

# Mangrove Mountain and Spencer Advisory Committee Meeting Record 24 October 2018



Location:	Central Coast Council Wyong Office Committee Room Level 2 2 Hely Street, Wyong	
Date:	24 October 2018	
Time	Started at: 5.09pm	Closed at: 7.00pm
Chair	Mayor Jane Smith	
File Ref	F2017/02125	

## **Present**

Mayor Jane Smith, Councillor Chris Holstein (left 6.30pm), John Asquith, Lillias Bovell, Gary Chestnut, Joy Cooper, Dr Stephen Goodwin, Wolfgang Koerner, Pam O'Sullivan, Margaret Pontifex, Stephen Rickards, Marilyn Steiner, Danny Willmott, [Robyn Downham (observer only)]

## **Also present were:**

Gary Murphy – Chief Executive Officer, Shane Sullivan – Acting Executive Manager Governance, Daniel Woods – Section Manager Compliance and Health South, Martin Ball – Acting General Counsel (left 5.45pm), Kelly Drover – Advisory Group Support Officer, Cate Woods – Director Regional Waste Compliance Environment Protection Authority, Steven James - Unit Head Waste Compliance Environment Protection Authority

## **Item 1 Apologies**

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Scott Cox – Director Environment and Planning (represented by Daniel Woods), Catherine Wade, Greg Sheehy – Environment Protection Authority

## **Item 2 Disclosure of Interest**

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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.

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**Item 3                    Confirmation of 21 August 2018 Meeting Record**

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The Committee confirmed the 21 August 2018 Meeting Record.

The Committee discussed the Action log.

*At the request of the Chair, Items 11 and 12 were discussed at the beginning of the meeting.*

**Item 11                    Update on Land Environment Court**

**Item 12                    Update on Verde Terra's application to Environment Protection Authority**

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Martin Ball provided the Advisory Group with an update on the Land Environment Court proceedings and Verde Terra's application to the Environment Protection Authority.

It was noted that there is a list of yet to be approved documents, with the court. The list and approved documents will appear on the Environment Protection Authority website. There will also be physical copies available at both Central Coast Council Administration buildings and the Environment Protection Authority Head Office in Sydney.

The Environment Protection Authority is undertaking the public exhibition process under an Order of the Land and Environment Court and are effectively acting as an agent of the Court.

Advertisements will be placed in the Central Coast Express Advocate, Wyong Regional Chronicle, Coast Community News and Mangrove Mountain Districts Community News.

**Action:** Advisory Group Support Officer to notify Advisory Group members once the exhibition process is advertised.

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**Item 4                    Update from Council Staff Regarding Current Council Actions**

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Martin Ball's Land Environment Court update covered what has been happening in regards to the Mangrove Mountain Landfill site.

Daniel Woods provided an update to the Committee regarding the Spencer site.

**Action:** Robyn Downham to email Advisory Group Support Officer with the questions that were raised in the meeting regarding the Spencer site. Questions relevant to the Environment Protection Authority to be forwarded to Greg Sheehy for a report to be provided back to the Committee once received.

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**Item 5                    Ministerial letters re Special Commission of Inquiry**

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The Committee noted the letters sent to the NSW Premier and Minister for Environment regarding Council's support of a Special Commission of Inquiry regarding the Mangrove Mountain landfill site and illegal dumping at Spencer.

There may be an issue with the Environment Protection Authority licence not covering some of the ponds and this is currently under investigation. The Committee would like to be advised of the outcome of this investigation.

**Action:** Upon receipt of a response from NSW Minister for the Environment, the Committee is to give consideration to the next steps recommended to Council in support of a call for a Special Commission of Inquiry.

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**Item 6                    Formal Invitation to Environment Protection Authority and Department of Industry - Water to attend all future meetings**

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Letters were sent 12 July 2018 and 11 September 2018 to Mr Michael Blackmore, Director Water Utilities NSW Department of Industry - Water inviting a representative from the Department of Industry - Water to attend meetings of the Mangrove Mountain and Spencer Advisory Group.

Acting Executive Manager Governance advised that she has spoken with Mr Blackmore inviting a representative from NSW Department of Industry – Water to attend a meeting of the Committee.

No response has been received to date.

The Environment Protection Authority has accepted the formal invitation for a representative to attend each meeting of the Advisory Committee.

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**Item 7                    Questions sent to the Environment Protection Authority**

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The Committee had previously forwarded a list of questions to the Environment Protection Authority in April 2018.

Cate Woods advised the Environment Protection Authority had prepared a response however current Court proceedings have complicated this.

**Action:** The Environment Protection Authority to provide an update at the next meeting.

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**Item 8                    Insight into gauge flow trends – Ourimbah Creek**

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Insight into gauge flow trends for Ourimbah Creek was not provided as Department of Industry - Water did not attend the meeting.

Item to be held over to next meeting.

Danny Willmott noted concerns that the former Gosford City Council may have given approval to discharge Waste and effluent.

**Action:** Danny Willmott to provide any available documents supporting these comments regarding discharge of waste/effluent to the Advisory Group Support Officer for provision to the appropriate officer.

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## **Item 9                      Expectations of the long term remediation of the Mangrove Mountain Landfill site**

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Dr Stephen Goodwin gave an overview of his discussion paper on Principles of Alternative Plans to Eliminate the Environmental Risk to Groundwater Aquifers and Central Coast Water Supply at Mangrove Mountain Landfill.

**Action:** Environment Protection Authority to provide guidelines to Advisory Group members as to what the community should be looking out for in regards to leachate and stormwater use and discharge.

**Action:** The Advisory Group seeks reassurance from the Environment Protection Authority that the irrigation is not leachate in the sediment basins and request that documentation be checked to see whether a drainage diagram is available.

**Action:** The Advisory Group requests the Environment Protection Authority provide a presentation at the next meeting regarding the stormwater and leachate monitoring regime.

**Action:** Advisory Group Support Officer to send an email to Committee Members two weeks prior to each meeting requesting any questions to be forwarded onto the Environment Protection Authority or Department of Industry – Water. The questions to be provided to the external agencies one week prior to the meeting.

**Action:** Advisory Group Members to send comments regarding Options 1 and 2 identified in Dr Goodwin's report to Advisory Group Support Officer prior to next meeting.

**Action:** Staff to provide an update at a future meeting as to what would be reasonable for the Committee to consider with regard to expectations of the remediation of the site.

The Committee noted concerns regarding long term remediation of the site and responsible parties.

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## **Item 10                      Update on the Mountain Districts Association mention in the Auditor General's Report**

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The Advisory Group noted the report from Dr Stephen Goodwin on the matter before the Audit Office of NSW of timeliness of Environment Protection Authority's responses to pollution incidents.

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## **Item 13                      General Business and Close**

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Danny Willmott raised a concern about a lack of action on a costs ruling in 2014.

**Action:** Danny Willmott to write to the Chief Executive Officer requesting further information as to whether the costs were ever paid and if so, to whom.

Wolfgang Koerner gave notice of some issues he would like raised at the next meeting.

**Action:** Wolfgang Koerner to forward list of issues to the Advisory Group Support Officer to be reviewed by the Convenor and Chair prior to inclusion on the agenda.

The meeting closed at 7pm.

**Next Meeting:**           **Tuesday 18 December 2018**  
                                  **5pm – 7pm**  
                                  **Gosford Admin Building**  
                                  **Level 1 Committee Room**  
                                  **49 Mann Street, Gosford**

*Note: Change of date from 11 December 2018 as discussed at the meeting due to conflicting engagements.*