



Our ref: R90/0505 Out-9017
Further Contact: Robert Verhey

16 September 2003

Mr Ian Thackeray
Committee Manager
Joint Select Committee on the Transport and Storage of Nuclear Waste
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Thackeray

Thank you for your letter of 3 July 2003 relating to the Joint Select Committee on the Transport and Storage of Nuclear Waste. Local Government welcomes this Inquiry. I note that you have also written to individual councils and Regional Organisations of Councils. I appreciate the fact that you have acknowledged the importance of gauging the views of Local Government on this important issue.

The Local Government Association and the Shires Association of NSW (the Associations), represent all local councils in NSW, as well as the 13 regions of the NSW Aboriginal Land Council.

1. Background to this Submission

The Associations are acutely aware that this is an issue of great concern and interest to local councils and their communities across the state. With this in mind, the Associations convened a meeting of Mayors on 6 June 2003. Outcomes from this meeting were as follows:

- 1) The meeting resolved that it was strongly opposed to the transportation of nuclear waste through local communities.
- 2) The meeting resolved to establish a reference group of concerned councils to monitor this issue, and to represent the interests of councils in the preparation of a submission to the Parliamentary Inquiry.

The reference group was subsequently established to ensure that this submission accurately represents the views of councils across NSW. The membership of this reference group is provided in attachment A. The membership includes councils from a broad geographic spread across NSW, reflective of the proposed route for nuclear waste (see figure 1 below)

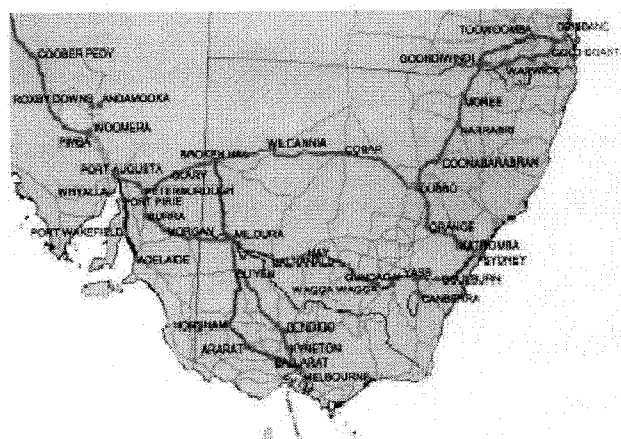


Figure 1: Proposed route for Nuclear Waste as per Draft Environmental Impact Statement for the National Repository Project (Commonwealth Govt 2003), map courtesy of Friends of the Earth

The submission was also sent for comment to all councils along the proposed route for transport of nuclear waste (as per figure 1) for comment. This submission has been endorsed by the Reference Group, is also endorsed by the ourselves on behalf of the Executives. It therefore can be considered to represent the collective view of Local Government in NSW.

2. Comments on Consultation Process

Regarding the consultation process for this Inquiry, Local Government strongly asserts that there needs to be a substantial level of local and regional consultation through seminars. It is understood that two seminars are planned, one for Sydney on 11 September and one in country NSW on 24 September. Local Government is of the view that all councils and communities along the entire proposed route should have access to these seminars. The Reference Group have suggested at least three such seminars, in the Blue Mountains, Dubbo and Broken Hill, but ideally there should be several more to ensure that all councils and their communities can attend and be made fully aware of the proposals and have an opportunity to respond.

3. Local Government's General Policy on Transport of Nuclear Waste

Local Government has a clear policy position on the transport of nuclear waste. The Associations' policy statements include the following:

“The Association:

- opposes construction of any new nuclear reactors in Australia
- supports the establishment of Nuclear Free Zones
- opposes any expansion of uranium mining.”

Local Government has, at successive recent Annual Conferences, considered the matter of the transport of nuclear waste. To encapsulate the Local Government position on this issue, it has been resolved at those Conferences:

Shires Association 2003 Annual Conference resolution 49

“That this conference and the Shires Association support the Western Division Group of Shires in their extreme concerns at the transportation of nuclear radioactive waste through the Far West region of New South Wales should the proposed location of Woomera in South Australia become the preferred facility site.”

