

CORRECTED PROOF

REPORT ON PROCEEDINGS BEFORE

**PORTFOLIO COMMITTEE NO. 6 – PLANNING AND
ENVIRONMENT**

'ENERGY FROM WASTE' TECHNOLOGY

CORRECTED PROOF

At Rooty Hill RSL, Rooty Hill on Tuesday, 27 June 2017

The Committee met at 10:00 am

PRESENT

The Hon. P. Green (Chair)

The Hon. L. Amato

The Hon. M. Faruqi

The Hon. John Graham

The Hon. S. Mallard

The Hon. P. Sharpe

The CHAIR: Welcome to the second hearing of Portfolio Committee No.6—Planning and Environment inquiry into energy from waste technology. The inquiry is examining the waste disposal industry in New South Wales, including a range of issues concerning the emerging energy from waste sector. Before we commence, I acknowledge the unique status of the Aboriginal people as the original carers, owners and custodians of these lands and waters, including the lands and waters of Blacktown. Today's hearing is the second of four hearings that we plan to hold for this inquiry. We will hear from the Department of Planning and Environment, Dial A Dump Industries, the Western Sydney Regional Organisation of Councils, Blacktown City Council, the National Toxics Network, Blacktown and District Environment Group and No Incinerator for Western Sydney.

Regarding the procedures of today's hearing, I make it very clear that Committee hearings are not included to be a forum for people to make adverse reflections about others under the protection of parliamentary privilege. Witnesses are to focus on the issues raised by the terms of reference of the inquiry and avoid naming individuals. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing, so I urge witnesses to be careful about any comments they make to the media or to others after they complete their evidence. Such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for the broadcast proceedings are available from the secretariat as well as on the desk at the back left of the room.

There may be some questions that a witness could answer only if they had more time or with certain documents to hand. In the circumstances, witnesses are advised that they can take these questions on notice and provide an answer within 21 days. In terms of delivery of messages and documents tendered to a witness, witnesses are advised that any messages should be delivered through the Committee secretariat. To aid the audibility of the hearings, I remind both Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who have hearing difficulties. I ask everyone to turn their mobile phones off or to silent.

CHRIS RITCHIE, Director Industry Assessments, Department of Planning and Environment, sworn and examined

ANTHEA SARGEANT, Executive Director, Key Sites and Industry Environments, sworn and examined

The CHAIR: I now welcome the witnesses from the Department of Planning and Environment, and I also acknowledge that the member for Mount Druitt, Mr Edmond Atalla, is in the gallery. Would either of the witnesses like to make an opening statement?

Ms SARGEANT: Yes, I would. On behalf of the Department of Planning and Environment, I wish to thank the Committee for the invitation to speak at the inquiry into energy from waste technology. I am the executive director for Key Sites and Industry Assessments, and I am here today with my colleague Chris Ritchie, who is the director for Industry Assessments. We are part of the assessments branch within Planning Services in the department. Of relevance to the terms of reference, the department is currently assessing an application to develop an energy from waste facility at Eastern Creek which has been submitted by Next Generation Proprietary Limited, who I will refer to as the applicant. The role of the Key Sites and Industry Assessments branch is to assess individual development applications when they are submitted. The branch does not set policy around energy from waste or define best practice for the waste management industry; the department's role is assessing the merits of a proposed development which is categorised as State-significant development under the Environmental Planning and Assessment Act 1979.

The facility at Eastern Creek is the first submitted proposal from an energy from waste facility in New South Wales of which I am aware. The assessment process being applied to the proposal has not deviated from that which would be applied to any other proposed development that has been categorised as State-significant development. The department's assessment-in-consultation process with the proposed facility at Eastern Creek has taken the following course to date: Preliminary information was lodged with the department in 2013. The department issued environmental assessment requirements for the preparation of an environmental impact statement to the applicant in December 2013. These requirements identified the key issues the environmental impact statement is required to address.

The CHAIR: Order! A media contingent has arrived. I note that the contingent has to organise things but I ask the media to be mindful of the fact that the hearing has begun. We would appreciate it if they could keep the noise down, as it is hard for the Committee and the public gallery to hear the witnesses.

Ms SARGEANT: The key issues identified include air quality emissions and human health impacts, source volume and composition of waste material to be used, noise impacts, traffic, visual and biodiversity. The development application and environmental impact statement was lodged with the department and then placed on public exhibition for a period of 60 days from May 2015 to July 2015. The department made the application publicly available on the department's website, at its information centre in the Sydney central business district and at the offices of Blacktown City Council and Penrith City Council. Approximately 3,000 letters were sent to adjoining and surrounding properties, and notices were placed in the two local newspapers as well as the *Sydney Morning Herald* and *Daily Telegraph*. Blacktown City Council, Penrith City Council and other government agencies were also invited to make a submission on the application. A total of 44 submissions were received, including 34 public submissions. Of these 29 objected to the proposal. Blacktown City Council, the Environment Protection Agency [EPA] and NSW Health also objected to the proposal. The department requested that the applicant provide a response to submissions to address the issues raised.

In 2014 the department also engaged independent experts to assist in providing technical advice for the proposed development. It is not unusual for the department to engage external experts to provide advice in relation to specific aspects of a proposal that emerged during the assessment process. In this case two specialists have been engaged to provide expert advice in relation to energy from waste technology and human health impacts.

The applicant prepared and submitted an amended environmental impact statement and a response to submissions in November of 2016. The department placed the amended environmental impact statement on public exhibition for 82 days from 9 December 2016 until 1 March 2017 and followed the same advertising and consultation process as the original application. We received 990 submissions, including 965 public submissions. Of these, 949 objected to the proposal, 14 provided comment and two expressed support for the proposal. The department has requested that the applicant provide further information to respond to these submissions.

The department has also had various meetings throughout the assessment process with the applicant and its experts, the EPA and NSW Health. The department is currently waiting for the applicant's response to the submissions, which is expected in July this year. Once received, in accordance with its usual practice, the department will make the response and any supporting reports publicly available on its website and invite Blacktown City Council, Penrith City Council and other government agencies to make a further submission. The department will then assess the proposal and prepare an assessment report with a recommendation for determination of the application. That assessment report will be provided to the independent planning and assessment commission—who I will refer to as the commission—and will be publicly available on the department's website.

The commission has a delegation from the Minister for Planning to determine the application. The commission will hold a public meeting and will invite submitters to present their views on the proposal. It will then prepare its report and determine the application. Following determination the department will notify the applicant, councils and submitters of the decision, place a notice of determination in local papers and make the decision and the commission's report publicly available on its website. As is standard in the assessment of the merits of a proposed State-significant development under the Environmental Planning and Assessment Act, the department has published and regularly updates information in relation to the assessment process on its website. The information in relation to this project or proposal is available on our website and I can provide that link. I hope that this overview of the assessment process was useful to the Committee. We are happy to answer any questions that the Committee may have.

The CHAIR: Thank you for presenting today. I know it is a bit of a quandary because the department is assessing the application and it is not always helpful when the Committee involves itself in the process prior to you giving it fair and reasonable consideration. You are here and therefore we will ask some questions. The first time around the department had 44 submissions; the second time 990. Can you indicate why you think that is?

Ms SARGEANT: I think the second time around the project has had a lot more attention, both through the councils and some of the information that the councils have been preparing for their local community, and also the length of time that this proposal has been in the planning system. That is my guess as to why it has attracted a lot more attention the second time around.

The CHAIR: You do not think there was a failure of the process the first time around, that it did not get the exposure and the public exhibition period was not appropriately long enough?

Ms SARGEANT: No, our process is very well-documented and we followed that process. It is the same process that we follow for every project. No, I do not believe there was anything from a process point of view that was not followed for the first application.

The Hon. PENNY SHARPE: The Government has announced that there is an independent review occurring in parallel to that process. Can you explain to the Committee how that came about and what that involves?

Ms SARGEANT: The Department of Planning has engaged independent experts to assist in the review of the application and there are two experts that we have engaged, one for waste technology and one for human health impacts. Those experts have been engaged since 2014, so they assisted the Department of Planning in its assessment of the original environmental impact statement [EIS] and they are also assisting us in the subsequent or the amended EIS.

The Hon. PENNY SHARPE: They are the same experts?

Ms SARGEANT: They are the same experts, yes.

The Hon. PENNY SHARPE: Were you anticipating that this independent assessment would take place?

Ms SARGEANT: We anticipated quite early on that we would need some independent expert advice because the department does not have that expertise in-house.

The Hon. PENNY SHARPE: Are you able to provide to the Committee—you may take it on notice if you like—what the cost of that independent assessment is?

Ms SARGEANT: Yes, I would need to take that on notice.

The Hon. PENNY SHARPE: Is the independent assessment specifically looking at the concerns that have been raised by both the EPA and NSW Health?

Ms SARGEANT: It is.

Mr RITCHIE: When submissions are received that raise issues that might be particularly relevant to the technology issue that one expert is looking at on human health, then they will look at those submissions, particularly as you have mentioned, the EPA and NSW Health. They will look at those as well.

The Hon. PENNY SHARPE: What I am interested in is how do they interact then with the EPA? Yesterday the EPA gave us evidence that it cannot support the proposal in its current form; that it does not conform with the New South Wales energy from waste policy. The proponent has been unable to outline exactly what is proposed to go into this facility, so it is unable to assess the impact in relation to emissions coming out. Can you explain to the Committee how you take those comments into account?

Mr RITCHIE: In terms of the issues that have been raised about the consistency with the policy, the EPA has raised that, the experts have raised that as well and we have raised that. What we are waiting for is the proponent to provide a detailed response to those and then as part of our assessment process we will have to make a decision based on that response. We will work closely with the EPA in formulating what our assessment finds. What we will do is write an assessment which will make a recommendation which will then be provided to the commission to make that determination.

The Hon. PENNY SHARPE: If the proponent is unable to provide the information that is required will the recommendation to the commission be to refuse this proposal?

Ms SARGEANT: It could be.

The Hon. PENNY SHARPE: Can you confirm that in relation to health as well? NSW Health raised some significant issues in relation to the health assessment. It said it is unable to support the proposal in its current form and it needs to know that the proposal will not have a negative impact on human health. Western Sydney has a particular issue; it has a high concentration of facilities of this type, but importantly it also sits right in the middle of the Sydney Basin and there is a problem there. How is that going to be dealt with through your planning process?

Ms SARGEANT: The applicant would need to address the issues that have been raised by NSW Health as well as the EPA and we would be engaging with those two agencies in particular but all other government agencies as well to ensure that their concerns are all addressed. We would need to have confidence that the concerns and the issues that have been raised through the agencies have been thoroughly addressed and that there is a solution that we can place conditions on to ensure that there are no impacts either to the environment or to human health.

The Hon. PENNY SHARPE: You believe that you can put enough conditions on to approve this rather than reject it?

Ms SARGEANT: No, I am not saying that. If we were to approve it we would need to be satisfied that the conditions we put in place will protect the environment and human health.

The Hon. PENNY SHARPE: How many times have you met with the Minister for Planning in relation to this proposal?

Ms SARGEANT: I have not met with the Minister for Planning. I have met with his advisers.

The Hon. PENNY SHARPE: How many times in relation to this proposal?

Ms SARGEANT: I have met with them once.

The Hon. PENNY SHARPE: Mr Ritchie?

Mr RITCHIE: Similarly, once, with one of the advisers.

The CHAIR: When was that, roughly? Was it in 2014, 2015, 2016, 2017?

Ms SARGEANT: No, just recently.

The CHAIR: March?

Ms SARGEANT: Probably March, yes.

The Hon. PENNY SHARPE: Just prior to the announcement that there was going to be an independent assessment?

The CHAIR: Could you take that on notice and get back to us?

Ms SARGEANT: Yes.

The Hon. PENNY SHARPE: I am interested in the independent assessment. You said that you had an independent assessment since 2014, but it was only a recent announcement by the Government in relation to having an independent assessment again. So it is not clear that that has been an ongoing process.

Ms SARGEANT: Yes.

The Hon. PENNY SHARPE: When you make your referral to the Planning Assessment Commission you will make a recommendation whether to approve or not, with conditions. Is that correct?

Ms SARGEANT: Correct.

The Hon. PENNY SHARPE: In relation to the process for the Planning Assessment Commission, are they able to reject that even if you recommend approval?

Ms SARGEANT: Correct.

The Hon. JOHN GRAHAM: Thanks for your running through the process. I think it was helpful to step out each of the stages. I just want to clarify. I think this is clear but I want us to be very clear about the point that the Hon. Penny Sharpe was making. On consultation on the second Environmental Impact Statement [EIS] you accept that the Environment Protection Authority [EPA] is opposed to the project in its current form based on that EIS?

Ms SARGEANT: Yes.

Mr RITCHIE: The EPA's advice, through a submission, is that in its current form it does not support the proposal. It raises a number of issues in that regard in terms of consistency of policy and other issues.

