

Jennifer Reid

From: Symon Walpole
Sent: Thursday, 26 April 2007 1:43 PM
To: 'Davies Helen'; 'John.Coffey'
Subject: FW: Pasminco LAS

Helen and John

Council staff comments on the March 2007 Draft of the LAS Implementation documentation are provided below:

1. Rezoning

As discussed and highlighted in previous advice, Council officers object to any inference that makes undertaking the LAS conditional on gazettal of any rezoning applications for parts of the Pasminco site. Whilst Council is progressing a current amendment to the Lake Macquarie Local Environmental Plan 2004 (rezoning application) described as areas 1, 2, 3 & 4 in Figure 2.2 of the *Environmental Assessment Report for the Pasminco Cockle Creek Smelter Site Remediation Project* (August 2006), we do not support the LAS implementation as being conditional on the outcome of this process. We believe that the wording in the current LAS draft, being *"Commencement of the LAS is specifically dependent on the gazettal by the Minister for Planning of certain re-zonings on the PCCS Site, as recognised by DEC"* implies that the LAS implementation is conditional on the rezoning, and therefore is not supported by Council staff.

However, Council officers do not object to describing the timing of the LAS implementation being linked to the gazettal of the rezoning application.

2. Consultation

We understand from previous discussions that the initial consultation period will continue for a 6 month period. Some parts of the document (eg, 4.0) still refer to a 3 month initial consultation period.

In Council's previous advice on the LAS document, we requested a staged approach be adopted to enable property owners to "opt in" to the program outside the initial consultation period. We maintain that many owners may not elect to participate until they see on-ground rehabilitation works on nearby properties, and hence may miss-out on the opportunity to participate under the current proposal. We note section 1.3 of the document, which states that late participation in the process may occur at PCCS discretion. However, we remain concerned that there is no documented approach (other than at PSSC discretion) for enabling property owners to participate outside the prescribed consultation period.

The previous covering letter from Ferrier Hodgson (dated 6 March 2007) indicates that a suitable location in Boolaroo will be established for consultation purposes. This undertaking should be included in the LAS document. The previously indicated 2-3 hours per week opening of a location within Boolaroo may be suitable for much of the consultation period, however there is likely to be times (eg, following mail-outs or media coverage) where 2-3 hours/week may be insufficient. We recommend that this be modified to a minimum of 3 hours/week, with additional manning levels as needed. This should also be included in the LAS document.

The LAS document fails to describe the role of Authority Stakeholders within the programs implementation. Additional detail is required to describe how and when consultation with the various authorities will occur, and how advice from authorities will be incorporated in the process

3. Justification

Council staff believe the background information provided in the LAS documentation fails to adequately justify the proposed remediation strategy. It is likely that many members of the community will be concerned over the suitability of the "cap and cover" approach, which is fundamental to the LAS. Yet the LAS documentation does not attempt to evaluate the suitability of a "cap and cover" approach in comparison to alternative remedial measures (such as the full removal of contaminants).

We remain concerned over the long-term effectiveness of abatement measures that do not remove contamination from the notified properties (ie, measures that address contamination in the 300 – 5000 ppm range). In the

absence of an adequate justification, Council staff are unable to fully support an approach whereby contamination remains on-site (in most cases) with relatively minor levels of topsoil or grass cover

4. Non-residential Properties

Council's previous submission noted that the LAS applies to only "residential properties" in the area of interest. We remain concerned that Council and the Department of Education and Training have significant land holdings in the locality of the "Nominated Properties" and these properties are not included in the strategy. Council's properties include open space, playing fields, and road reserves (footpaths). Both Council and the DET's properties host activities by children, the most sensitive group for lead in blood, but neither are addressed in the strategy.

5. Environmental Impacts

As indicated in Council's previous advice, we remain concerned that the LAS's objective is to address human health but little is said of environmental health. Covering the lead with topsoil etc. will minimise human contact but not necessarily resolve lead entering the environment through leachate and other mobilisation mechanisms.

6. Garden Beds

We remain concerned that the LAS appears inadequate in dealing with risks of exposure from contaminated garden bed areas (which are excluded from sampling locations) given the direct and indirect exposure routes that exist in these locations. Council requests that sampling take place in garden beds (at a range of depth profiles) and excavation/replacement of contaminated garden soil be included in the abatement measures.

7. Slag

As discussed in earlier submission the issue of slag is not covered by the LAS and an explanation for this exclusion is not provided in the documentation. Advice from DEC and/or PCCS on slag in the community should be considered to coincide with the LAS consultation period if it is to be excluded from the LAS.

We note that many of the above comments have been provided previously on numerous occasions and are concerned that they may not be included in the final document or suitably addressed by other means. Council requests that our advice be forwarded to the Site Auditor and Lead Specialist for consideration in their review. We also suggest that a workshop with the relevant stakeholders, Auditor and Lead Specialist may provide a good opportunity to discuss issues associated with the strategy.

Please let me know if you require any further details.

Symon Walpole

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-----Original Message-----

From: Davies Helen [mailto:helen.davies@lakemac.nsw.gov.au]
Sent: Tuesday, 17 April 2007 2:31 PM
To: swalpole@lakemac.nsw.gov.au; Symon Walpole
Cc: Coffey John
Subject: FW: PCCS - March 07 LAS

Dear Craig and Simon,