Local Government Association 2002 Annual Conference resolution 131

“The Local Government Association of NSW notes the position adopted by the South Australian State Government as to its intention to call a State Referendum on the proposal for a Nuclear Waste Repository in that State. The Local Government Association of NSW accepts the principle that Lucas Heights, Sydney, should not be a defacto repository for Commonwealth nuclear waste. The Local Government Association of NSW calls upon the Commonwealth and State Governments and Oppositions to adopt a position of opposition to any proposal for an increase in nuclear waste production in Australia until a satisfactory resolution of the waste repository issue has been finalised between Commonwealth and State governments.”

4. Local Government Statutory Powers relating to Transport of Nuclear Waste

In relation to the transport of wastes including nuclear waste, the Local Government Act 1993 conveys an approval/ regulatory authority on NSW councils, specifically:

“68 *What activities, generally, require the approval of the council?*

- (1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.
1. For fee or reward, transport waste over or under a public place
 2. Place waste in a public place
 3. Place a waste storage container in a public place”

Further, councils have the power under this Act to issue orders, including:

“124 Orders

A council may order a person to do or to refrain from doing a thing specified in the following Table:

....To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the order”. Such an order may be issued on: “Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained”

5. Council Policies on Transport of Nuclear Waste

On the basis of the statutory powers referred to above, many councils across NSW, individually and jointly/ regionally, have developed policies on the transport of nuclear waste. Examples are:

Gosford City Council:

“The City of Gosford is a nuclear free zone.

- 1) No nuclear power stations will be built within the City.
 - 2) No uranium, nuclear waste nor other material connected with the nuclear power industry are to be stored or transported in or through the City.
 - 3) The responsible use of radioisotopes in hospitals within smoke alarms and approved purpose built medical facilities within the City is permitted, as the benefits to users outweigh the risks to the community at large.
- Signs will be erected at the City boundaries stating: "This is a Nuclear Free Zone"

Campbelltown City Council

Campbelltown City resolved 24 June 2003 “that a development application be lodged for the erection of ten signs at the entrances to the city which state that council will oppose any plans for the transport of nuclear waste through our city”

Lismore City Council

Lismore City Council developed its nuclear free policy in 1984, last reviewed in 1999, which reads in part:

“A person shall not have in his possession, use, sell, transport, store or dispose of by any means - any nuclear material unless, in respect of the nuclear material concerned -

- (i) he is in possession of a licence under appropriate legislation;
- (ii) the provisions of restricting or controlling regulations under that legislation do not apply;
- (iii) he has complied with the provisions of any legislation affecting the particular material.

The whole of the City of Lismore be a Nuclear Free Peace Zone.”

Warringah Council

(excerpt from policy) “Warringah Council supports the concept of a nuclear free zone for Warringah. The Council is opposed to the transport of uranium or other radioactive materials within Warringah’s boundaries except for isotopes or other radioactive materials that are used in medical treatment or research.

- No uranium or radioactive materials shall be transported, stored, processed, disposed of, or used within the Warringah LGA.
- There is no adequate method to protect Warringah residents in the event of an accident involving the transport, storage, processing or disposal of uranium or other radioactive materials or nuclear weapons.
- Warringah Council shall not award contracts for any purpose to any person, firm, corporation or entity which is knowingly or intentionally engaged in the development, research, production, maintenance, storage, transportation and/ or disposal of radioactive waste and nuclear weapons.”