The Hon. JOHN GRAHAM: Thanks for that. I am clear on the first EIS; I just want to be clear on the second EIS. Do you accept the EPA is opposed and accept that NSW Health on the second EIS is currently opposed?

Ms SARGEANT: Yes.

The Hon. JOHN GRAHAM: You indicated that if the EPA continued to be opposed it could be that that would determine that planning would also be opposed. Surely it is a little bit stronger than that. If we get to the stage where the EPA opposes this project after the next process that you have stepped out, surely that would be decisive?

Ms SARGEANT: It is too early in the process for us to make a definitive answer to that question.

The CHAIR: Order! I will say this for the department's sake. We cannot ask them to pre-empt outcomes of a current application. It would not be very fair.

The Hon. JOHN GRAHAM: I understand, Chair.

The CHAIR: Just be mindful of questioning, and be sensitive. It would be unhelpful to the questioning if I have to keep interrupting.

The Hon. PENNY SHARPE: 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 gone for approval despite the EPA's lack of support?

The Hon. JOHN GRAHAM: That is precisely my point. I would be interested to know, today, if you are aware of similar approvals where the EPA has been opposed but the department has recommended pressing ahead?

Ms SARGEANT: I am not aware but I would need to take that on notice.

The Hon. JOHN GRAHAM: I am happy for you to take it on notice that you are not aware. Are you aware of proposals where the NSW Health has been opposed, on human health grounds, but planning has pushed ahead?

Ms SARGEANT: Similarly, I am not aware but I would need to take that on notice, as well.

The Hon. JOHN GRAHAM: Are you aware of any incidences where both of them have been opposed but planning has gone ahead? If you could take that on notice that would be useful. To the point about the air quality in the Western Sydney Basin, obviously that is a crucial issue for this proposal. Can you give us the department's understanding of the significance of that issue? Where does that sit from a planning point of view when you are considering these issues?

Mr RITCHIE: It is a very critical issue and I think it highlights why we decided to engage a particularly high-level expert in human health risks. So, even before the EIS was on exhibition we acknowledged that that is an issue, particularly in Western Sydney, which is why we specifically engaged someone to assist in our assessment. In terms of human health risk it is important for a number of reasons. One of those reasons, obviously, is that it is key to the policy which is talking to energy from waste. It is also key from a health point of view, so we see that as being a very key issue.

The Hon. JOHN GRAHAM: So that will certainly be weighed heavily when you are looking at these issues.

Ms SARGEANT: It will.

The Hon. JOHN GRAHAM: The Committee heard yesterday from proponents of this sort of technology who have built quite a number of plants all over the world, including under the tough European standards for air quality and for energy from waste facilities. How many other projects of this type has this particular proponent built?

Ms SARGEANT: I am not aware of any that this proponent has built. Chris, are you?

Mr RITCHIE: I do not think he has built any other facilities himself but there is a supplier who is supplying the technology which, I understand, has built similar facilities overseas. This is the proponent's first one.

The Hon. JOHN GRAHAM: Is that something which can be taken into account in your planning process? How much do you look at the expertise, experience and track record of a proponent in planning processes of this sort?

Mr RITCHIE: We assess each project on its merits but in terms of the technology, that is why we have a particular expert to provide us with advice. We appointed that expert because they had experience of overseas facilities. The idea would be understanding how that technology works overseas to ensure that we have that at the forefront of our minds when assessing our project. Each project is assessed on its merits.

The Hon. JOHN GRAHAM: Yes. That is an appropriate way to do it, but does the track record of a proponent weigh in the process? Can it be considered or not? I am not clear, from your answer.

The CHAIR: Just for guidance, witnesses are allowed to say, "No, we do not have an answer." You do not have to answer everything that is put to you. If you consider that you do not have the answer or you cannot answer it you have the right to say, "We can't answer that."

Ms SARGEANT: In my experience the site is assessed as a site, and we look at the operating requirements of that site. We do not tend to look at the track record of an applicant on other sites, because that is not the site that is under our assessment.

The Hon. PENNY SHARPE: I would like to follow that up. The Government has gone to a lot of trouble to develop a policy on energy from waste, which is the EPA's policy here. It is pretty clear that that policy requires people who want to introduce this technology to have some experience and to be able to show some ability. Are you saying that this policy is not considered when you are doing your assessment of the development application?

Ms SARGEANT: Any relevant policy to an application would be considered as part of the assessment process.

The Hon. PENNY SHARPE: I want to understand the hierarchy of the decision-making. The EPA says that it does not support this proposal and that it does not meet the current New South Wales policy on energy from waste policy. I think everyone agrees with that; no-one has said differently. Then we have your assessment process with your independent assessors. What is the hierarchy? If the independent assessors say, "This conforms with the policy," but the agency that has written the policy says that it does not, what is the hierarchy of decision making and how do you resolve that?

Mr RITCHIE: The department is tasked to write an assessment report and to make a recommendation so all advice received from EPA and from our experts will form part of that. It is EPA's policy so we will consider very carefully if the EPA is adamant that this is not meeting its policy. That will then form part of our assessment which will then form part of our recommendation to the commission.

The CHAIR: Is it possible—we know of the submission that the EPA has put in to date based on its concerns—that it can change its views if the issues are addressed?

Ms SARGEANT: Can the EPA change its views?

The CHAIR: Yes.

Ms SARGEANT: I am not sure that I could answer that on behalf of the EPA.

The CHAIR: I am talking about you, as the planning authority. If the proponent addressed the concerns—I think you said that it has a right of reply in July—and the EPA says, "The proponent has now addressed those issues in the EPA submission," would you then take the view that the EPA is happy that the concerns had been addressed?

Ms SARGEANT: If the Environment Protection Authority [EPA] is comfortable with what the applicant has responded with, and is comfortable that its policy is now being adhered to—similarly we have experts who are saying that the policy has been adhered to and the technical issues have been resolved—then that will assist the department in making its determination.

The Hon. SHAYNE MALLARD: Coming from a local government perspective, are you as assessors able to impose conditions on the applicant, and if they comply with them—they might not be able to—would that make the application comply with policy and address concerns raised by stakeholders like the EPA?

Ms SARGEANT: We could, yes.

Dr MEHREEN FARUQI: Thank you for appearing before the Committee today. I have a question along the same lines. Is it possible for a project to be approved even if the EPA is opposed to it and it is not satisfied?

Ms SARGEANT: It is possible, but there would need to be a good justification for doing that.

Dr MEHREEN FARUQI: You said that after the amended EIS had been submitted you asked for further information from the applicant. Can you tell the Committee roughly the areas of further information; that is, was it about human health risks, air pollution and so on? What other information have you requested?

Mr RITCHIE: As part of requesting a response, the request for information included submissions that were received. In terms of the broader flavour of the issues, they ranged from consistency with the policy, the composition, amount and type of waste to be received, the scale and location of the facility, particularly in Western Sydney, the visual design, human health, the way the assessment is being done, and inputs and biodiversity.

Dr MEHREEN FARUQI: You said that out of 990 submissions there were 949 objections. Can you take the Committee through the range of objections and, again, the broad areas of concern in the community?

Mr RITCHIE: The key issue being raised is the scale of the facility and its location in proximity to residents, and particularly it being in Western Sydney. That is probably the big issue in terms of human health, the scale of the facility, its location close to residents, and it being located in Western Sydney.

Dr MEHREEN FARUQI: Has the Department of Planning and Environment been through a consultation process with the community, or was it just the exhibition of the EIS? Were any community meetings held? Are you aware of any consultation that the applicant may have done with the community?

Ms SARGEANT: We are aware of some of the consultation activities that the applicant has been doing. Apart from the consultation that the department has done that I have already outlined, which is notifying and advertising in the local newspapers and the Sydney newspapers, we have met with council and a number of concerned stakeholders and community members. We have offered to meet with other concerned community members. There has not been a large uptake of that offer. We have certainly made ourselves available to speak with anyone within the community who is concerned about the proposal and who wants to talk to the department. But we have not had a big uptake of people wanting to talk to us. We have been out to the site and in the local residential area, and we have met with the local school. We are certainly trying to make ourselves as available as we can.

The CHAIR: Do you have a shopfront somewhere in the area?

Ms SARGEANT: No, we do not.

Dr MEHREEN FARUQI: Do you think that is warranted given the huge concern that the community has about air pollution and human health risk? Do you need better processes of engagement with the community?

Ms SARGEANT: There are other ways of engaging with the community. We have taken one approach, which is to make ourselves available and to communicate as best we can. We could have gone for a

public meeting-style or town hall-style forum, but we decided against that. That is based on some advice that we received internally. There could have been different ways, but this is the way we chose to do it.

Dr MEHREEN FARUQI: I would like your view on a couple of concerns raised by Blacktown City Council. One is on the council's website, which states:

Blacktown Council is concerned that the company behind the project, *Dial a Dump* has a poor track record of compliance with environmental regulations at other locations it has managed.

When you assess applications, do you take into account the applicant's compliance track record?

Ms SARGEANT: We do. The department does its own compliance activity and the EPA also runs a separate compliance campaign. I am not sure whether the statement you read out refers to the department's compliance activity or the EPA's compliance activity. Certainly, if it were in relation to the department's compliance activity, we would be taking that into consideration. But we would also be engaging with the EPA to get its advice in relation to that.

Dr MEHREEN FARUQI: Is that a concern for you with this particular applicant?

Mr RITCHIE: Again, it is making sure that when we receive the proposal we are assessing it on its merits. We do have a strong compliance function, but that is more to do with projects which we are responsible for and with which we are dealing. The key for us is that the application will apply to the site and to the land. We will consider that on its merits.

Dr MEHREEN FARUQI: The other concern that Blacktown City Council has raised is in the application. It is about the Department of Planning and Environment appearing to have no role in planning for such infrastructure, particularly identifying appropriate locations. "Such infrastructure" relates to waste to energy facilities. Can you comment on that? I know that the EPA is going through its Waste Infrastructure Strategy 2021. Does the Department of Planning and Environment have a role in that?

Mr RITCHIE: We understand that the EPA is doing a detailed infrastructure analysis. Once it has prepared that report, I understand that it will come to talk to us about what it has found and what it might require.

Dr MEHREEN FARUQI: Do you think you should have a role during the process given that you are the Department of Planning and Environment and that you would be key to choosing or recommending locations for these sorts of facilities if they are to go ahead?

Mr RITCHIE: The EPA is probably the key lead in terms of dealing with waste; it has a lot of waste policy and expertise. Once it has completed that report and it is ready to consult with us, we will have a role.

The Hon. SHAYNE MALLARD: The yesterday we heard evidence from a number of providers of recycling and companies that run energy from waste facilities overseas, and in Europe particularly. We heard from two providers that between them had 120 facilities in Europe and the United Kingdom. They helpfully provided some maps of where they are. My question relates to the scale and size of this application. The average size of those facilities, which are within communities—one was recently opened on the banks of the Thames—is about 200,000 tonnes a year. They are about one-fifth or less than the size of the facility in this proposal. Are you comfortable with the scale and size of this proposal given that the air quality impact would be proportionally greater, the waste will be transported over a greater distance, and it will have a greater environmental impact? Would you like to comment on that?

Mr RITCHIE: The scale has been one issue that we have raised. That has been clearly articulated to the applicant. The EPA has raised a similar issue. However, I think it is important that they provide that justification in a response to us. I am mindful that we are assessing the project, and I do not want to comment too much in terms of what our assessment might find. However, it is a key issue that has been raised.

The Hon. SHAYNE MALLARD: Related to that, and very strongly linked to that I would suggest, is the concept of social licence. I know that it is a fairly new concept for us to be talking about in New South Wales. We have talked about community acceptance of all kinds of projects in the past, but not using the words "social licence". I think all of the evidence yesterday from providers was about the community having to understand what the facility was doing. It would need to be relatively close to the community to service the waste from the community area and effectively have a social licence. You might not be able to answer this, but the size and scale of this facility is one of the reasons the community is so animated against it. It does not appear that the proponent has demonstrated any social licence for this facility. You might just nod and say that that is fine, and that seems to where it is coming from. When you look at the overseas facilities—apparently you can see two from the Eiffel Tower, or you cannot see them because they incorporate such modern technology—they

are within communities, and communities understand that we have to have some facilities like that. Is there any consideration of the concept of a social licence in the assessment?

Ms SARGEANT: There is. We look at social, environment and economic impacts of proposals as part of the regulations that we assess applications under. We certainly acknowledge that that is a key issue for the community, and it will be something that we address as part of our assessment of the application.

The Hon. LOU AMATO: Both the EPA and NSW Health have objected to the development. Are you aware of the issues or the concerns raised by the EPA and NSW Health?

Ms SARGEANT: Yes, we have their written submissions. They have identified their concerns in those submissions. I do not have their submissions in front of me, so I could not tell you exactly what all of their concerns were. Their concerns come from the human health impacts, air quality impacts, the technology that is being used, the source of the waste that is being considered for the project.

The Hon. LOU AMATO: Please take that question on notice.

Ms SARGEANT: Yes, sure.

