

Our Reference: SLS:1940916:kaf  
Your Reference:

17 April 2014

Southern Beaches Conservation Society Inc  
11 Gully Road  
DODGES FERRY TAS 7173

Established 1834  
Dobson Mitchell & Allport Pty Ltd  
ABN 86 143 016 586  
Website [www.doma.com.au](http://www.doma.com.au)

Hobart  
59 Harrington St.  
GPO Box 20  
DX 112 Hobart  
Hobart TAS 7001  
Telephone +61 3 6210 0000  
Facsimile +61 3 6210 0099

Attention: Angela Marsh

Dear Madam

### Copping Refuse Disposal Site Joint Authority

We act for the Copping Refuse Disposal Site Joint Authority, which is intending to develop the C-Cell at the Copping landfill site. It has come to our client's attention, including as a result of admissions made by you during media interviews, that you have been writing to customers and/or potential customers of the proposed Copping C-Cell facility.

Our client has obtained a copy of a letter sent by you which makes the following representations:

1. There are "*ongoing concerns regarding the viability of the Copping site for receiving hazardous material*".
2. That the proposed Copping C-Cell facility does not meet the *Landfill Sustainability Guidelines 2004*, in particular by reference to three purported concerns being that:
  - (a) the C-Cell facility will not be effectively separated from sandstone lithology located within 100 metres;
  - (b) a risk assessment conducted by Pitt & Sherry "*notes that there is a high risk from displacement of underlying strata*"; and
  - (c) "*the C-Cell facility will clearly be located in an area of high permeability sub-strata*", which "*would be problematic for leachate contaminants reaching the Carlton River*".
3. That there are "*deep concerns regarding the proximity of the proposed C-Cell to wetlands and one 100 year floor plains*".

Your representations are untrue, and ignore what is contained in the Pitt & Sherry risk assessment and the *Landfill Sustainability Guidelines 2004* as follows:

- (i) The proposed C-Cell facility will be located in dolerite, not sandstone. Dolerite is not a porous rock, and cannot become saturated with water. In this regard the proposed facility is in full

accordance with the Sustainability Guide. The fact that there is sandstone elsewhere in the vicinity is irrelevant, because that does not affect the geology in which the C-cell will be located.

Furthermore, dolerite is not a high permeability substrate. Your letter seems to be incorrectly suggesting, again, that nearby sandstone is in some way relevant to the C-cell when its placement in dolerite is the fact material to its design and risk assessment. In any event the sandstone in the vicinity of the proposed C-cell site is located horizontally and at some distance away, and does not constitute substrate.

- (ii) The allegation of “*high risk*” displacement is not one made by the report, but in any event is identified as a matter expressly mitigated by the use of a composite geo-synthetic liner in the facility design.
- (iii) There are no “wetlands” in the vicinity of the proposed C-cell site, and no justification for concerns that a 1:100 year flood event would flood the proposed C-Cell facility or otherwise cause the risk which your letter asserts.

We are instructed to demand you immediately cease sending any further correspondence as has occurred, and that you cease making false, misleading, and deceptive statements particularly to customers or potential customers of our client.

Further, we are instructed to demand that you advise us within fourteen days of the name of every person or entity to which you have written in the terms referred to on the first page of this letter, and confirm in writing that you will retract the assertions made to those persons or entities.

In the event that this matter is not resolved satisfactorily to our client, or you persist with your conduct, our client intends to pursue the matter further which may include obtaining Court relief in the nature of an injunction and damages.

Yours faithfully



**M+K dobson mitchell allport**  
SUSAN LARSEN-SCOTT  
Principal  
TEL: +61 3 6210 0031 | FAX: +61 3 6210 0099  
EMAIL: [susan.larsen-scott@doma.com.au](mailto:susan.larsen-scott@doma.com.au)

Southern Beaches Conservation Society Inc.  
11 Gully Road  
Dodges Ferry TAS 7173

As a company that prides itself on sustainability and good governance, it is important that you have due regard to environmental impacts throughout the life of your products. This necessarily includes consideration being given to both procurement of services and to the appropriate disposal of waste.

We understand that your company may be considering the disposal of Controlled waste/hazardous materials at the proposed Copping C-Cell facility in South East Tasmania. We are writing to alert you to ongoing concerns regarding the viability of the Copping site for receiving and containing hazardous material and to request that you undertake due diligence to satisfy yourself that using the facility will not jeopardise your environmental record.

It is essential that the C-cell be engineered to securely contain all leachate. It is also critical that the surrounding landscape is able to retard the flow of leachate in the event of a breach. For this reason, the *Landfill Sustainability Guidelines 2004* directs that landfills should not be located in sandstone terrains, slipping substrates and areas of high permeability soils.

We are concerned that the proposed C-cell at Copping does not meet the Guidelines, as follows:

- the C-cell facility will be located on dolerite within 100m of sandstone lithology. Where excavation is to occur, there is a risk that the C-cell will not be effectively separated from the sandstone lithology.
- The Pitt & Sherry risk assessment for the C-cell notes that there is a high risk from displacement of underlying strata.
- The C-cell facility will clearly be located in an area of high permeability substrata. The Development Proposal and Environmental Management Plan (DPEMP) recognised this would be problematic for leachate contaminants reaching the Carlton River.

We are also hold deep concerns regarding the proximity of the proposed C-cell to wetlands and 1:100 year floodplains.

Securing contaminated leachate relies both on engineering solutions and the capacity of the surrounding environment. We urge you to undertake rigorous investigations, ask questions of the proponents and seek expert advice regarding the geological capacity of the site in order to satisfy yourself that the facility will be managed to international best practice standards and ensure against leachate contamination of the surrounding environment.

Yours sincerely,



Angela Marsh  
President, Southern Beaches Conservation Society Inc.