Barwon-Darling Alliance

This group represents the local councils of Bourke, Brewarrina, Central Darling, Coonamble and Walgett, as well as the ATSIC Regional Council, Murdi Paarki. The group has resolved unanimously:

- “That the Barwon-Darling Alliance completely rejects the establishment of a nuclear waste storage facility west of the Darling River

- That the Barwon-Darling Alliance opposes the transport of nuclear waste through any of the local government areas in the Barwon-Darling Alliance region”

Aboriginal Land Council

The Aboriginal Land Council of NSW, whose 13 Regions are members of the Local Government Association, has advised the Associations by letter on 10 July 2003 that: “The NSW Aboriginal Land Council does not support the Government’s transporting of waste from Lucas Heights through NSW in any way, shape or form that is by land, air or water”

The attached table (attachment B) summarises the policy positions of councils across NSW, as far as the Associations are aware. This list is not exhaustive, and relates to some of the councils identified as being on the proposed route for transport of nuclear waste.

6. Specific Issues of Concern

As a general comment, there is a clear tendency by the Commonwealth Government and the Australian Nuclear Science and Technology Organisation (ANSTO) to downplay the potential hazards associated with the transport of nuclear waste. On that basis, there is a tendency to provide minimal information about hazard response, likely risk and potential health and environmental effects. This is probably seen by ANSTO and the Commonwealth Government as a way to alleviate concern and reduce alarm, thus engendering in the community a sense that there is little if any risk.

This is an irresponsible attitude. Nuclear materials, their processing and particularly their transport, do create an increased level of risk. That risk should be clearly quantified, adequately managed and transparently communicated to the community. The community have a right to know the level of risk they are being exposed to and what response measures are in place to deal with any risk events and situations.

6.1 Transport

- Local Government is not satisfied that full consideration has been given to the **establishment of appropriate handling and transport facilities** including management of radioactive waste for transport on NSW roads to and from repositories and at point of entry for overseas sourced waste, where shipping delivers radioactive waste. Specifically, some of the issues which have not been fully considered include: the appropriateness of the types of containers to be used, the inspection procedures, provisions for ensuring security and the provision of adequate training for those handling/ transporting nuclear waste
- Local Government believes that the proposal is overly reliant on road transport and has not fully canvassed the relative risks associated with options of shipping and air transport, given that fact that the vast majority of stockpiled nuclear waste is located at Lucas Heights, in close proximity to shipping and air ports.
- Local Government notes a **lack of certainty regarding quantities and frequencies and radioactivity** of waste being transported, and therefore uncertainty regarding potential human and environmental exposure.
- Of particular concern is the **lack of information regarding risk management/ incident response** and potential impact including:
 - Floodplain issues
 - Water supplies
 - Catchment management issues
 - Health impacts
 - Economic and Social impacts (particularly impacts on agriculture and the viability of rural communities, and the ability for areas to proclaim themselves “clean and green”)
 - Environmental impacts
 - Heritage issues including Aboriginal Heritage
 - Places with no or insufficient hazardous response capability
- There is a lack of **transport security considerations** including theft/ sabotage and use for terrorism incidents
- Local Government feels that there needs to be a **clear provision of direct indemnity** for damage/ contamination of private and public property along the transport route.

- Generally the Commonwealth Government needs to put in place **increased emergency response capability** to deal with Commonwealth sourced radioactive waste. Such capability to be adequate to fully address transport accident response should there be a radioactive spill at all points of the proposed route.

6.2 Lucas Heights Waste Storage Issues

- **On-site stockpiling and transport information** must be provided to the community on a clear basis, and fully note the practical public safety and environment protection implications of that waste management. A clear overview of waste categories, the physical forms of the waste (solid, liquid or airborne) and implications for a low-level repository and intermediate-level store should be prepared.
- Local Government feels that immediate attention should be given to **removing risk by improving management** of:
 - Low Level Solid Waste (LLSW), the quantities of these wastes generated across the site and their ultimate storage (currently in bins in a warehouse) pending transport to a repository
 - Low Level Liquid Waste (LLLW) with respect to its management and its disposal:
 - as a liquid from large storage tanks on the site into the sewer and eventual passage to the Cronulla Sewerage Treatment Plant and into the ocean and
 - the solar drying of the solid residue in a concrete lined solar evaporation pond and ultimate storage on site in drums.
 - Long Lived Intermediate Level Waste (LLILW). This includes highly radioactive liquid waste from molybdenum production which after many years' delay is being solidified for safety purposes.
 - Spent Reactor Fuel in:
 - water ponds which were recently contaminated and remain so and
 - below-ground holes in which water infiltration has caused fuel corrosion and radioactivity release into the holes.
- Local Government notes the special problem areas of Lucas Heights radioactive waste management including:
 - The fact that some Long Lived Intermediate Level Wastes including uranium and plutonium are to be included in the inventory to be sent to the so-called Low Level Repository, despite the radiotoxicity of these lasting well beyond the 200 year institutional life of the Repository.
 - The Little Forest Burial Ground where solid waste was formerly buried in poor containment and which includes radioactive plutonium and toxic non-radioactive beryllium (some 1 tonne).