The Hon. SHAYNE MALLARD: I would like to clarify the EPA's engagement. Will they be invited to comment on the response from the applicant in the second round of responses?

Mr RITCHIE: Absolutely, correct.

The Hon. SHAYNE MALLARD: That is good to know. 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?

Ms SARGEANT: I do not know enough about the technology to be able to answer that question. I would need to take that on notice.

The Hon. SHAYNE MALLARD: Okay. Have you engaged consultants to investigate that area?

Ms SARGEANT: We have. We have a human health expert considering the air quality impacts of the proposal.

The Hon. SHAYNE MALLARD: What I am getting at is that if it is considerably bigger than a typical facility in the United Kingdom [UK], is it also a considerably larger air quality challenge?

Ms SARGEANT: I understand the question.

The CHAIR: Once again, we are not here to judge the application because that is not the job of this inquiry. That is the job of the department, and we do not want to interfere with that process. Members need to be aware of that. In terms of the types of challenges faced by the Department of Planning and Infrastructure when gauging new technologies and development applications, are these consistent with the challenges in the implementation of other new technologies in New South Wales?

Ms SARGEANT: A lot of projects that propose new technology tend to be State significant development, so the department would be looking at projects that could be similar to this or completely different in a different industry. The department regularly looks at new technology associated with development.

The CHAIR: So the number of submissions is not unusual for new and untested technology in Australian terms, although the new technology might be world's best practice elsewhere?

Ms SARGEANT: That is correct.

The Hon. PENNY SHARPE: You spoke earlier about breaches. 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?

Ms SARGEANT: Yes, I can take that on notice.

The Hon. PENNY SHARPE: Did you discuss with the Minister at your meeting in March the appointment of an independent expert for this proposal?

The Hon. SHAYNE MALLARD: I think they said they had not met with the Minister.

The Hon. PENNY SHARPE: Sorry, the Minister's adviser.

Ms SARGEANT: We would have had our experts engaged at that point in time so yes, we would have communicated that we have experts engaged in the project.

The Hon. PENNY SHARPE: I am probably getting technical, but I am interested in the difference between EIS1 and EIS2 for the proposal. EIS2 indicated that emissions would be fine I and ground emissions would be 10 times lower than those stated in EIS1, yet the inputs are based on essentially the same assumptions. How will you deal with unpacking the assertion that there will be the same inputs but a miraculously different result in air quality between EIS1 and EIS2?

Mr RITCHIE: The reason why there is a second EIS is that we raised a number of issues. What we have been tasked to do now as a department and in consultation with our experts and other agency is to look at those issues again in terms of air emissions and human health. Similarly, we have raised other issues and there have been some questions around some assumptions between the first EIS and the second EIS, which we are checking now. We have raised that with the applicant and they are aware that they need to respond.

The Hon. PENNY SHARPE: There have been ongoing issues around what is actually going to go into the facility. Yesterday we had evidence that they should be able to tell us down to the smallest percentage so that we can assess what is coming out. Under this proposal 20 per cent of what is going in is considered to be "other", which means that it is unidentified. That is one of the reasons for the community being so concerned, because it is difficult to assess what is coming out if you do not know what is going in. How will that issue be dealt with through your process?

Ms SARGEANT: That is one of the issues that we have identified and we have asked the applicant to provide us with some more information on that particular issue.

The Hon. PENNY SHARPE: There has been a lot of discussion about feedstock and whether in the end being able to feed such a large facility would require sourcing waste from other streams—for example, municipal waste. Is it within the Department of Planning and Infrastructure's remit to set a condition that the facility cannot take municipal solid waste?

Ms SARGEANT: Yes, we could do that.

The Hon. JOHN GRAHAM: 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?

Ms SARGEANT: No, I would need to take that on notice.

Dr MEHREEN FARUQI: I am interested in the time line from here on. Do you have an idea of when you will provide a report to the Planning Assessment Commission [PAC]?

Ms SARGEANT: We have asked for the applicant to prepare their response to submissions by July. Once we get that response, we would then need to ensure that all of the issues we raised have been addressed. If they have, it is possible that we could refer to the PAC this year.

The Hon. SHAYNE MALLARD: In submissions it is pretty clear to us that industry is looking for certainty for investment in resource management. Yesterday we heard that if it is impossible to recycle a material, it is better to have its energy released through incineration than to have it buried in landfill—although obviously we would like to minimise the materials that cannot be recycled or recovered. We heard that overseas companies looking to invest need policy certainty and it was suggested that the Government needs to take leadership in identifying locations for facilities—whether they are of the scale of the proponent's proposal or smaller facilities such as those found in Europe. Would it be your role or the role of the Greater Sydney Commission to identify locations where smaller-scale operations could be located across Sydney—not just in Western Sydney—to service communities?

Ms SARGEANT: It is not our role, in terms of the part of the department that we belong to, in the assessment team. I understand the question and I am aware that there needs to be some assessment or some work done in that area. I could not comment on which part of Government would be responsible for doing that. The Greater Sydney Commission could have a role in it, but I could not say with certainty that it is doing that.

The Hon. PENNY SHARPE: Regarding the Planning Assessment Commission and the public hearing, once the decision from the PAC is made is it not reviewable?

Mr RITCHIE: To clarify: In terms of this project, the PAC will hold a meeting, not a hearing. The meeting is around the public being invited to provide further comments on the project. There is a bit of difference between a meeting and a hearing in that regard.

The Hon. PENNY SHARPE: Can you explain the difference?

Mr RITCHIE: I will do my best. Basically, a hearing is a more formal process where they almost imply it is like a two-PAC process. A meeting is more as part of a decision-making process. The distinction is also that if there is a hearing, merit appeals can be extinguished, whereas if you have a meeting, potentially merit appeals can still apply.

The Hon. PENNY SHARPE: Are you saying that merit appeals are not extinguished through the process that is being proposed for this approval?

Mr RITCHIE: To proceed to a meeting and a PAC process, and that would not expel appeal.

The Hon. PENNY SHARPE: That is what I wanted to check. My final question for you is: are you confident that the community can have confidence in the rigour being applied in relation to this proposal and that their concerns around air quality and greenhouse gas emissions and adherence to standards by the current energy from waste proposal will be taken on board?

Mr RITCHIE: I would say that we are well aware of the community's concerns. The department and other agencies equally have similar issues. We have raised those for some time. It has now been clearly articulated to the applicant that it needs to respond to those issues, and we are waiting on those responses for us to carefully look at that. But we are well aware of those issues in the community. Similarly, similar issues have been raised by agencies as well as us.

The CHAIR: I gather the seven-part test is the process for this, and the seventh part is the public interest test and people would be given equal weighting in adjudication.

Ms SARGEANT: Correct.

The CHAIR: Thank you for your presentation today. You have taken some questions on notice. You have 21 days to get those answers back to us. The secretariat will make sure that you will receive those questions. In light of your evidence, we may put some further questions on notice. It is a tough to be in the middle of a development application process rather than at the end, so thank you for cautiously navigating your way through that.

(The witnesses withdrew)

CHRISTOPHER BIGGS, Chief Executive Officer, Dial A Dump Industries Group, affirmed and examined

CLARE BROWN, Director Planning, Urbis, sworn and examined

AMANDA LEE, Technical Director Environment, AECOM Technology Corporation, affirmed and examined

DAMON RODDIS, National Practice Leader Air Quality and Noise, Pacific Environment, affirmed and examined

The CHAIR: I welcome the witnesses to the hearing.

Mr RODDIS: I am here in the capacity of having completed a technical air quality assessment for the proposed TNG energy from waste facility.

Ms LEE: I was the lead verifier in the human health risk assessment, which was prepared for the proposed TNG waste facility.

Ms BROWN: Urbis is the author of the environmental impact statement for the energy from waste facility.

The CHAIR: Would anyone like to make an opening statement?

Mr BIGGS: I invite Mr Roddis to indicate his background history with the energy from waste facility.

Mr RODDIS: By way of an opening statement, I have been involved with the TNG energy from waste facility project for coming up to five years now. I have conducted numerous investigations involving atmospheric dispersion modelling based on real-world measurements taken at equivalent facilities in Europe and have investigated multiple scenarios ranging from the expected operation through to upset conditions, and use of the emergency diesel generators that are proposed, to regulatory scenarios, one based on the New South Wales Protection of the Environment Operations (Clean Air) Regulation 2010 and one based on what are largely more stringent emission limits that the proposed facility is designed to operate under, namely the European Union's Industrial Emissions Directive. Under all of those scenarios the conclusions of our technical report are that the air quality impacts of the proposed facility are well within ground level concentration limits as mandated by the New South Wales EPA. And based on the technology that is being proposed, which is proven technology essentially tried and tested in the European Union, I believe that the facility can be operated without compromising the health of the local or regional community.

The CHAIR: Are you familiar with the EPA submission to your development application?

Mr RODDIS: Yes, I am, and we are in the process of responding to that submission, amongst other submissions.

The CHAIR: Obviously there is great concern about it. The EPA has a different opinion to you. Would you like to put on the record what those concerns are, how you are addressing them and why you think you can overcome them?

Mr RODDIS: The feedback—and really I am talking about the response, the EPA's submission purely in relation to the technical air quality assessment—I am limiting my comment to that. There were quite extensive comments provided by the EPA. My opinion is that they were technical issues that really can be quite reasonably and straightforwardly addressed. One of the principal submission comments related to providing another emission scenario. These scenarios that I have described before, they were not comfortable with having a regulatory scenario that relied purely on the New South Wales regulations—the Protection of the Environment Operations Clean Air Regulations. One of their principal pieces of feedback was that we should provide another modelling scenario that relied on the plant's design. As I say, that plant design is to the European industrial emissions directive in stack concentration limits, and we have provided that. Again, that is a more stringent scenario so as you would expect the predicted results are lower than the previous ones that we provided.

The CHAIR: Clean air and human health are major issues. How do you align those with best practice regarding the European levels for this project? Are they the same as European technology best practice, or less?

Mr RODDIS: The proposed technology—and I will pass on to my colleague to comment on the health risk aspects of the project and the assessment—fits the European definition of best available technology. Yes, that is correct.

The CHAIR: Does anyone want to make any further comment?

Ms LEE: In terms of the human health aspects, the human health risk assessment undertook the outputs from the air quality models under the scenarios that Mr Roddis has described and we modelled a number of those; I think it was five scenarios. We modelled them for looking at inhalation scenarios for surrounding receptors that could be identified that are present now. We also looked at grid maximums to account for development that might occur in the future. We looked at cumulative exposure to those receptors, so we are looking at the fact that the emissions from the stacks may be as a dust deposition and deposit particularly into a residential scenario—into a backyard soil concentration. Then we looked at uptake into an exposure scenario. Particularly for the residential receptors we looked at intakes such as soil exposure, dermal exposure, and incidental ingestion from uptake by fruit and vegetables from home gardens. We also looked at backyard chickens and uptake from chickens into chicken eggs and the consumption of chicken eggs. We also noted that when we did a site inspection that there were some beef cattle in the surrounding area. So we also did consumption of beef cattle, noting that that is a very conservative scenario, because of the assumption that you are eating purely those cows in your diet. It is a conservative assessment but those are the scenarios that were considered.

The CHAIR: With respect to the best practice stuff across Europe, are you aware of any studies where they have gone back after they have set these levels and tested whether their assumptions were right about those best-practice models?

Mr RODDIS: In terms of ongoing monitoring from waste facilities, that would be a standard consent condition across all operational energy-from-waste facilities. Typically that would involve either continuous stack testing for certain parameters or periodic stack testing where they put a probe into the stack and extract a sample and look at the concentration that is within that stack after the pollution control component of the plant. They then compare those in-stack concentrations that are measured against the emission limits.

The CHAIR: What about the initial assumptions applied to that development? That is what I am talking about. When you put a development forward you make certain assumptions. That is what you go to the community with—"This is what we are saying about the receptors, with respect to soil, vegetables, chickens and beef." Those assumptions at the beginning are guaranteed from modelling at the end of the process. Are you aware of any studies where they are gone back and found that those studies show that it is worse than the assumptions that were made at the beginning of best practice?

Mr RODDIS: That is more a question about whether there have been health risk assessments post commissioning.

The CHAIR: Exactly. We can learn from others mistakes. That is one of the reasons we are holding this inquiry.

Mr RODDIS: Sure. I am not sure about the word "mistakes", but Ms Lee may want to comment on health risk assessments.

The Hon. SHAYNE MALLARD: Experiences.

The CHAIR: Yes, I meant experiences.

Ms LEE: I am not personally aware of any facilities where they have done predictive modelling and then modelled it later to find that it has been worse.

The Hon. PENNY SHARPE: Thank you for appearing before the inquiry. Are you able to let the Committee know how many times either yourselves or Mr Malouf have met with any of the ministers in the State Government in relation to this proposal?

Mr BIGGS: The answer is no, I do not know.

The Hon. PENNY SHARPE: Would you be able to take it on notice and provide that information to the Committee?

