

Mangrove Mountain and Spencer Advisory Committee Meeting Record 18 December 2018



Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	18 December 2018	
Time	Started at: 5.03pm	Closed at: 6.53pm
Chair	Mayor Jane Smith	
File Ref	F2017/02125	

Present:

Mayor Jane Smith, Councillor Chris Holstein, Councillor Kyle MacGregor (left 6:38pm), Councillor Richard Mehrtens, John Asquith, Lillias Bovell, Gary Chestnut, Joy Cooper (arrived 5.14pm), Wolfgang Koerner, Margaret Pontifex, Danny Willmott, Stephen Rickards, [Catherine Wade - arrived 5:14pm (observer only)]

External Representatives present:

Algis Sutas – Team Leader Compliance Monitoring, Natural Resources Access Regulator,
Guy Ohandja – Manager Compliance Monitoring and Audit, Natural Resources Access Regulator

Council Staff present:

Gary Murphy – Chief Executive Officer (arrived 5.09pm), James Taylor – On behalf of Acting Executive Manager Governance, Scott Cox – Director Environment and Planning (left 6:40pm), Kelly Drover – Advisory Group Support Officer

Item 1 Apologies

Councillor Troy Marquart, Shane Sullivan – Acting Executive Manager Governance, Pam O’Sullivan, Dr Stephen Goodwin, Marilyn Steiner, Greg Sheehy – Director Waste Compliance, Environment Protection Authority, Cate Woods – Manager Regional Waste Compliance, Environment Protection Authority

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 24 October 2018 Meeting Record

The Committee confirmed the 24 October 2018 Meeting Record.

The Committee discussed the Action log.

Item 4 Update from Council Staff Regarding Current Council Actions

Scott Cox provided an update to the Committee regarding the Spencer site.

Catherine Wade raised the following discussion points:

- Formal notification for residents of adjoining properties on how the site and the river has been deemed safe and what safety measures have been taken;
- What are the known contaminants on the sites and in the river and what monitoring if any is being done in regard to potential pollution in the river;
- Has the Environment Protection Authority issued any interim orders; and
- What are the penalties for the two identified sites?

Action: The Committee requests further information from the Environment Protection Authority regarding the above points.

Item 5 Review of Terms of Reference – Response to Council

The Advisory Committee are required to review and provide feedback to Council on the Terms of Reference adopted by Council at the Ordinary Council Meeting on 12 February 2018 (Resolution 46/18), as outlined in the table below.

	Response from Committee
<i>The current situation at the Mangrove Mountain Landfill site</i>	The Committee has an interest in terms of monitoring the activities, with regard to information and transparency and in reflecting community concerns and expectations in regards to the site.
<i>The current situation regarding the illegal dumping at Spencer</i>	The Committee has an interest in terms of monitoring the activities, with regard to information and transparency and in reflecting community concerns and expectations in regards to the site.
<i>Recommendations to address issues raised relating to the Mangrove Mountain Landfill site</i>	Identify suitable and appropriate actions utilising appropriate expertise and giving recommendations that Council and other stakeholders in line with community expectations.
<i>Recommendations to address issues raised relating to the illegal dumping at Spencer</i>	Identify suitable and appropriate actions utilising appropriate expertise and giving recommendations that Council and other stakeholders in line with community expectations.

	Response from Committee
<i>The implementation of actions in relation to Mangrove Mountain Landfill site</i>	The Committee provide feedback to and from the community including a monitoring role and actions taken.
<i>The implementation of actions in relation to the illegal dumping at Spencer</i>	The Committee provide feedback to and from the community including a monitoring role and actions taken.

Action: The Committee recommend that Council note the feedback on the Terms of Reference that were adopted by Council at the Ordinary Council Meeting of 12 February 2018 (Resolution 46/18).

Item 6 9 October 2017 Council Resolution 582/17

The Advisory Committee is required to report back to Council regarding a Mangrove Mountain Landfill Mayoral Minute from the 9 October 2017 Ordinary Meeting (Resolution 582/17).

How this Advisory Committee complements or contradicts any other (current or future) inquiries into these alleged activities by bodies such as ICAC or any other government or non-government bodies or agencies.

Response from the Committee is as follows:

The Committee is an Advisory Committee to Council comprising stakeholder community members on the Mangrove Mountain and Spencer sites to improve transparency, communication and accountability.

Action: The Committee recommend that Council note the feedback regarding the 9 October 2017 Council Resolution 582/17.

Item 7 Stormwater and Leachate monitoring regime

The Environment Protection Authority did not attend the meeting therefore no update was provided.

To be deferred to the next meeting.

Item 8 Natural Resources Access Regulator (NRAR) Presentation

Algis Sutas, Team Leader Compliance Monitoring, Natural Resources Access Regulator provided the Committee with a presentation on the role of NRAR. The Natural Resources Access Regulator (NRAR) is an independent regulator established under the [Natural Resources Access Regulator Act 2017](#). Its current focus is water regulation.

Action: Advisory Group Support Officer to circulate the presentation to Committee.

Item 9 List of questions sent to Environment Protection Authority April 2018

The Environment Protection Authority did not attend the meeting therefore no update was provided.

To be deferred to the next meeting.

Item 10 Letter to Environment Protection Authority 14 September 2018 regarding providing a copy of the Follow Up Independent Environmental Report to the Committee

The Environment Protection Authority did not attend the meeting therefore no update was provided.

To be deferred to the next meeting.

Item 11 Committee Questions on notice

No new questions had been provided by the Committee for the Environment Protection Authority and Natural Resources Access Regulator.

Item 12 List of issues provided by Wolfgang Koerner

Wolfgang Koerner gave a presentation to the Committee on Landfill fugitive chemicals of concern including the following recommendations:

- Reassess the risk profile of Mangrove Mountain Landfill (*NSW POEO Act 2000, NSW Public Health Act 2017, NSW Water Management Act 2000*)
- Conduct formal risk assessments
- Consider critical control points
- Consider preventative and remedial actions

Action: Staff to provide an update at a future meeting regarding the 4 suggested recommendations, clarification of Council's role and follow up actions, if appropriate.

Item 13 General Business and Close

The Committee discussed the timing of the next meeting.

Action: Next meeting to be deferred to April 2019 with dates to be circulated to Committee Members after consultation with the Environment Protection Authority to ensure they are able to attend.

In regard to Action item 42, the Committee reaffirmed their support for a Special Commission of Inquiry.

Danny Willmott circulated information to the Committee regarding a potential relative entity.

The meeting closed at 6.53pm

Next Meeting: April 2019 (to be confirmed)