6.3 Operating licence for the new Lucas Heights Reactor

The Commonwealth has approved the construction of a new reactor at Lucas Heights. Local Government is of the view that the licence to operate the new reactor (issued by ARPANSA) should be contingent on **full resolution of the issues** associated with both Low Level (South Australia) Waste Repository and Long Lived Intermediate Level (LLIL) Store (location as yet unspecified) and associated transport issues

6.4 Other Issues

- Medical Isotopes: Local Government acknowledges the beneficial medical effects of the use of isotopes but believes that this should not be used as a justification for **inefficient isotope production** technologies and associated radioactive waste generation. Alternative technologies (including accelerator technologies) would minimise further production of nuclear waste.
- Local Government seeks a **clear funding commitment** by the Commonwealth to ensure that adequate incident response systems are in place.
- With respect to the availability of public information and full assessment of the current proposal it is note worthy that consultation mainly occurred along transport routes at major towns. As previously stated, consultation should be undertaken in **all local government areas along the proposed route** and should be ongoing.

7. Conclusion

There are concerns over the current generation, storage and disposal of radioactive waste at Lucas Heights. Commonwealth proposals to transport nuclear waste raise additional issues of concern, including:

- Floodplain issues
- Water supplies
- Catchment management issues
- Health impacts
- Economic and Social impacts
- Environmental impacts
- Heritage issues including Aboriginal Heritage
- Places with no or insufficient hazardous response capability

The Commonwealth proposal falls well short of the standard that would be applied to private hazardous industry development in NSW and has serious implications for NSW services and the public.

In actioning the Conference resolutions referred to previously, the Associations have written to relevant Commonwealth Ministers and have received replies stressing the strict controls on the transport of nuclear waste and the high levels of safety afforded by those controls. In his response of 24 October 2002, the Federal Science Minister the Hon Peter McGauran stated: "The transport of radioactive materials is governed by strict regulations and codes of practice which are consistent with international regulations. Because of these strict regulations the risk associated with the transport of radioactive materials including waste is far less than that associated with the transport of other hazardous materials such as flammable and corrosive substances". This somewhat cavalier comparison does not afford a great deal of comfort to councils and communities who wish to be exposed to **no risk whatsoever** from the transport of nuclear waste.

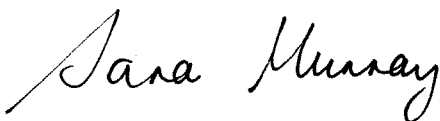
The fundamental issue is the right of communities, and the local councils representing them, to have an absolute assurance that there will be no social, economic or environmental impacts arising from the transport of nuclear waste across their local area. Until these assurances can be given, (and the Minister's response above does not give this absolute assurance), councils and communities have expressed a wish to see the precautionary principle applied to this issue. The status of "Nuclear Free Zones" is yet to be tested, and may well be tested by the proposed transport of nuclear waste.

Further, Local Government calls into question the true independence and objectivity of the Federal Government in promoting and defending these nuclear waste transport proposals. Correspondence from Federal Ministers in response to Local Government concerns has taken a consistently defensive tone, rather than reflecting a truly objective attitude towards the arguments for and against these proposals.