Mr BIGGS: Absolutely.

The Hon. SHAYNE MALLARD: You can certainly check the Minister's diaries. They are all public.

The Hon. PENNY SHARPE: I have found that the ministers do not always put all of their meetings in their dairies. I just wanted to check; I appreciate that. Mr Roddis, in your opening statement you talked about modelling facilities that are similar overseas. Do you agree, though, that this is one of the biggest facilities in the world, and that therefore there are different issues that you need to take into account when you are doing that modelling?

Mr RODDIS: Maybe Mr Biggs could comment on the size and scale of the facility. As it was assessed it is one of the larger energy-from-waste facilities. If you compare it globally that is correct. Whether that provides any challenges or uncertainties I would disagree because the pollution control technology on the back of the energy-from-waste facility is tried and tested. It is almost immaterial as to the volume or the waste composition that goes into the facility compared to what comes out at the end of the facility.

The Hon. PENNY SHARPE: There has been significant concern raised about the lack of ability to identify what is proposed to go into this facility. Are you arguing that this does not matter, either?

Mr RODDIS: Largely, if we take the guidance of the proponents of the facility, no, the content of the waste is not important. I think Mr Biggs should comment on how much we know about what is proposed to go into that waste stream and feedstock, and also the size and scale of the project.

The Hon. PENNY SHARPE: Good. That was my next question.

Mr BIGGS: In relation to the proposed size of the plant, I noted yesterday—I was listening to the webcast—repeated mention of the maximum of 1.34 million tonnes per annum.

The Hon. PENNY SHARPE: Yes.

Mr BIGGS: I thought we had made it really clear that what was proposed was a two-stage process. At the first stage two lines would be accepting 550,000 tonnes of waste per year, and the second stage would be the subject of a second stage of approval by the Department of Planning and Environment, which would obviously be contingent upon the success of first one. The record on that needs setting straight. The proposal is for a 550,000 tonne facility, as a first stage.

The Hon. PENNY SHARPE: That is still bigger than many across the world.

Mr BIGGS: It is bigger than many but appendix D of the submission we put in indicates comparable plants. There are a number of comparable sites, especially in the United Kingdom. The second issue you raised was about feedstock—what goes into the residual waste fuel stock. As part of the response to the EPA and the Department of Planning and Environment I commissioned three separate audits of the residual waste stream. These were conducted independently by EPA.

The Hon. PENNY SHARPE: The residual waste stream from where?

Mr BIGGS: From the Genesis Waste Facility plant.

The Hon. PENNY SHARPE: The current plant.

Mr BIGGS: Our own plant. They were conducted by two different firms—EPA approved auditors—and those results will form part of the submission back to the Department of Planning and Environment and the EPA. There is a full disclosure there of quantities, proportions and chemical composition of the materials.

The Hon. PENNY SHARPE: Will all of the feedstock proposed for this facilities come from that one source?

Mr BIGGS: Yes.

The Hon. PENNY SHARPE: You are not going to be sourcing feedstock from anywhere else?

Mr BIGGS: Just to clarify, the Genesis landfill and recycling facility sources feedstock from everywhere—everywhere in Sydney, that is—at the moment. So, to the extent that it is already from everywhere it will continue to be from everywhere but it will be processed by the Genesis facility.

The Hon. PENNY SHARPE: The material that you have provided to the Committee today still suggests that 20 per cent of other material is going in. Are you able to elaborate on that?

Mr BIGGS: I am indeed. That was a regrettable error. It has caused no end of difficulty for us. "Other" really should have been labelled "fines", which is constituent material the same as the material identified in the audit. I will explain it to you this way. There is a quantity of mixed residual waste, which may be paper, cardboard, timber, plastic and so on. Then you have a quantity of grit and dirt and particles so fine that you cannot individually identify whether one is plastic, metal or dirt. So the 20 per cent of other should have been labelled "fines". In the subsequent audits that have been carried out that issue has been addressed.

The Hon. PENNY SHARPE: That will be provided through the development process.

Mr BIGGS: Indeed. I can tell you that the auditors expressed two clear opinions. One was that, in their opinion the requisite amount of resource recovery to comply with the EfW policy had been carried out.

The Hon. PENNY SHARPE: I would like to clarify this. In your submission you say that your proposal meets the current policy. The EPA was very clear yesterday that your proposal does not currently meet that.

Mr BIGGS: The EPA will have further information on which to make that judgement. I agree that it has not been provided with that information to date; it has not been sufficient for its needs. I am now confident that we have that information for it.

The Hon. PENNY SHARPE: Are there any other aspects of the policy which are currently not being met but which will be met in the future?

Mr BIGGS: The key things that were required to be addressed were the quantity of waste, and that is obviously dealt with by making clear that the plant proposed is in fact half the size of the number being bandied around. So the quantity and quality of waste is met by the independent audit. Those two things taken together are the key matters that the EPA is concerned about at this stage.

The Hon. PENNY SHARPE: I refer to the modelling in relation to air quality. I do not know whether you were here when I asked about this before. The first EIS had an unacceptable level of emissions. The second EIS, with apparently the same inputs, has come up with a figure that is 10 times lower, and therefore within the current standards. Do you want to explain the difference between EIS1 and EIS2?

Mr RODDIS: My company, my colleagues and I completed the atmospheric dispersion modelling. It is very clear within the comparison of the two EISs that we are talking about different stack parameters and different emissions assumptions. The EIS provided an example that was the design specification of the facility—in other words, the industrial emissions directive—as the best-case scenario. That was the upper-limit conservative estimate of facility emissions. The second EIS—which was done at the request of the EPA after the first EIS—was to provide some real-world emissions. That is what we now call our "expected case", and it is based on actual stack testing data from existing facilities across Europe.

The Hon. PENNY SHARPE: Are they of a comparable size? That goes to my previous question. You have now said that the plant is only half the size of what you originally stated, but you are looking for it to be double that size. You are talking about 530,000 tonnes. How comparable is that?

Mr RODDIS: Certainly, some of the references we have provided are of an equivalent size and scale to the proposed facility, whether that is indeed at the proposed 500,00-odd tonnes or one million tonnes. Of all of the monitoring data that we have referenced, we have taken the upper case of all of the data that has been presented to us. We have taken the largest amounts in terms of in-stack concentration and used that as the basis for estimating the emissions from the proposed facility. We believe that we have been conservative in our real-world scenario, or what we call our expected case. However, the reason for there being a ten-fold difference in some parameters is that one was based on a regulatory case—that is, a regulatory upper limit—and one was based on an expected case. Having said that, as I said at the beginning, we have provided five different operational scenarios within the latest EIS document. That should give enough spread and confidence to the reader that we have evaluated all potential scenarios of operation, including upset.

The Hon. PENNY SHARPE: There are concerns about the soil and water chapter of the EIS. I understand that some work done by Ian Grey Groundwater Consulting Pty Ltd [IGGC] raises significant concerns about that chapter. It states:

The Soil and Water chapter of the EIS is heavily based on IGGC's draft report, with many sections lifted from IGGC's draft with no apparent verification or editing. IGGC can provide no assurances regarding the accuracy or fitness for purpose of any of this material as the review and quality assurance process was not completed.

IGGC also says the Soil and Water chapter contains a number of errors.

How do you respond to that accusation?

Mr BIGGS: Perhaps I can respond to that.

The Hon. PENNY SHARPE: I would like Ms Brown to respond, but you can go first.

Mr BIGGS: I have had dealings with Ian Grey, the principal of IGGC, since about 2003. He has been a consultant to our organisation throughout that period in connection with the acquisition of the site at Eastern Creek—that is, the 114-hectare site upon which the quarry is located. He did the groundwater and soil assessments. He has subsequently overseen the groundwater monitoring bores, and he has provided monthly, quarterly and annual monitoring data, which has obviously been supplied to the EPA.

For reasons unknown to us, towards the latter part of his tenure with us, we were not receiving reports in a timely fashion. So, regrettably, we had to terminate his services and replace him with an alternative

consultant. As a result of that, there is a commercial dispute between ourselves and IGGC in relation to amounts invoiced to the company that are currently in dispute. We believe that is the reason he is now disavowing his own work. There is no evidence, other than what he has said there, that would lead anyone to believe that the work he has provided over almost a decade is in any way substandard.

The Hon. PENNY SHARPE: You are in dispute with the consultant, but it was not because he gave you the wrong answers that you decided to let him go?

Mr BIGGS: No, not at all.

The Hon. PENNY SHARPE: There are serious allegations in relation to the chapter. Perhaps Ms Brown can clarify it. It says that it is underdone, regardless of the dispute you may be having with the consultant. Ms Brown, are you saying that your preparation of the EIS is not complete, and that there is missing information, not from the first EIS but the second EIS?

Ms BROWN: We understood that the information we had at the time of preparation of EIS was complete. We are now in the process of preparing a response to submissions report, and any technical issues that have been raised by the agencies will be addressed in that report. So, if there are concerns in relation to the issues raised here, we can address those in that response to submissions report, which will be given to the department as part of its final assessment of the EIS. That is part of the normal course of the assessment of a development application of this nature.

The Hon. PENNY SHARPE: Are you concerned that the community will not have confidence in relation to the second EIS given the number of glaring omissions?

Ms BROWN: I do not know whether I would characterise them as omissions. They are technical matters that require further detail, and they have been discussed with the agencies concerned. They are very technical matters. They are understood and are being addressed by the consultant team and will be documented in the response to submissions report.

The Hon. PENNY SHARPE: But this is not the first EIS; it is the second EIS. I would have thought the second EIS would have addressed the matters raised that were incomplete in the first one.

Ms BROWN: This is a large and complex application. There are matters of a highly technical nature. It is not unusual for further detail to be gone into as new issues arise.

The Hon. JOHN GRAHAM: Mr Biggs, I would like to clarify your evidence on the waste stream. Are you saying that the 550,000 tonnes will all be drawn from the Genesis facility?

Mr BIGGS: The Genesis facility is currently licensed to accept two million tonnes of waste per annum. Obviously the waste is not something that is generated on site; it comes from third parties. It will continue to come from third parties. It will come to the Genesis facility and it will be either processed or receive processing at the Genesis facility before it goes to TNG.

The Hon. JOHN GRAHAM: What is the distinction between being processed and receiving processing?

Mr BIGGS: I can use as an example flock waste, which is the residue after the crushing and shredding of motor vehicles. Clearly, it has undergone a process. Flock waste, when you view it, is in the form of granules of about the size of sugar. Clearly, there is nothing more that can be done by way of process to do resource recovery, so that is a good example of the kind of waste being processed that cannot be processed any further and is therefore suitable for use as a fuel.

The Hon. JOHN GRAHAM: Of the 550,000 tonnes, how much will be screened and processed in the Genesis facility and how much will proceed directly to the plant?

Mr BIGGS: It is not anticipated that there will be any proceeding directly to the plant; it will all undergo or have undergone a process.

The Hon. JOHN GRAHAM: At the Genesis facility?

Mr BIGGS: Indeed. The general fear that is being expressed of there being some nasty toxic material in that waste is unfounded.

The Hon. JOHN GRAHAM: So you will rule out any material being accepted without screening from the Genesis plant?

Mr BIGGS: It will all undergo screening, absolutely.

The Hon. JOHN GRAHAM: And you will rule out taking material directly from third parties in order to generate the waste stream that you require for this facility?

Mr BIGGS: I will absolutely rule it out; it is just not necessary on the figures and the modelling that we have done.

The CHAIR: Is that in stage one and in stage two?

Mr BIGGS: We are only dealing with stage one in this application.

The Hon. JOHN GRAHAM: That goes to my next question. You will rule that out for the first 550,000 tonnes.

Mr BIGGS: Yes.

The Hon. JOHN GRAHAM: Will you rule it out for the facility that might be double that size?

Mr BIGGS: Will I ensure that there are appropriate processes in place to ensure the quality of the residual waste fuel? Yes, I will.

The Hon. JOHN GRAHAM: That is not the question I asked. I asked: Will you rule out putting any material through the larger plant that has not been screened and processed at the Genesis facility?

Mr BIGGS: Yes, I will rule that out.

The Hon. JOHN GRAHAM: You have provided some detail about the crucial 20 per cent of material going into the plant, but really you are saying that it has been processed already and you cannot tell what is in that 20 per cent. Is that what you are saying?

Mr BIGGS: No, I am not saying that. The three separate audits that we had carried out related to three components of the residual waste stream. One is what we call chute residual waste, which is mixed waste that has gone into Genesis, has undergone processing and separation and what is left over are building and demolition residuals that are either too small or too soiled to be usefully reused. The chute residual waste has been the subject of an audit. Another component is very similar and it is called materials recycling facility waste. It is waste of a similar kind, perhaps with a greater proportion of paper and cardboard than we are used to. Again, it is the material left over after the processing that is too small or too soiled to be used.

The Hon. JOHN GRAHAM: I understand you have had each of these three components audited. Was there one audit for each of those?

Mr BIGGS: There were three separate audits on three separate occasions.

