

Questions on Notice taken during the hearing on 17th August 2017

1. **The Hon. PENNY SHARPE:** Are you also able to confirm to the Committee that you have had 581 community complaints against you since 2001?

Mr BIGGS: No, I cannot confirm that. I do not know that to be the case.

The Hon. PENNY SHARPE: We asked the EPA to provide information to this Committee in relation to community complaints in relation to your businesses, and this is the figure that they have given us.

Mr BIGGS: Well, I will take that on notice and I will be happy to supply you with the detail.

Mr MALOUF: I will add something to that. You go right back to 2001 when we took over the Alexandria landfill site, which was an absolute disgrace. We transformed that into something far from that. I would not be surprised back then, when there was a massive odour issue created in the area for many, many weeks that the substantial amount of those was caused then. And if that is the case and that is on public record, then we are happy to agree.

Response

- 1 For the twenty or so years prior to 2002, the landfill site at St Peters was owned and operated by the City of Sydney during which time the site was poorly managed and routinely flooded causing significant odour consequences on the surrounding area. The Inquiry is referred to the odour and sediment tracking complaints at **Annexure 1**.
- 2 No infrastructure was installed on site to manage the flooding and it is our understanding that the EPA and Council officers had 'casual and cosy' arrangements which involved no regulatory action being taken by the EPASS against Council.
- 3 Alexandria Landfill solved the flooding problem and re-engineered the site which didn't flood again for the next 12 years during our occupation. It is our understanding that the vast majority of the complaints associated with Alexandria Landfill Pty Ltd were the consequence of the poor management of the site prior to DADI involvement.
- 4 The Site has again flooded at least three times since WestConnex has occupied it.
- 5 In 34 years of operation the Dial A Dump Industries group has been prosecuted only **once** for discharge of waters in breach of a licence condition. The discharge was an unauthorised but well intentioned act of an employee to avoid flooding. The EPA prosecutor and the Court accepted that no environmental harm had been demonstrated. Papers are available.
- 6 The EPA record provided to the Inquiry shows 9 Penalty Notices in 34 years of operation – Section 225(2) Protection of the Environment Operations Act provides
 - (2) Payment in accordance with this Division is not to be regarded as an admission of liability for the purposes of, nor is it in any way to affect any civil claim action or proceeding arising out of the same.
- 7 Alexandria Landfill site located off Albert Street St Peters is **immediately** adjacent (within 3 metres) to a Motel, 1x KFC and 1x McDonalds fast food restaurants, a number of

commercial premises and some 20 metres away from residential dwellings. It is unsurprising that this proximity to a landfill would bring about complaints. On other occasions complaints to the EPA by members of the public were found upon investigation not to be premises related.

- 8 **None** of the Complaints logged in relation to the Genesis Facility following investigations, have been identified as being in fact related to the Facility.

2. **Mr JEREMY BUCKINGHAM:** You do not think it is close to Western Sydney?

Mr MALOUF: Mr Buckingham, our facility is located in an industrial estate.

Mr JEREMY BUCKINGHAM: But it is in the middle of Western Sydney, is it not?

Mr MALOUF: Mr Buckingham, the middle of Western Sydney to the best of my knowledge is Parramatta; we are not operating in Parramatta.

Mr JEREMY BUCKINGHAM: How far away are you from Parramatta? Two kilometres? Five kilometres?

Mr MALOUF: Mr Chairman, can I take that on notice because I actually do not know.

The CHAIR: You may take that on notice.

Mr MALOUF: I will tell you how many kilometres in our response.

Mr JEREMY BUCKINGHAM: It is about four kilometres, is it not?

The Hon. LOU AMATO: It is a lot more than that

Response

The Genesis Recycling Facility is around 18-19 kilometres from Parramatta.

