

ATTACHMENT A

Parliamentary Inquiry into 'Energy from Waste' Technology

Responses to Questions on Notice to Anthea Sargeant and Chris Ritchie representing the
Department of Planning and Environment

1. Are you able to provide to the Committee – you may take on notice if you like – what the cost of that independent assessment is?

To date, the total cost of these independent assessments is **\$179,426.50**. This includes **\$143,401.50** for ARUP and **\$36,025** for EnRisks.

These independent experts have been engaged jointly by the Department and the Environment Protection Authority (EPA), and therefore the costs are shared.

2. When did you meet with the Minister's advisers in relation to this proposal? Just prior to the announcement that there was going to be an independent assessment?

On 22 February 2017, Anthea Sargeant had a meeting with Ministerial advisors.

On 17 March 2017, Chris Ritchie had a meeting with the Minister's advisors.

In terms of the independent assessment, the Department and the EPA engaged ARUP and EnRisks to assist with the assessment of the proposal in 2014 and have been advising since then.

3. Would you be able to provide to the Committee a list of previous decisions where the EPA has been opposed but the recommendation has been for approval despite the EPA's lack of support?

To the best of our knowledge, the Department has not recommended a development for approval when the EPA has maintained its objection.

4. Are you aware of proposals where the NSW Health has been opposed, on human health grounds, but planning has pushed ahead?

To the best of our knowledge, the Department has not recommended a development for approval when NSW Health has maintained its objection.

5. Are you aware of any incidences where both of them have been opposed but planning has gone ahead?

To the best of our knowledge, the Department has not recommended a development for approval when both the EPA and NSW Health have maintained an objection.

6. Both the EPA and NSW Health have objected to the development. Are you aware of the issues or concerns raised by the EPA and NSW Health?

Yes the Department is aware of the issues raised by both the EPA and NSW Health. EPA and NSW Health submissions in response to the exhibition of the original EIS and Amended EIS are attached, excluding attachments. These submissions were made publicly available on the Department's Major Projects web page, copy attached as follows:

- EPA submission on the original EIS dated 4 August 2015;

- EPA submission on the Amended EIS dated 24 March 2017;
- NSW Health submission on the original EIS dated 31 August 2015; and
- NSW Health submission on the Amended EIS dated 17 March 2017.

7. It is well known that Western Sydney has air quality issues. The nature of the geography of the basin means that polluted air from the city often winds up in Western Sydney and causes a high incidence of asthma and other health issues. If the proposed facility was smaller would it have a lesser impact on air quality or can air quality be controlled from any sized facility?

The assessment of potential air quality impacts requires a technical assessment to be undertaken on the basis of the type of plant, its size and emission controls proposed. The Department does not have an assessment on a smaller scale facility.

8. The EPA has provided a list of breaches by the current proponent. Could you tell us on notice whether there have been any breaches in relation to this proponent's activity that have been picked up by the Department of Planning and Infrastructure?

The Applicant for the energy from waste facility is The Next Generation NSW Pty Ltd. The Department understands The Next Generation NSW Pty Ltd is a stand-alone company formed by Dial A Dump Industries and Genesis Xero Waste Facility. The Department is not aware of consents granted to or any breaches by The Next Generation NSW Pty Ltd.

The following compliance actions have been taken by the Department for non-compliances with the conditions of the project approval (MP 06 _0139) at the Genesis Xero Waste Facility at Eastern Creek:

- On 20 January 2010, an Order was issued to suspend all construction works on the premises until the Applicant had complied with all the pre-construction requirements of the project approval;
- On 16 May 2011, a \$3,000 Penalty Infringement Notice (PIN) was issued for not complying with the conditions of approval with respect to the height and configuration of a development pad;
- On 22 December 2011, a \$3,000 PIN was issued for not complying with the conditions of approval with respect to unauthorised works and the construction of various structures without approval;
- On 18 December 2012, a \$3,000 PIN was issued for the installation of signage without prior approval;
- On 14 November 2016, an Official Caution was issued for failing to comply with the conditions of approval with respect to the construction of a road; and
- On 14 November 2016, an Official Caution was issued for failing to comply with a requirement to pay monetary contributions for road infrastructure.

9. You have detailed some of the applications that were opposed to this proposal. Of the 990 applications, can you name the two that supported this proposal.

The two submissions in support of the application were received from individual members of the community. A copy of the two submissions are attached. One submission requested their name be withheld, so under the *Privacy and Personal Information Protection Act 1998*, we are unable to provide the name of this submitter.