The Hon. JOHN GRAHAM: Will you submit that evidence to the EPA to see their judgement?

Mr BIGGS: Yes, indeed.

The Hon. JOHN GRAHAM: I am concerned about evidence given this morning that what goes in is immaterial to what goes out. That seems unbelievable to me. If we put asbestos in, is that not a concern? If, for example, asbestos is put in, are you not concerned about what comes out?

Mr BIGGS: I will defer to the scientists on that, but my understanding of it, from a layman's point of view, is that what Mr Roddis has referred to as the back-end processes, or capturing particulates and dealing with acidic gases and other components of the emissions, are sufficient to ensure that those materials will not be released to the atmosphere because that would cause a health concern for the surrounding community.

The Hon. JOHN GRAHAM: I might ask Mr Roddis to respond.

Mr RODDIS: Sure. In terms of the pollution control equipment, or what I have refer to as the back end of the process, I will make a couple of comments. One is that we are told that approximately two-thirds of the capital cost of an energy from waste facility is typically associated with the pollution control equipment on the back.

The Hon. JOHN GRAHAM: Exactly, because it is a very important part of the process.

Mr RODDIS: Exactly, and by way of comparison there generally is no pollution control equipment on a coal-fired power station in New South Wales, so bear that in mind. There are various processes within that pollution control, including injection of lime—

The Hon. JOHN GRAHAM: But if you put asbestos in, why is that immaterial to what comes out?

Mr RODDIS: It is important to briefly tell you about the various components of the pollution control, so injection of lime for acid gases, injection of activated carbon to absorb volatile organics and any long-chain hydrocarbons and also mercury. Specifically in relation to something like asbestos, I will say that asbestos is an inert material. Once it gets into your lungs, yes, it is an issue, but physically you probably would not expect it to combust, even at 800-odd degrees. If that material did go into an ash component, we have a network of bag filters on the back end of the plant where all particulate, including the activated carbon that I mentioned, is injected to scrub the exhaust gases. All of that is then caught in a series of bag filters and a whole bag house. That material then becomes the ash component of the facility, and that is subsequently disposed of.

The Hon. JOHN GRAHAM: The recommendation for any asbestos-treated waste is that it goes to landfill and does not end up in this facility. How can it be immaterial that asbestos goes into the plant? Is it not of concern?

Mr RODDIS: Personally, having visited the Genesis facility, I have seen the quality assurance, quality control and screening activities that go on. It is probably best that Mr Biggs talks about how they separate out asbestos in the event that it even arrives at that facility.

Mr BIGGS: Genesis obviously takes waste. It separates reusable materials from those that are not, and landfills those that are not. The materials that are reusable—and I will come back to the question of asbestos—

The Hon. JOHN GRAHAM: I am conscious of the time, so please come to that aspect now.

Mr BIGGS: I could take that on notice.

The CHAIR: I clearly hear that the witnesses have given an explanation to suggest that it is not about what goes in but what comes out.

The Hon. JOHN GRAHAM: I am happy for the witness to take that on notice.

The CHAIR: The Hon. John Graham understands what you are saying about the back-end operations, but we must think about worst-case scenarios and how they would affect the public as well as how to guarantee to the public that these particulates will not be released into the atmosphere and compromise their health.

Mr RODDIS: You are quite right to inquire on and test the worst-case scenario. We have presented an upset scenario within our report which talks about what are the possible worst-case emissions if we have a catastrophic failure of some component of that pollution control system. We have taken the advice of the owner's engineers, Ramboll, as to what that upset scenario looks like, and that is based on their professional guidance—

The Hon. JOHN GRAHAM: That is helpful and I am happy for you to take that on notice. But regardless of the views put to the Committee about whether or not that is a concern, it is of concern to the community and I ask you to take that into account when you provide your answer on notice. Do you accept that, as it stands today, the EPA is opposed to this application?

Mr BIGGS: Yes, I do.

The Hon. JOHN GRAHAM: Do you accept that, as it stands today, Health is opposed to this application?

Mr BIGGS: I do not necessarily agree with that—

The Hon. JOHN GRAHAM: Department of Planning officials just did. You want to disagree. You accept that Health is opposed to this. Surely you accept that, as it stands today?

Mr BIGGS: I thought that the south-west area regional health letter was indicating that in some respects this kind of facility is less of a burden for the community than other types of power generation facilities.

The Hon. PENNY SHARPE: It is a bit stronger than that, Mr Biggs.

The Hon. JOHN GRAHAM: The evidence we have had from Planning suggests that Health is opposed. I put to you that you do not have the support of EPA, you do not have the support of Health and you do not have the support of the local councils or the residents. This project is in a lot of trouble, is it not?

Mr BIGGS: I say to you that my view is that there is a policy—the energy from waste policy—and there is a process. We have a proposal report. We say it complies with policy. We can demonstrate that.

The Hon. PENNY SHARPE: The EPA says it does not.

Mr BIGGS: The EPA will get more information. We are responding to issues raised by the EPA and I have indicated that already.

The Hon. JOHN GRAHAM: I know you are going to put more evidence into the process, but there have been 990 applications about your proposal. Two of them have been in support. Surely that is a message.

Mr BIGGS: It is a message from the community—from some members of the community—

The Hon. JOHN GRAHAM: From quite a lot of members of the community, I would have thought.

Mr BIGGS: How many people live in the Blacktown, Minchinbury and Erskine Park municipalities?

The Hon. JOHN GRAHAM: How many people have put in applications in support? Two.

The CHAIR: Order! We will move on, because the Opposition has had a lot of time.

The Hon. MEHREEN FARUQI: We heard evidence from many people yesterday, and two of the companies that operate between them 120 facilities in Europe—much smaller, obviously, than the one that you are proposing—but they all had one thing in common, which is that they cannot build and operate such incinerators in communities where they do not have a social licence and they have done a lot of work communicating with the community, engaging with the community, in the development of such projects.

Mr BIGGS: Yes.

The Hon. MEHREEN FARUQI: Could you tell us how you have engaged with the community? How much engagement has happened? What has been the result and outcome of that engagement?

Mr BIGGS: Certainly. Just bear with me a second. In December 2013 we did a mailbox drop of a DVD and information pamphlet to 4,000 homes in the Minchinbury and Erskine Park areas. Subsequently we had a community information afternoon, an open day at the Genesis plant—

The Hon. MEHREEN FARUQI: What was the result of that? What did you hear from the community?

Mr BIGGS: From memory only about 30 people turned up. A good time was had by all, I have to say.

The Hon. MEHREEN FARUQI: What does that mean?

Mr BIGGS: There was afternoon tea. We watched a video. We did a tour of the site, tour of the facility—

The Hon. MEHREEN FARUQI: Which site is this?

Mr BIGGS: The Genesis site and the proposed site.

The Hon. MEHREEN FARUQI: Were there no concerns raised by the community?

Mr BIGGS: I defer to the records that were taken at the time, but I have no recollection of any concerns—at that time, on that day.

The Hon. MEHREEN FARUQI: Mr Biggs, are you willing to admit that the community is majorly concerned about this project and that you do not have the social licence to build and operate such a facility in Eastern Creek?

Mr BIGGS: I understand that a number in the community have concerns. I understand that.

The Hon. MEHREEN FARUQI: What are you going to do about that?

Mr BIGGS: I am going to continue to provide information in the hope—

The Hon. MEHREEN FARUQI: Providing information is one thing; actually listening to the community and addressing their concerns is entirely different to providing one-way information to the community.

Mr BIGGS: I have personally attended three council meetings. I have attended two public gatherings. I have listened to the community. I have heard the community. I have directed consultants to provide additional information to me that I provide to the regulators. If, having done all of that, there are members of the community who do not want to listen or do not want to understand, and that is simply on the basis of saying, "Not in my backyard," there is not a lot I can do about that.

The Hon. MEHREEN FARUQI: So you do not think the community concerns are substantive and that they are actually concerned about their health and the health of the environment.

Mr BIGGS: I think they have concerns. Whether they are rationally based or reasonably based is another issue.

The Hon. MEHREEN FARUQI: I will move to another area. I want to be really clear in my mind that the size of the incinerator you are seeking approval for in this current development approval process is the 550,000 kilograms per annum.

Mr BIGGS: Tonnes per annum.

The Hon. MEHREEN FARUQI: Sorry, tonnes. You will need to put in another development application if you want the size to increase to 1.3 million or 1.4 million tonnes—am I right?

Mr BIGGS: Yes.

The Hon. MEHREEN FARUQI: You said the Genesis facility that you operate is licensed for 2 million tonnes of waste per annum.

Mr BIGGS: That is correct.

The Hon. MEHREEN FARUQI: How much waste does it take at the moment?

Mr BIGGS: Considerably less than that.

The Hon. MEHREEN FARUQI: Could you give us a figure?

Mr BIGGS: I think it was of the order of 400,000 tons to landfill; probably about the same to the recycling.

The Hon. MEHREEN FARUQI: So with the 550,000 tons operation there should be enough waste in the Genesis at the moment, excepting—

Mr BIGGS: Not at the moment. There will be.

The Hon. MEHREEN FARUQI: There will be? How will you—

Mr BIGGS: The process, you see, is that commercial decisions have been taken at this stage to set prices for disposal of waste at a particular level. A component of the price is the landfill levy, section 88 of the Protection of the Environment Administration Act. You are probably aware that a significant proportion of waste is now travelling to Queensland and being landfilled and not recycled. We would expect that, with a plant in existence here capable of taking waste, the waste will not be transported to Queensland. The cost of transporting it will militate against that.

The Hon. MEHREEN FARUQI: So you will be doing further contracts with councils to be able to feed the incinerator.

Mr BIGGS: To feed the incinerator, to dispose of their waste. Can I make one other comment that was raised earlier by the Hon. Penny Sharpe about municipal solid waste? There is no proposal and never has been a proposal to accept municipal solid waste as a residual waste.

Dr MEHREEN FARUQI: You said earlier that the EPA has raised significant concerns about your proposal. It has said in its submission that the development application contains conflicting and inconsistent information and there is a lack of real data from other facilities. Why was your initial application so substandard? Why did you not provide clear, rigorous information? Is the reason that you were not expecting it to be scrutinised, or is the reason that this plant under no condition can operate and fulfil EPA conditions?

Mr BIGGS: Neither of those. As I think we said in our submission, the process of obtaining a development approval in New South Wales, especially for a project which is both novel and highly technical is, not to put too fine a point on it, not a very good process. The process—and I think we have explained—is that an applicant seeking a development approval first applies for what used to be called director general's requirements. The department supplies director general's requirements, which frankly are fairly vague; they are not prescriptive in any way. They do not say, "Provide us with a report by reference to such and such a standard that this proposed plant will perform in this way."

Dr MEHREEN FARUQI: But surely you were aware of the EPA policy and you were aware of what the requirements were?

Mr BIGGS: I am not talking about the EPA policy. We can provide modelling and assessments based on the New South Wales Protection of the Environment Operations (Clean Air) Regulation. We can provide information in relation to the energy from waste policy. However, there are other aspects, such as the health assessments where you have to look to any number of standards from around the world. You are looking to the

EPA in the United States; you are looking to Europe. You have got some standards, World Health Organization standards and some standards in Australia. It seems to me that the whole process would be, first, more efficient, but more reassuring to the community if those standards were established up-front by the regulators—specified so that applicants knew exactly what they had to produce and would then produce it. Then it would be either tick the box or fail.

Dr MEHREEN FARUQI: You are blaming the EPA or the standards for your substandard application?

Mr BIGGS: No, I am not blaming them. You are putting words into my mouth. I am saying that the system is flawed.

Dr MEHREEN FARUQI: Coming to the health risk assessment, the EPA found that the human risk assessment provided in the next generation development application was relatively generic with very limited site-specific information. Obviously you knew where the plant was going to be built. The EPA conducted its own review of the human health risk assessment and found it not to be up to Australian guidelines and it says the case still remains. As I understand it you have now updated that human health risk assessment. Am I right?

Mr BIGGS: In consultation with the EPA, the Department of Planning and the EPA's consultants.

Dr MEHREEN FARUQI: And that has gone back?

Mr BIGGS: No, it has not gone back to them.

Dr MEHREEN FARUQI: This was not part of the second EIS?

Mr BIGGS: As I said in our submission, these things are an iterative process, so that both parties are learning from the exercise and I am sure that when the Department of Planning comes to address the next application it will be better prepared.

Dr MEHREEN FARUQI: I raise a concern that Blacktown City Council has posted on its website:

Blacktown Council is concerned that the company behind the project, Dial a Dump has a poor track record of compliance with environmental regulations at other locations it has managed.

I am not sure exactly what it is referring to but it could be the St Peters WestConnex site.

The Hon. PENNY SHARPE: Asbestos at St Peters.

Dr MEHREEN FARUQI: Yes, the St Peters WestConnex site where a lot of pollution was found and taxpayers had to pay \$50 million to remediate it. How do you respond to community and council concerns about the track record of Dial a Dump?

