mangrove Mountain Landfill site.

Action: Environment Protection Authority to take this question on notice and respond back to the Committee in due course.

c) Dr Goodwin raised the matter of water sampling including unauthorised sediment dams on the golf course and suggested that all these dams require sampling and analysis.

Action: Environment Protection Authority to look into this and provide information back to the Committee.

d) Danny Willmott sent a letter to the CEO on 18 December 2018 regarding the payment of court costs to Mangrove Mountain RSL Trustee's; however is yet to receive a response.

Action: Advisory Group Support Officer to follow up regarding a response to Danny Willmott's letter.

The meeting closed at 6.38pm

Next Meeting: TBC following 10 May 2019 Court proceedings