NSW GOVERNMENT
Department of Planning

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Our ref: 9036299
Your ref:

Mr Dennis Zines
Environmental Manager
Fitzwalter Group Pty Ltd
633 Harris Street
ULTIMO NSW 2007

Dear Mr Zines

Proposed Remediation of the Former Pasminco Cockle Creek Lead and Zinc Smelter Site, Boolaroo, Lake Macquarie Local Government Area

I refer to your correspondence of 28 September 2005 with which you request Director-General's assessment requirements for the preparation of an Environmental Assessment in relation to the above project.

The Director-General's Environmental Assessment Requirements are attached, pursuant to section 75F(2) of the *Environmental Planning and Assessment Act 1979*. It should be noted that the Director-General's requirements have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

You should ensure that you consult with the Department prior to submission of a draft Environmental Assessment to determine:

- fees applicable to the application;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessments that will be required.

Once you have lodged the Environmental Assessment, the Department will consult with the relevant authorities to determine the adequacy of the Environmental Assessment. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

You should keep the contact officer for this project, Scott Jeffries ((02) 9228 6426, scott.jeffries@dipnr.nsw.gov.au), up to date with the progress of preparation of the Environmental Assessment, and seek clarification of any issues that may be unclear or may arise during this process.

Yours sincerely

22.11.05

Chris Wilson
A/ Deputy Director-General
As delegate for the Director-General

REMEDIATION OF THE FORMER PASMINCO LEAD AND ZINC SMELTER SITE, BOOLAROO, LAKE MACQUARIE LOCAL GOVERNMENT AREA

ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Project	Remediation of the former Pasminco Cockle Creek Lead and Zinc Smelter site and surrounding land, including the construction and use of a containment cell(s) for long-term entombment of contaminated materials.
Site	Lot 201 DP 805914, Lot 21 DP 253122, Lot 1 DP 523781 and Lot 23 DP 251322
Proponent	Pasminco Cockle Creek Smelter (subject to Deed of Administration) Pty Limited
Date of Issue	23 December 2005
Date of Expiration	23 December 2007
General Requirements	The Environmental Assessment must be prepared to a high technical and scientific standard and must include: • an executive summary; • a description of the proposal, including construction, operation, and staging; • an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; • justification for undertaking the project with consideration of the benefits and impacts of the proposal; • a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project; and • certification by the author of the Environment Assessment that the information contained in the Assessment is neither false nor misleading.
Key Assessment Requirements	The Environmental Assessment must include assessment of the following key issues: • **Strategic Planning** – the Environmental Assessment must detail the strategic basis for the project with specific reference to the need to remediate the site, proposed future land uses and development on the site, related and relevant existing development approvals and pending applications, and how the remediation outcome will avoid the unnecessary sterilisation of land or potential future land use conflicts. The Environmental Assessment must make specific reference to any remediation-related activities proposed and/ or approved that are relevant to the strategic remediation outcomes for the site, but not included in the scope of the application for the project. • **Remediation Action Plan** – the Environmental Assessment must include or be accompanied by a Remedial Action Plan (RAP) prepared in accordance with *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and relevant components of other guidelines made or approved under section 105 of the *Contaminated Land Management Act 1997*. The RAP must specifically address the matters contributing to the site representing a Significant Risk of Harm under section 9 of the *Contaminated Land Management Act 1997* and demonstrate that on completion of the project, the site will be suitable for the proposed use of the land. The RAP must be audited by an EPA-accredited site auditor, and include a site audit statement detailing the findings of the audit. • **Remediation Criteria** – the Environmental Assessment must clearly indicate the proposed remediation criteria to be applied all or respective parts of the site. Remediation criteria must be developed consistently with *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC, 1999). Where contaminants are present on the site that are not listed under the aforementioned NEPM, specific remediation criteria for those contaminants must be derived having regard to relevant NSW standards, national standards, then international standards, with justification for use of any criterion not currently endorsed by the NSW Department of Environment and Conservation. • **Containment Cell Design** – the Environmental Assessment must provide clear details of the design and proposed contents of all containment cells for the project. In particular, details of the types of materials and management of those materials in the containment cell(s) must be provided with consideration of potential material incompatibilities and management measures to address any

	such incompatibilities. The Environmental Assessment must also demonstrate that the containment cell(s) are of sufficient design and capacity to adequately contain all materials proposed for the cell(s) without generating a significant impact on surrounding groundwater, surface water or air quality. • **Air Quality Impacts** – the Environmental Assessment must include a comprehensive assessment of the air quality impacts of the project in accordance with the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW* (EPA, 2001). The Assessment must specifically focus on the impacts of heavy metals and particulates on ambient air quality, from a project-specific and a cumulative perspective. Consideration of the impacts of particulates must include ambient air quality and dust deposition implications. • **Health Impacts** – the Environmental Assessment must assess the health implications of the project, both during remediation of the site and in an on-going context once the site is remediate and potentially redeveloped in future. Assessment of health impacts must detail and justify appropriate human exposure scenarios, including for both adults and infants, and demonstrate that the project will not have unacceptable acute or chronic health effects, during or after the remediation works. • **Water Quality and Water Cycle Management** - the Environmental Assessment must detail and assess the impacts associated with the expected water cycle during each phase of the project, including management of surface water, stormwater, groundwater and leachate. The Environmental Assessment must demonstrate how the project will be designed and operated to meet water quality criteria detailed in *Australian and New Zealand Water Quality Guidelines 2000* (ANZECC, 2000). The Environmental Assessment must also detail and assess the impacts of the project on groundwater flows and quality, and demonstrate that groundwater interception works would be adequate in achieving required remediation outcomes and preventing spread of contaminants. • **Noise Impacts** - the Environmental Assessment must assess the noise impacts resulting from all noise sources associated with project, with a particular focus on excavation works, and any activities proposed to be undertaken during evening or night time periods. The noise assessment must be undertaken in accordance with the *NSW Industrial Noise Policy* (EPA, 2000), the *Environmental Noise Control Manual* (EPA, 1994) and *Environmental Criteria for Road Traffic Noise* (EPA, 1999); • **Future Ownership and Management** – the Environmental Assessment must detail how the site will be managed in the longer-term, and after completion of the remediation works. In particular, details must be provided on monitoring and management responsibilities, future ownership provisions, liabilities and how the integrity of the remediation outcome will be assured. The Environmental Assessment must explicitly state intended legal arrangements for ownership of and long-term responsibility for the containment cell(s). Further, the Environmental Assessment must identify the source of funding for the long-term operation, monitoring and maintenance of the containment cell(s) and the groundwater interception and treatment systems. • **General Environmental Risk Analysis** – notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of these additional key environmental impacts must be included in the Environmental Assessment.
Consultation Requirements	You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment: • NSW Department of Environment and Conservation; • NSW Department of Health; • NSW Department of Natural Resources; • Lake Macquarie City Council; and • the local community. The Environmental Assessment must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the Environmental Assessment.

Deemed refusal period	Under clause 8E(2) of the *Environmental Planning and Assessment Regulation 2000*, the applicable deemed refusal period is 60 days from the end of the proponent's environmental assessment period for the project.