Mr BIGGS: Can I first say in relation to the WestConnex site at St Peters, Roads and Maritime Services [RMS] would have you believe that they paid \$50 million to remediate the site. The frightening fact is that WestConnex have dug up the site, there are piles of garbage up to the sky and there is a smell pervading three suburbs around, which is due to the leachate mismanagement. That has all happened on the watch of WestConnex. It is nothing to do with the management of the site. It had not flooded there for over 10 years when it was under our management.

The Hon. PENNY SHARPE: But it was the case that you were prosecuted for asbestos mishandling at that site?

Mr BIGGS: No, that is not the case. Perhaps you might like to get your facts straight on that.

The Hon. PENNY SHARPE: There were not breaches? You were not fined by the EPA?

Mr BIGGS: No.

Dr MEHREEN FARUQI: Has Dial a Dump been prosecuted and fined by the EPA, or on any other compliance issues?

Mr BIGGS: The EPA prosecuted for a breach of licence conditions. No evidence was found of any environmental harm and no significant penalty was applied.

Dr MEHREEN FARUQI: But a penalty was applied?

Mr BIGGS: I think it was \$2,000. An employee inadvertently breached the licence condition.

The Hon. JOHN GRAHAM: Does that not just contradict the answer you have given to the Hon. Penny Sharpe?

The CHAIR: Order! Committee members should keep to the line of questioning so other members can ask questions before we finish.

Dr MEHREEN FARUQI: Have you approached the Clean Energy Finance Corporation for funding for this incinerator?

Mr BIGGS: I believe somebody has approached them on our behalf, yes.

Dr MEHREEN FARUQI: Have you had a response from them yet?

Mr BIGGS: They indicated that they would like to see the planning process further extended until we got some sort of outcome there.

Dr MEHREEN FARUQI: How much funding have you applied for?

Mr BIGGS: I do not recall.

Dr MEHREEN FARUQI: Could you take that on notice?

Mr BIGGS: Certainly.

The Hon. SHAYNE MALLARD: Some questions regarding social licence have been asked by others so I will move on. It is very alarmist for the community to hear talk about asbestos being burnt in this facility. We heard yesterday that the only safe way to dispose of asbestos is landfill. There is no intention to introduce asbestos into the facility? The scenario that the Hon. John Graham was suggesting was that of an accident. You are ruling it out?

Mr BIGGS: Absolutely.

The Hon. SHAYNE MALLARD: Let us allay the fears of the community because it is very concerning to hear talk of asbestos going through the facility. Ms Lee, thank you for your explanation about the work you have done on the cumulative impact of emissions on the environment. Does your work consider the cumulative impact on top of the acknowledged poor air quality of Western Sydney? Further to that, has it looked at the worst case scenarios to measure the impact of the inversion in summer with the pollution from the east in the west the next day?

Ms LEE: In terms of the air quality modelling I will let Mr Roddis respond to the inversion question. It is important to point out that when you are looking at human health risks there is a chronic assessment which is done, which is averaged over a long time. Then there is an acute assessment. Acute exposures range from 15 minutes to up to about eight hours, but usually it is a very short-term exposure scenario. In a chronic scenario that we look at from a human health perspective, the meteorological conditions that have been modelled by the air quality assessment need to be averaged over the period in which we are assessing the receptor. For a residential receptor under the National Environment Protection (Assessment of Site Contamination) Measure [NEPM] framework, residential duration is now currently set at 29 years. So you need to have repetitive concentrations that you are putting into that calculation that will be repetitive of an emission over that period.

The Hon. SHAYNE MALLARD: When you say "residential receptor" you mean a resident?

Ms LEE: Yes, a resident.

The Hon. SHAYNE MALLARD: A person? So 29 years of exposure?

Ms LEE: That is right. What we model is we assume that residents live right next to the facility based on the maximum one hour annual average over the time period available of air data that was used in the air quality model. So yes.

The Hon. SHAYNE MALLARD: And you found that there was acceptable risk?

Ms LEE: Yes. We identified all the types of receptors that surround the site. There is a residential receptor, there are a large number of playing fields and there are also a lot of commercial receptors that surround the site.

The Hon. SHAYNE MALLARD: I imagine they would be sporting receptors?

Ms LEE: That is correct. Commercial receptors would be other facilities, such as the Fisher & Paykel type of commercial business.

The Hon. SHAYNE MALLARD: Workers.

Ms LEE: That is right. Anything outside the site boundary was considered. So we identified receptor points. They were gridded and modelled, but to address community concerns about future development—

because we are looking at the site as it stands now—we accounted for the grid maximum. That means that the worst point in the air quality model was also modelled for all the types of receptors. So even though it might have been on a road we modelled that as a residential, commercial or recreational scenario because we were considering the worst case. So we looked at inhalation exposures and cumulative exposures, typically for contaminants which are biocumulative in the human system. Whilst from an inhalation perspective they were below the guidelines—there are a number of air guidelines that we use for the protection of long-term health—we took it a step further and did a quantitative intake assessment because of the potential for some of these compounds to be biocumulative in the human system.

It is difficult for a guideline to be protective of bioaccumulation in the body. Once the intake goes into your body you accumulate it. It is not eliminated straight away. We looked at those compounds and then we did a very extensive cumulative impact assessment. We looked at somebody who, hypothetically, does all of these things together—they eat the vegetables and the chicken eggs, they have children who run around the backyard and incidentally eat 50 to 100 grams of soil a day, consume the beef and they breastfeed the child. So there was a range of contaminants of concern that were identified. Those contaminants do different things in the body. So there were a number of ways that we looked at the cumulative impact of those compounds.

The Hon. SHAYNE MALLARD: Do you think NSW Health is satisfied with that report? Do you think that it is reassured by the work that you have done? I am not criticising the work you have done but has NSW Health ticked it off?

Ms LEE: I have not had any feedback from the health department. I have only received comments from the New South Wales EPA and their expert in risks.

The Hon. SHAYNE MALLARD: The EPA could not answer this question; it took the question on notice. This might not be a question for you. If you look at plants of 200,000 tonnes, 500,000 tonnes and 1.3 million tonnes, is there a multiplier effect of air quality impacts or can you mitigate evenly across that?

Ms LEE: That is a question for Mr Roddis.

Mr RODDIS: I think I have commented on this already. The owners' engineers and the technology providers essentially maintain that regardless of the amount of material put through the plant you have this safety net at the back end, which is the pollution control equipment. That essentially provides a stop-gap as to how much emissions can be produced, regardless of the waste stream and the quantity of that waste. So, to answer your question: no, the quantity of waste versus what is coming out of the stack at the end is not linear.

You asked earlier whether we assessed cumulative impacts in the air quality assessment. Yes we absolutely did. We looked at the available data. The area in question is quite well serviced by existing ambient air quality monitoring stations. I believe those are at Prospect and St Marys. There is a very large data set going back a number of years. We take the hourly observations that have been captured at those monitoring stations. We then take the maximum observations at those stations and add the additional incremental impact predicted from our modelling to those existing measurements. In answer to your question about whether we captured the worst-case day, yes, I believe we did in existing conditions.

The Hon. SHAYNE MALLARD: That is reassuring regarding assessment because it is acknowledged that air pollution out here is very bad for the community's health. My last question is off the issue of your particular proposal. In your submission at 1.9, Mr Biggs, you mention a market interest in attracting landfill waste away from the Queensland route back to your facility to recycle 99 per cent of it—or however much you can recycle—and put the last bit into your incinerator. It is an attractive thought that you could divert it back into the New South Wales recycle system. In your submission you talked about the section 88 levy, which the chairman has a great interest in, and the pigouvian tax. Would you explain to me what a pigouvian tax is in principle, and how it would work, because we are interested in this area as well.

Mr BIGGS: The pigouvian tax, as I understand it, is a tax which one can pass off along the chain. The GST is a good example of that. A smaller example is probably land tax, where the owner of the land is liable for tax but can arrange for the purchaser to become liable or indemnified. In this particular case we have analysed the commercial transaction relating to acceptance of waste and waste disposal and the taxing point, identify that the constitutional or legal difficulties occur at a particular point in that chain, and then, by moving the liability for the tax up the chain to the producer of the waste—albeit that liability can be passed back along the chain but can never be escaped—

The Hon. SHAYNE MALLARD: When you say "producer" are you talking about the consumer?

Mr BIGGS: No, I am sorry, the producer of the waste.

The Hon. SHAYNE MALLARD: The manufacturer.

Mr BIGGS: The generator of the waste.

The Hon. SHAYNE MALLARD: Like shopping bags or whatever it is—the manufacturer of the product or the packaging.

Mr BIGGS: You are thinking of it in regard to an extended producer responsibility regime. It is very similar to that but think of it in terms of a builder doing a development on a site. At the moment, after it is on the way to a waste transporter he forgets the problem exists. Under the regime that we are suggesting he cannot forget that the problem exists. He carries the responsibility until it is properly disposed of and recycled.

The Hon. SHAYNE MALLARD: You are suggesting that the majority of the waste going over the Queensland border is construction industry waste—demolition waste—as opposed to residential waste.

Mr BIGGS: Absolutely. We estimate \$100 million being lost per annum to New South Wales revenue.

The Hon. SHAYNE MALLARD: Thank you for that. I appreciate that.

The CHAIR: I want to finish up. We have a couple of questions we will put on notice. I would like to address that last point. It is incredibly frustrating for me that local councils have been hit with a 40 per cent increase of a section 88 waste levy going over the weigh bridge, which ratepayers are paying. Then they are being asked to dig into their pockets again to build infrastructure to deal with diverting waste from landfill. I just think that is double dipping; it is a rip off.

The Hon. PENNY SHARPE: My question goes back to community support for this proposal. There are 900-plus. Against that we have a filled gallery today. Mr Malouf has been very combative and confident in local media in relation to having this passed. Are you able to tell the committee why he has such confidence in this given that there is such opposition to it?

Mr BIGGS: Mr Malouf is a very confident kind of individual. That is the extent of it.

The Hon. PENNY SHARPE: Is there a reason he is not here today?

Mr BIGGS: He is overseas at the moment.

The Hon. LOU AMATO: Ms Lee, I come back to your report. Do you have results for the air quality on a still day in the Sydney Basin? Have you taken into account population growth and industry growth over coming years in that report?

Ms LEE: As Mr Roddis touched on before, the air quality is averaged out—chronic exposure for 29 years—

The CHAIR: Order! I am not seeking an answer for these. We are putting them on notice. We are out of time.

The Hon. LOU AMATO: What we would all like to know is what the air pollution is like on a still day—on a day when there is no air movement. I am not talking about a projection for 29 years. If we have four or five still days what is the air quality now and what would you predict it to be with population and energy growth in the future?

The CHAIR: And weather events. Thank you very much for coming today and giving your evidence. We appreciate it. I thank the people in the public gallery for the way they have conducted themselves. I know it is a matter that is very close to people's hearts. You have 21 days to respond to questions on notice. Tina and the team will help you with them. In light of your evidence we may forward some further questions on notice for you to answer.

(The witnesses withdrew)

CHARLES CASUSCELLI, Chief Executive Officer, Western Sydney Regional Organisation of Councils, sworn and examined

AMANDA BOMBACI, Regional Waste Coordinator, Western Sydney Regional Organisation of Councils, sworn and examined

STEPHEN BALI, Mayor, Blacktown City Council, sworn and examined

VANESSA PARKS, Environment Manager, Blacktown City Council, sworn and examined

The CHAIR: Would any of you like to make an opening statement?

Mr BALI: The energy from waste incineration technology is new to New South Wales, but recently small-scale plants have been approved in Western Australia. This technology is well established in Europe and the United States. There are similar plants across Asia, but their environmental standards allow a higher level of pollution than Europe and the United States. Nevertheless, the European and United States standards are out of date and do not enforce the highest standards of protection and operation that are current world's best practice.

We thank the members of the Legislative Council for holding this inquiry because it is timely to assess whether or not this technology is appropriate for New South Wales and, if so, what should be the assessment criteria and safeguards for ongoing monitoring. I will deal first with the viability of the technology into the future. Burning waste is a simple, but arguably ineffective, way to dispose of waste. Regardless of the advancement of technology in filtering the harmful toxins and other dangerous substances, there is no technology that can 100 per cent remove the harmful substances from the incineration process. Burning waste also adversely impacts the recycling industry. Once you build an energy from waste incineration plant, there must be a consistent flow of waste material—24 hours a day, seven days a week—to operate at a level that minimises its impact on the local environment. Feeding the beast will result in less material being available for recycling.

The European Union is heading towards to a closed-loop economy, and it is aiming to recycle 100 per cent of its waste. In January 2017, it called for no more of these plants to be built. The World Health Organization is also opposed to incineration technology. The incineration approach is now seen as a second-class response to dealing with waste. Hence, this now outdated technology that discharges harmful emissions should not be considered at all. We need to focus on mandating recycling rates and increasing this rate annually. This is both better for the environment and it makes energy from waste plants redundant.