In summary, Local Government has serious concerns about the potential for environmental and health impacts, as well as the potential social and economic impacts, that may result from transport of nuclear waste across their communities.

I thank you for the opportunity to provide this submission. The Associations' Presidents would be willing to organise a delegation to present at any public hearings convened as part of this inquiry.

Yours sincerely



Cr Dr Sara Murray
President
Local Government Association of NSW



Cr Phyllis Miller
President
Shires Association of NSW

Attachment A: Members of Reference Group for preparation of this submission

Council	Contact	Position	Email
Balranald Shire	Cr Alan Purtill	Mayor	council@balranald.nsw.gov.au
Bankstown City	Cr Richard McLaughlin	Councillor	Dianne.Ellis@bankstown.nsw.gov.au
Blacktown City	Ms Sue Galt	Exec Planner Policy	Sue.galt@blacktown.nsw.gov.au
Blue Mountains City	Cr Jim Angel	Mayor	KIves@bmcc.nsw.gov.au
Broken Hill City	Cr Daria Turley		council@brokenhill.nsw.gov.au
Burwood	Cr Ernest Wong	Mayor	council@burwood.nsw.gov.au
Campbelltown City	Cr Brenton Banfield	Mayor	Brenton.banfield@campbelltown.nsw.gov.au john.hely@campbelltown.nsw.gov.au
Central Darling Shire	Cr John Brennan	Mayor	council@centraldarling.nsw.gov.au
Dubbo City	Cr Warren Mundine		Clr.wmundine@dubbo.nsw.gov.au
Fairfield City	Edward Saulig		esaulig@fairfieldcity.nsw.gov.au
Greater Taree City	TBA		BronteD@gtcc.nsw.gov.au
Jerilderie Shire	Cr Ian Sneddon	Mayor	mail@jerilderie.nsw.gov.au
Lane Cove	Cr Frances Vissel	Councillor	vissel@idx.com.au
Leichhardt	Cr Maire Sheehan	Mayor	msheehan@lmc.nsw.gov.au
Murray Shire	Cr Brian Sharp	Mayor	sharp2@iinet.net.au
Narrandera Shire	Gerard McConnell	Executive Assistant	gerard.mcconnell@narrandera.nsw.gov.au
Narromine Shire	Cr Marty Havercroft	Mayor	mwalsh@narromine.nsw.gov.au
Narromine Shire	Cr Les Lambert	Deputy Mayor	mwalsh@narromine.nsw.gov.au
Orange City	Cr Dave Shearing		kgardiner@orange.nsw.gov.au
Parramatta City	Cr Maureen Walsh		mwalsh@parracity.nsw.gov.au
Penrith City	David Leavett-Brown	Coordinator Public Health Unit	dleavette-brown@penrith.nsw.gov.au
Ryde City	Cr Edna Wilde	Mayor	treed@ryde.nsw.gov.au
Singleton	Cr Fred Harvison	Mayor	fharvison@singleton.nsw.gov.au
Sutherland Shire	Cr Phil Blight	Mayor	tsingam@ssc.nsw.gov.au GRankin@ssc.nsw.gov.au
Sutherland Shire	Mr John Rayner	General Manager	jrayner@ssc.nsw.gov.au
Wollongong City	Cr Alex Darling	Lord Mayor	lwatkins@wollongong.nsw.gov.au

