

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Director – Industry Assessments

I would like to formally object to the proposed modification request (MP 06_0184 MOD 6) made by Pasminco Cockle Creek Smelter Pty Ltd (Subject to Deed of Company Arrangement). It is my understanding that an appeal has been lodged against the Minister for Planning regarding the deemed refusal of this modification. I urge the Court to consider the impacts PCCS has already imposed on the local community and refuse the proposed modification.

Reporting Requirements

I do not support any changes to the reporting requirements as set out in the existing conditions of consent. In addition to pollution incidents as required under the POEO Act, Condition of Consent 1.22 requires the proponent to report any “material change in conditions at the site or in its surrounding environment which could result in harm to the environment”. In my view, this condition provides some degree of protection to the community that any changes on the site that may impact the structural integrity of the containment cell would also be reported, regardless of whether these changes resulted in a pollution incident. Therefore, I feel this condition should be maintained.

According to the EPA objection (dated 13.7.2018), a range of regulatory action has already been taken against the proponent with Penalty Notices for pollution of waters, failing to publish monitoring data and failing to undertake all monitoring. In addition, they are currently investigating a discharge because of irrigation over the cell. Hence, I strongly object to any changes that may reduce or limit future monitoring, particularly when the proponent has displayed disregard for their existing monitoring and compliance requirements.

Surface Water and Groundwater Monitoring

I do not support any changes to the monitoring of surface or groundwater monitoring as this condition was established to protect the long-term health of the local community and environment. Any pollution incidents that affect surface waters have potential to adversely impact Lake Macquarie, which is located within very close proximity. In addition, remediated residential land that is located downslope of the Pasminco site has potential to become re-contaminated if surface waters are not regularly monitored to detect any potential pollution incidents. Given the containment cell is located over a known geological fault line, it is my view that

regular monitoring of groundwater aquifers is vital to the long-term health of the surrounding environment.

Contaminated Water Management Plan

The management of contaminated waters and the prevention of discharge from the site is key to the future long-term health of the surrounding community. Given PCCS has already failed to prevent pollution incidents and are currently under investigation by the EPA, I do not believe this condition should be removed or varied.

Imposition of Covenant for Containment Cell

I do not support any changes to condition 8.8 and do not believe the proponent has provided any justifiable reasons to support the proposed changes. The long-term management of the containment cell is vital to the on-going health of the local community and PCCS has already failed to comply with this their obligations under this condition. Further, the community is already burdened with a legacy of lead contamination. This includes the failed LAS, which was the culmination of a series of unfulfilled promises and omissions that date as far back as the 1995 conditions of consent. Any changes to the maintenance and management of the containment cell in perpetuity, risks not only the health of the environment and residents but also the social fabric of a community already burdened by legacy lead contamination.

Regards,

Nicole Gerrard