



Community Environment Network Inc.

An alliance of community & environment groups from Lake Macquarie & the Central Coast

20th December 2018

Waste Branch,
Environment Protection Authority,
PO Box A290,
Sydney South NSW 1232

Email: MMLSubmissions@epa.nsw.gov.au

Re: Confidential Submission on Mangrove Mountain Landfill EPL 11395

Dear Sir,

The Community Environment Network (CEN) is a network of community and environment groups in the Central Coast and Lake Macquarie. CEN was established in 1997 and has the Mission of Supporting *Ecologically Sustainable Development (ESD)* and opposing threats to ESD.

CEN has a membership of 400 including 70 groups. These groups in turn have a membership of approximately 5,000 members. CEN is a highly credible organization and has contributed an estimated \$10 million to the Central Coast and Lake Macquarie environment from grants, contracts and donations plus another \$20 million in work by volunteers as 'In Kind' in the 20 years since formation.

Background:

CEN members have been involved in the Landfill issue since 2002. In 2011, the Office of Water complained to Gosford Council about the site. See Attach. 2 letter November 2011. In 2012, following complaints from members, CEN sought meetings with the CEO of the former Gosford City Council. However, this was refused.

CEN sought advice from the Environmental Defenders Office on the massive expansion of the site suggesting; *"This should be treated as a new DA and as Designated Development"*. As there was no hearings, no mechanism was available to have input from the community.

At every stage the regulatory authorities did little to address community concerns. For example; a letter issued by the Member for Gosford (attached) based on advice from the EPA was shown to be not true and he publicly apologized to CEN for his statements. (Letter February 2014).

In 2014, CEN reviewed the EPA Licence on the Public Register and found that once Verda Terra took over, conditions were varied and monitoring became non-existent. The enforcement of the Water Management Act and associated regulations and Water Sharing Plans has not occurred. In 2015, locals noticed discolouration of Ourimbah Creek and traced the source to the landfill site. (See attachment 1). Clearly a breach of the license, no action has been taken.

Lack of Compliance by Regulatory Agencies:

Environmental Planning and Assessment Act:

Gosford Council gave consent and then dropped the supervision and monitoring of the waste site which was a critical part of the consent.

In 2012, when a new CEO was appointed the negotiations were moved away from public scrutiny.

Water Management Act, including Central Coast Unregulated Rivers Water Sharing Plan)

The regulations under this Act provide the rules to protect the drinking water supply. These rules were ignored by Verda Terra with designated streams under this Act eliminated without any approval for the works. See Letter attached – after this the the Water Officer was moved out of the region.

Protection of Environment Operations Act:

The EPA modified the license with no explanation once Verda Terra took control in 2007. There is no explanation given as to why these changes were made.

The EPA took the position in meetings that Verda Terra (Bingo) were wonderful and had achieved great environmental outcomes. Despite being asked they provided no evidence of this. In addition, reports of discharges from the site, yielded no action. (See Attachment 4)

EPA Role:

The EPA are responsible for the Licensed Area, which generated a revenue via the waste levy estimated at \$70 million until 2014.

Public Perceptions:

The former Gosford Council CEO, negotiated the landfill amendments in confidential sessions. In 2015, Gosford Council was unable to vote on a proposed property DA due to the lack of a quorum. Many councilors and the former CEO have associations with a local developer and the former CEO now works for him. At the time, the Community were intimidated by these associations.

There was an apparent lack of action by the EPA from when Verda Terra took control of the site in 2007 until 2014 when the confidential agreement was approved. In 2012, **XXXXXXX** was appointed as CEO and Chairman of the EPA. Appointing a single person to both positions seriously undermined the checks and balances in the institution. In 2017, he resigned and in July was appointed as a Director of Bingo (The parent company of Verda Terra) (See Annual Report Attachment 5)

There is a need for a review to satisfy the concerns of the community. These have been so egregious as to seriously undermine public confidence in public administration. Any attempt by the community to seek information or redress has been met with threats of defamation.

Environmental Considerations:

CEN has many concerns with the proposed landfill, including:

1. The existing dump is unlined and discharging leachate;
2. Dumped material is unknown;
3. A school which is potentially impacts by dust and odour is nearby;
4. The site is unsuitable;
 - a. Having springs;
 - b. being steep, and;
 - c. in a water catchment.
5. Monitoring and supervision are difficult;
6. Roads are not suitable for high volumes and large trucks.

Conclusion:

In addition to our environmental concerns, CEN believes:

1. There is a need for a judicial review of the EPAs actions on this site between 2007 and 2014 to restore public confidence in government;
2. The resignation of the former EPA Chairman and CEO and appointment as a Director of Bingo requires review. See: Resolution 5 on page 28 of the attached Bingo Annual Report.
3. Correction of the failing to implement regulations under the Water Management Act need to be resolved. No approvals have been given for aquifer interference works.
4. Strategies which reduce the spraying and spreading of water need to be implemented to reduce the production of leachate. This can happen if surface and ground water is diverted before reaching the interior of the waste dump.

Yours sincerely,



John Asquith OAM
Chairman

Attachments:

1. CEN Pollution License Review;
2. Office of Water 2011;
3. Holstein Press Release 2014;
4. MML Pollution 2015;
5. Bingo Annual Report see page 5.