Attachment B: Status of Council policies on transport of nuclear waste

LIST OF COUNCILS ON TRANSPORT ROUTES FOR NUCLEAR WASTE INDICATING THEIR POSITION

Name	Title	Mail Address	Town	Pcode	State	Council	Position
Cir Alan Purtill	Mayor of Balranald	PO Box 120	Balranald	2715	NSW	Balranald Shire Council	
Cir Ian Macintosh	Mayor of Bathurst	Private Mail Bag 17	Bathurst	2795	NSW	Bathurst City Council	Opposed- 1999 statement
Cir Jim Angel	Mayor of Blue Mountains	Locked Bag 5	Katoomba	2780	NSW	Blue Mountains City Council	Opposed- Nuclear Free Zone
Cir Ron Page	Mayor of Broken Hill	PO Box 448	Broken Hill	2880	NSW	Broken Hill City Council	Opposed- Nuclear Free Zone
Cir John Farr	Mayor of Cabonne	PO Box 17	Molong	2866	NSW	Cabonne Shire Council	Opposed – media
Cir Athol Roberts	Mayor of Carrathool	PO Box 12	Goolgowi	2652	NSW	Carrathool Shire Council	
Cir John Brennan	Mayor of Central Darling	PO Box 165	Wilcannia	2836	NSW	Central Darling Shire Council	Opposed - EIS
Cir Lilliane Brady	Mayor of Cobar	PO Box 223	Cobar	2835	NSW	Cobar Shire Council	Opposed
Cir Greg Matthews	Mayor of Dubbo	PO Box 81	Dubbo	2830	NSW	Dubbo City Council	Not opposed
Cir John Byrne	Mayor of Evans	PO Box 703	Bathurst	2795	NSW	Evans Shire Council	Not opposed
Cir Michael Neville	Mayor of Griffith	PO Box 485	Griffith	2680	NSW	Griffith City Council	
Cir Michael Rutledge	Mayor of Hay	PO Box 141	Hay	2711	NSW	Hay Shire Council	Opposed – EIS
Cir Joe Burns	Mayor of Leeton	23-25 Chelmsford Place	Leeton	2075	NSW	Leeton Shire Council	
Cir Neville Castle	Mayor of Lithgow	PO Box 19	Lithgow	2790	NSW	Lithgow City Council	Opposed- Nuclear Free Zone
Cir John McInnes	Mayor of Murrumbidgee	PO Box 5	Darlington Point	2706	NSW	Murrumbidgee Shire Council	Opposed
Cir John Beattie	Mayor of Narrandera	141 East St	Narrandera	2700	NSW	Narrandera Shire Council	Opposed – EIS
Cir Martin Havercroft	Mayor of Narromine	PO Box 111	Narromine	2821	NSW	Narromine Shire Council	Opposed- letter to FoE
Cir John Miller	Mayor of Orange	PO Box 35	Orange	2800	NSW	Orange City Council	Opposed- letter to FoE
Cir Kevin Wales	Mayor of Wagga Wagga	PO Box 20	Wagga Wagga	2650	NSW	Wagga Wagga City Council	
Cir Tom Knowles	Mayor of Wellington	PO Box 62	Wellington	2820	NSW	Wellington Council	Met w. FOE yet to respond
Cir Warren Ward	Mayor of Wentworth	PO Box 81	Wentworth	2648	NSW	Wentworth Shire Council	
Sydney Metro Council							
Cir Magdy Tadros	Mayor of Auburn	PO Box 118	Auburn	1835	NSW	Auburn Council	

Source: Bruce Thompson, Friends of the Earth

Cir Helen Westwood	Mayor of Bankstown	PO Box 8	Bankstown	1885	NSW	Bankstown City Council	Nuclear Free Zone
Cir Alan Pendleton	Mayor of Blacktown	PO Box 63	Blacktown	2148	NSW	Blacktown City Council	
Cir Nick Lalich	Mayor of Fairfield	PO Box 21	Fairfield	1860	NSW	Fairfield City Council	
Cir Malcolm Tulloch	Mayor of Holroyd	PO Box 42	Merrylands	2160	NSW	Holroyd City Council	
Cir George Paciulla	Mayor of Liverpool	Locked Bag 7064	Liverpool BC	1871	NSW	Liverpool City Council	Opposed- nuclear free zone
Cir Paul Garrard	Lord Mayor of Parramatta	PO Box 32	Parramatta	2124	NSW	Parramatta City Council	
Cir Greg Davies	Mayor of Penrith	PO Box 60	Penrith	2751	NSW	Penrith City Council	Opposed- nuclear free zone