If energy from waste incineration is to exist, how should it be assessed and monitored? This project being the first of its kind in New South Wales, Blacktown City Council is very concerned that New South Wales regulatory controls are outdated and have not been written to properly consider this technology. To protect our communities, any incineration process must be controlled and regulated by planning and environmental standards that reflect current world's best practice. We need to regulate for the cleanest attainable standards, not minimal standards. Hence, we propose a number of important improvements to the assessment, approval and ongoing monitoring process of energy from waste incineration plants.

The development consent assessment and approval process must include, as a minimum, the current world's best practice for emissions being set as the minimum allowable emission under new environment controls for any plant constructed in New South Wales. Every seven years, the environmental controls in the development consent process should be updated to match the latest world's best benchmarks, and existing plants should be given a maximum of two years to upgrade their technology or they will be closed down. As technology changes, so must existing plants and emissions standards change to reflect these improvements. All waste entering the facility should be validated through a pre-treatment off-site process transfer station. To maintain public confidence, real-time broadcasting of plant emissions must be publicly available online with explanations of any adverse discrepancies and subsequent corrective measures. Monitoring stations must be set up in residential areas to ensure there is no impact on local communities. Management control standards should be set to ensure that senior management and directors are well qualified, have the ability to meet emergency situations, and have never had EPA infringements.

Proprietorship standards should be established for any board members to exclude anyone who has previous EPA infringement issues. An ongoing local community liaison group of local stakeholders, including local members of Parliament, councillors, businesses and residents, should be established to discuss issues

related to the operation of the plant. The local council should be the coordinator and selector of the group. Senior managers and directors of the plant must be in attendance and they must be truthful and transparent in their information. Energy from waste incineration plants are generally built in a modular form, allowing step-up capacity. That is the proposed model in the project before us. The State Government should set recycling targets that increase over time. Therefore, planned obsolescence should be built into the plant business plans, which consider rising recycling targets for New South Wales, and energy from waste incineration plant should have a maximum lifecycle of 25 years. Finally, size and scale of operations should not have a significant impact on the local area or adversely impact on generating competition in the industry. On ongoing monitoring, local councils and the EPA should work together to monitor their energy from waste incineration plants, and the cost of these resources ought to be levied through a licensing fee on the environmental waste incineration plant.

In conclusion, Blacktown City Council staff and councillors have conducted extensive research into the energy from waste incineration plants. Council drafted 25 recommendations that should be considered as part of any future or current energy from waste incineration development. During 2016, we held a series of well attended community forums across our city and in neighbouring Penrith and Cumberland local government areas. We arranged these community events in order to outline our concerns with the Eastern Creek proposal and to provide community an opportunity to express its concerns. Earlier in 2017, council hosted a joint community information forum with the applicant. At this event community members expressed their health fears and environmental concerns. It was evident that the local community does not want this proposal to go ahead, nor were their fears allayed by the proponent.

We learned that in Europe no plant has been built without a parliamentary inquiry, so I thank members of Portfolio Committee No. 6—Planning and Environment their important work. If we are to follow the world's example and embrace energy from waste incineration as part of the solution to our future waste disposal needs, we need to learn from the international experience and show our local communities that our standards are the best. In the end, no matter how complicated or sophisticated the new technology is, it is still a mediaeval approach of putting rubbish on a fire. We seek your support to gain the essential protection for our community needs by ensuring our legislation provides for the rigorous framework needed to provide the populace with protection.

The CHAIR: Mr Casuscelli, do you have an opening statement?

Mr CASUSCELLI: I have. On my right is Amanda Bombaci, the leader of the team formulating the waste strategy for the Western Sydney Regional Organisation of Councils [WSROC] region. WSROC is made up of eight Western Sydney councils and takes a very broad perspective to the region's needs for waste management into the foreseeable future. It should be noted that over the next 20 years the waste management capability for the whole of Sydney, and specifically Western Sydney, is going to be a challenge. We are going to have an extra 1 million people residing in greater Western Sydney, and with that comes the creation of 300,000 jobs and the industries and businesses that support population growth. The pressure on getting waste management correct for Western Sydney is enormous, but we are not starting from a position of having enough waste management infrastructure. There is clearly a deficit today in terms of being able to manage the total waste demand produced by a modern city.

The three brief points I wish to make at this point start with the fact that even though we have a wonderful relationship with the EPA, we observe that waste today still is not treated as an essential service. Waste has the ability, like a lack of energy or a lack of water, to bring a city to its knees. If we do not manage waste properly, the effects on our urban lifestyle will be as dramatic as running out of electricity or gas, or running out of water. Yet we still treat waste as an afterthought. This is no better exemplified than in the recent process involving district plans being put together by the Greater Sydney Commission. While waste has been dealt with in these plans, we feel that waste has been seen as a second-order issue rather than being dealt with as infrastructure that has been identified as critical through the district plans into the metropolitan plan. If we can elevate the status of waste management to that of an essential service, just like energy and just like water, we will be doing our community a great favour.

Another thing we picked up in our relationship with the EPA and government generally is that there seems to be a lack of coordination at a very strategic level for building waste processing capability throughout the region. There have been lots of attempts at defining targets, recycling and otherwise, and looking at some of the operational elements. But the reality is that we do not have a strategic view of waste management—that is, where do we locate the next generation of waste processing facilities? Urban growth is what we need to focus on. The challenge of urbanisation on existing facilities, where we have encroachment of residential areas on existing facilities, is not being met in terms of recognising areas that will form the next generation of waste processing. We need a more strategic approach to the total waste management capability, not only in Western Sydney but for the entire region. I make a last observation: Sweden in many ways represents best practice.

Sweden is one of the most environmentally sensitive countries on the planet. It has been dealing with energy from waste since 1904. It has been incinerating waste for an awfully long time. It does it today in partnership between local government and the private sector, and I think that is a great coming-together because you have local government looking after the interests of the local community in a very altruistic way while the private sector chases the commercial imperative.

The reality is, even today, Sweden sees energy from waste as almost an outdated solution. It is moving more up the refuse ladder by looking at increasing recycling rates, working with authorities to make sure that things are not thrown out as quickly as they have been in the past. Even Sweden, which represents best practice today, is a country that sees energy from waste may have had its day. It is early days yet, but it is still doing some great work in that area—but even it is saying that perhaps we need to move on to something else. I will leave it at that.

The CHAIR: Thank you. I appreciate your opening statements. Mr Bali, I draw you to my favourite topic, on page 8 of your submission, points 4, 5 and 6. Regarding the statistics on the section 88 waste levy, can you give us some insight as to what your city has paid and what it has got back?

Mr BALI: From our submission, we have paid approximately \$7 million—

The CHAIR: How much?

Mr BALI: We paid \$7,026,657, to be exact, and we received in the Waste Less Recycle More program \$783,834—just over 10 per cent has come back.

The CHAIR: How many recycling projects have you initiated above and beyond that \$783,000 that you got back from roughly \$7 million that you have contributed as a city?

Ms PARKES: Sorry—how many in addition to that?

The CHAIR: Yes, because that means just one year—correct?

Mr BALI: Yes.

The CHAIR: And that \$783,000 is one year?

Ms PARKES: Yes.

The CHAIR: What happened to the other \$6 million? Could you have used that in some shape or form?

Mr BALI: Can we use it? Absolutely! Given that rate-pegging is at 1.5 per cent, essentially councils have to make a decision on where to spend the money. I noticed that the State Government was boasting that it kept its expenses to a 3.3 per cent increase, where we have to allow ourselves to manage with a 1.5 per cent increase. If the State Government needs any assistance in reducing expenses, it can come and see us! If we had more money, obviously, especially if it is tight, we are more than happy to see an increase in recycling or the various programs that we have. With WSROC and various councils at the community festivals we go to explaining recycling.

It is interesting to note even today the lack of knowledge people have about what goes into each of the bins and what is recyclable. I also want to give a big plug to Western Sydney: If you look at recycling rates across local government, I believe Blacktown is around 63 per cent, which is the European standard at the moment, and Liverpool Council is at 67 per cent, yet some of the eastern seaboard councils—Randwick, et cetera—are down to about 30 per cent. Hence in our original submission we say that we should be looking at setting a target, picking up on Mr Casuscelli's earlier point, and increasing it. In Europe, I think Wales is about 63 per cent and it increased its recycling target by two per cent per year. If we are going to do that, this energy from waste incinerator becomes redundant, because you have to feed the beast. You cannot recycle and yet put over a million tonnes of rubbish through this facility to be burnt.

The CHAIR: At point 6 of your submission, you say:

The Section 88 levy has not motivated additional investment by the private sector in alternative waste treatment facilities in the Sydney Metropolitan area. It has been 8 years since a waste processing facility for domestic waste has been commissioned.

I come back to the introduction by Mr Casuscelli in which he said that surely if local government had the section 88 hypothecated there would not be double-dipping into ratepayers' pockets to build much-needed infrastructure projects to deal with the waste not only for now but also for the future. Would you concur with that statement?

Mr BALI: Absolutely. I am just trying to recollect: Some time ago local councils actually used to own the waste facilities. The additional \$6 million—that is just Blacktown council losing out on the \$6 million. Imagine if, as a combination—we saw in north London with Islington Council the London power program. There are about four local governments that work together on their waste plan and you get a situation where they can deliver, where obviously the profits get driven back into the community and you can actually spend more on the facility and have it be more efficient. But we have a situation where the Government has raised \$7 million, of which we got three-quarters of \$1 million back. Where is the other \$6 million? It goes into consolidated revenue, instead of actually spending that \$6 million, plus all the other local councils—WSROC has eight councils. You would assume there would be at least \$30 million or \$40 million in total that could be spent on a facility.

The CHAIR: Exactly. We are just talking about one year there; we are not talking about a five-year history of a government collecting something like \$35 million from Blacktown.

Mr BALI: Five years would be about \$150 million.

The CHAIR: That is right. My point is: We have a lot of waste going to Queensland, but if it was more affordable for local councils to be able to put in infrastructure through an infrastructure fund that the levy goes to, there would be full-cost recovery for local councils who provided the levy. That would probably address some of the waste currently going into landfill in Queensland. Instead it could be dealt with and redirected out of landfills in New South Wales.

Mr BALI: You are right, Chair. What we found out this morning and our understanding—obviously it is pretty hard and the Committee probably has a better chance to go through these numbers—is now that the section 88 levy across New South Wales raises \$630 million a year, and the Waste Less Recycle More over four years is \$337 million, so if you divide that by four it is only \$84 million. That is just 13 per cent total levy collected going back into waste programs. Essentially, if you are looking at roughly \$530 million—half a billion dollars—you probably would not need this energy from this plant. We would be able to build our own along the ground.

The CHAIR: You are being very pessimistic: Yesterday I think we had a statistic of 20 per cent return, but I said, "Where is the 80 per cent going?". Once again, if that went back into the areas it was taken from, in the spirit of redirecting waste out of landfill, those councils through the Regional Organisation of Councils or joint organisations would be well established with great infrastructure redirecting waste from landfill.

The Hon. PENNY SHARPE: I would like a clarification. The proponent of the Eastern Creek facility suggested that the current proposal is for a development application for approximately 550,000 tonnes per annum, which is stage 1, and it would require stage 2 to have a separate development application. Is that your understanding? Can you explain to the Committee what your understanding of their development application involves?

Mr BALI: Obviously it is going through the State Government processes. It has often spoken about a two-stage building approach where there would be 550,000 tonnes and then it would expand it to the original proposal of 1.3 million tonnes, which in the second round it has reduced to 1.1 million tonnes. From our perspective, essentially once you get stage 1 approved, it is going to be near impossible to say no to stage 2, so if you have not got the right environmental standards right now—this is our argument—generally there are none of these plants in Australia and that is why there are no standards that actually address incineration plants. Therefore we are saying, "Let us get the monitoring right and the standard set, and therefore we can properly assess it." Its argument is simply that it is within current acceptable standards—and those standards are wrong.

The Hon. PENNY SHARPE: Can I be clear: Ms Parkes, you are nodding?

Ms PARKES: If I could help clarify what you have said. It is my understanding that the development application to State Government is for the full facility. However, they will be building it in stages. The maximum capacity is 1.35 million; they have reduced it slightly. But yes, once the application is approved it is for the full facility.

The Hon. PENNY SHARPE: It is for the full facility?

Ms PARKES: That is correct.

Dr MEHREEN FARUQI: That is not what they are saying.

The Hon. PENNY SHARPE: No. That is very important. Thank you very much for that.

Mr BALI: Unless they changed it.

The Hon. PENNY SHARPE: Blacktown City Council's submission at page 9, which is the case study around the Eastern Creek proposal, goes to this point of what is going into the facility and where it is going to be sourced from. The proponent in the previous session suggested that all of it was coming through the Genesis facility and would be pre-screened; that is, everything that can be recycled would be taken out before it reaches the facility. Your figures provide quite a different point of view. Could you talk the Committee through that and how you see that working?

Mr BALI: Both Ms Parkes and I will go through it; Ms Parkes is the technical expert. I would like to firstly address the issue of screening and audits. Generally the way they were indicating the screening was almost like 100 per cent would be screened. We have seen some of these plants in the United Kingdom. Essentially their screening is really one truck per 20 or 30, so it is about 5 per cent. Essentially a truck gets stopped where they empty it out, have a look at what is in it by visual inspection only. There is actually no technical way of looking at it, it is just visual inspection. Then it proceeds through. As far as saying it all undergoes screening or sampling or auditing, we really need to get, once again, a definition from the planning to work out what does it actually mean. And visual inspection is not enough to try to spot asbestos, especially if it is small quantities or other aspects.

We have seen in Europe where engine mounts have been dumped into the process. It goes through the burning phase and there is an amount of material on the other side that obviously cannot burn because at 800 or 900 degrees you need more than that to melt steel. The other aspect, there were gas canisters which explode through the process through that burning, which then creates peaks as far as emissions because the explosion, the sudden push of all of that material—it is a controlled explosion so it does not bring down the plant—but you will see peaks in the emission output. When you average it out over a day, fine, it might not look too bad but you have a lot of emission that goes out, because the filters cannot actually capture it all. So you will get a lot of peaks throughout the day because visual screening is not sufficient.

Ms PARKES: To add to that, if I could go through what was in the actual EIS that we reviewed—and I am referring to EIS2, I think that is what the common term is—our advice through the EIS is that 12 per cent will go through the Genesis facility next door and will be screened but a further 43 per cent will go through the facility without being screened.

The Hon. PENNY SHARPE: It comes into the Genesis facility, it makes a decision and half of it goes into the energy from waste plant rather than going for processing, recycling and recovery, which is what it is supposed to do.

Ms PARKES: That is our understanding, correct. A further 45 per cent, which would be equivalent to another 500,000 tonnes, is from third parties that we do not know what will happen with it at this stage.

Mr BALI: The other thing to note, which was interesting in their presentation, they said 20 per cent of fine particles are hard to be sorted. It is 100,000 tonnes through to 550,000. Some facility that they cannot sort out or work out because it is too fine particles. That was an interesting submission on their part.

The Hon. PENNY SHARPE: Everyone talks about feeding the beast and these figures are very compelling in relation to how you would get the tonnage that is proposed for this facility. Is there some point where you think that the proponent will be looking at municipal waste, and what will that mean for you?

Mr BALI: My understanding is that, especially when they go to stage two and whether it is 1.1 million or 1.3 million tonnes, that residential waste could be part of the equation. We were at a forum with Mr Biggs and he suggested to me that why does Blacktown Council not get on board. If we do process it—he did not say that publicly; he just said it to me—and council gets on board, as we have seen around Europe it is a lot cheaper to burn your rubbish than sending it to landfill. Given that councils are under immense cost pressures with the 1.5 per cent rate cap, which is about \$100 a tonne, I believe it is cheaper to go through an incineration process rather than whether councils take a principled view and oppose it, or smaller councils under immense financial pressures will take up the option. Once you have approved incineration for commercial waste I cannot see under what grounds, if they go back and ask for a variation, would the planning department say no to residential waste. At the moment there is no standard to say that you cannot burn residential waste. It is just a matter of going back and saying we now have this proven technology, allegedly, and therefore let us burn residential waste.

The Hon. JOHN GRAHAM: I would like to give you the chance to respond to some evidence that the Committee received this morning. It is a reasonably technical area but essentially the scrubbing technology is so good now that the description was it is immaterial what goes into the plant. Do you find that evidence reassuring? It does not matter what goes in?

Mr BALI: No, not really. It is interesting how people put a fine point on what comes out because in the end it is not really the scrubbing material, et cetera; it is what comes out of that facility. Sometimes they talk about the 99 per cent, or 99.9 per cent that they know is coming out in the emissions. I am more worried about that 0.1 per cent that can kill you, especially that it is now nanoparticles. The latest research says we have progressed so far that we are putting out these microparticles and we do not know how far they can travel. Given the winds, et cetera, it can go many kilometres. It is almost like asbestos. Do we say that asbestos is such a good material? Yes, it does kill people but how about we only use 5 per cent of the product rather than the whole lot and reduce the harmful effects.

The Hon. JOHN GRAHAM: I refer to community views. The view was put to the Committee by the company that significant sections of the community do not want to understand. Is that your experience of the community?

Mr BALI: No, it is not what the community wants. The community wants to understand it. We have conducted about 11 forums, then two with the company. At one of the community forums Mr Damon Roddis, one of the presenters in the previous forum, the National Practice Leader, Air Quality and Noise from Pacific Environment, he is one of their modellers, quoted Mr George Box in relation to modelling. He said "All models are wrong but some are useful." You could imagine the public reaction when they heard this.

The Hon. JOHN GRAHAM: This is not the sort of area where you want to get it wrong, is it?

Mr BALI: That is where we posed a question. When I did the introductions the company was there and we were grateful that the company came to a public forum. They presented to Blacktown Council and we asked them whether they would attend a public forum, which they graciously accepted and they were there. The question that we posed to them was, "If you look at the environmental submissions output number one versus number two, what processes have changed to clean up the air, so to speak, or to reduce the emissions?" They said there is no change to processes; it is just that they changed the assumptions in the models. Then they quoted George Box. That was disconcerting to everyone who was there. How can we trust this modelling or any modelling, given that it is so close to residential homes? There were a lot of other questions that came up because they are using European technology, which is different.

The Hon. JOHN GRAHAM: I want to put a question on one of those matters which you have raised to you. It is about the 20 per cent of the feedstock. Previously it was "other". We have heard this morning that it is now fine particles. It may be difficult to determine exactly what is in that mix—110,000 tonnes. When this plant is so large, that 20 per cent by itself is almost the feedstock for an energy from waste plant by itself, is it not?

Mr BALI: Absolutely. In Perth the facilities are only about 200,000 tonnes.

The Hon. JOHN GRAHAM: So it is almost like having a plant entirely based on feedstock product that we cannot quite determine.

Mr BALI: Absolutely.

The Hon. JOHN GRAHAM: The company has more material to submit. I think we should be fair to them about that; they may be able to answer these concerns.

The CHAIR: They have a right of reply.

The Hon. JOHN GRAHAM: However, as of today the EPA is opposed to this proposal. NSW Health is opposed. You are telling us that councils are opposed. Residents are opposed. We found two out of 990 applications which were in support of this proposal. I guess my question to you is: why are we still here?

Mr BALI: I have to say that the importance of this inquiry should not be underestimated. As I have often said, if they were good at cheating in an exam they could take a European existing facility, cross out the name on top and write Eastern Creek and submit it. Then it would be approved. These people have been going for three to four years and have stuffed up every single time. It is a matter of taking existing technology, and you would satisfy New South Wales regulations.

The importance of this inquiry is twofold. I go back to my original statement. First, do we need this type of technology in New South Wales? My answer to that is no, because essentially we should set mandatory recycling targets and improve them on a mandatory basis. Given that there is some \$600 million spare through levies there should be ways of helping the ROCs to help councils to ensure that recycling targets happen so that we do not need this type of technology.

But let us assume for the moment that this inquiry says that there is a role for this technology. Then we are saying that this inquiry should ensure that the current world's best practice in emissions becomes the

minimum. We do not have this technology; we have nothing to lose. Therefore we should do it. If you look at how technology is improving you see that the one in London is about 10 per cent of world's best practice. They are building new technology to drive the emissions down even further.

We are saying that if we need to have this—I do not believe we do—then it should be set at world's best practice and every five years mark it back to market what is available. This plant needs to improve. In the 1960s and before that for a couple of thousand years asbestos was an accepted product. It is only recently that we have decided that asbestos is no longer acceptable because of the death it causes. Right now we are accepting incineration but into the future it will not be there.

Dr MEHREEN FARUQI: Thank you very much for coming in today to provide evidence. I had a look on the Department of Planning and Environment's DA website, and as far as I could tell Western Sydney Regional Organisation of Councils [WSROC] was listed as being supportive of the next generation energy from waste incinerator. Would you just clarify for me whether or not WSROC is supportive of this proposal.

Mr CASUSCELLI: Thank you. That is a great question. I have had cause to explain how that position got on the website. The letter that went out of WSROC was supportive of the technology in a broad sense: that it may provide a solution—one of a number of solutions—to the challenge before Sydney in terms of waste management. While it was supportive of the technology it was not supportive of that particular proposal. We do not have the technical expertise within WSROC to be able to make a judgement call. Somewhere within the process of Government the support for the technology was translated into support for the proposal. That was never the intention, and WSROC has subsequently sent a letter to the Government explaining its position.

Dr MEHREEN FARUQI: That was good to know. I was surprised when two of the councils were opposing the proposal. Councillor Bali, you gave evidence earlier that even in Europe things are changing and that the European Commission's report suggests that this seems to be an outdated response, now. Could you tell us a bit about what is the current edge response to waste management in Europe.

Mr BALI: Absolutely. They are really moving to that closed loop economy. Wales, for instance, has 63 per cent or 65 per cent, and they increase the recycling rates by 2 per cent per year. Essentially it is diversion from landfill. They are working with suppliers to have less foam and all of the stuff that you get. When you buy a television set and you pull it out of the box 90 per cent of it is waste.

They have moved away from plastic bags; you have to pay for them. As we are moving towards, they have bottle recycling et cetera. There are different ways and methods. I suppose what Europe is saying is that up to the 70 per cent or 80 per cent mark it should be easy to move the economy to improve recycling. Once you hit the 80 per cent mark it is going to be tougher, but technology is improving year on year. We ought to focus on mandating for all councils—and supporting them through the ROCs—to get up to a level. Blacktown Council in the past few years has had between 63 per cent and 65 per cent of waste diversion. Liverpool Council is the leading council with 67 per cent.

Most of the Western Sydney councils are in the 60 per cent band, but a lot of councils are outside that band—at the 30 per cent to 40 per cent mark. We are saying that the State Government ought to levy what the rate is and then improve upon it year by year. We should be learning from each other how to divert waste. The closed loop economy is what Europe is going to. The President of Malta was out here with the environment Minister and visited Blacktown—the Democratic People's Republic of Blacktown is world renowned for world leaders popping in; the Hungarian President was also here last year—and they were talking about energy from waste. Given that Malta is a small island I suppose they would consider it. But even Malta right now does not have an energy from waste incineration plant. They are toying with the idea but they want to improve their recycling rates.

Dr MEHREEN FARUQI: That is a lesson for us. In another life I was an environmental manager for one of the Shore Regional Organisation of Councils [SHOROC] councils. We worked very hard to look even beyond recycling to the higher-order outcomes of the waste hierarchy such as waste avoidance and reuse. So we have spoken a lot about having mandatory targets for recycling. I am just wondering what WSROC or your councils view is on trying to improve reduction in waste generation?

Ms BOMBACI: One of the actions within our regional waste strategy that was developed with 10 councils was to look at waste reduction initiatives—general waste avoidance and more re-use. This can be particularly challenging. We are in a situation where we are told to buy more and more, and I am sure you have heard a lot about that. There is also very little infrastructure enabling waste reuse. You may have noticed in the waste less, recycle more model there is no money dedicated to waste reuse or infrastructure for waste reuse. So it is left to social enterprise and charities to champion that sector. We are currently doing some work with social enterprises to try to build capacity to enable more options for councils to work with.

Dr MEHREEN FARUQI: Would you like, in that particular program, to see more money coming towards avoidance and reuse?

Ms BOMBACI: Yes. We have asked for that in the past.

Dr MEHREEN FARUQI: That is great.

Mr CASUSCELLI: It is a great question, because it enhances the role of a regional organisation of councils or whatever you are going to call them into the future.

The CHAIR: Joint organisations [JOs]

Mr CASUSCELLI: I am not sure whether JOs ought to be in metropolitan Sydney, but it is worth a discussion. Waste management is particularly suitable for regional-scale solutions. You would not expect a local government on its own to be able to build significant capability. Local governments are too small in terms of the total challenge, but from a regional perspective the only thing which is inhibiting us from dealing with the demand challenge for waste in Western Sydney is funding. It is not that we do not know what needs to be done or that we do not have talented people ready to do what needs to be done. We just have a severe shortage of funds.

The CHAIR: Where would you suggest that should come from?

The Hon. SHAYNE MALLARD: From the levy.

The CHAIR: What about the \$832 million being collected from local government under the section 88 waste levy?

Mr CASUSCELLI: It is interesting to note that the total waste management strategy team has funding of \$750,000 a year. Consider that amount given what is collected; there seems to be a significant gap.

The CHAIR: We will try to fix that.

Dr MEHREEN FARUQI: My question relates to Blacktown City Council. The council states on its website:

Blacktown Council is concerned that the company behind the project, Dial a Dump has a poor track record of compliance with environmental regulations at other locations it has managed.

Will you elaborate a little more on that? What concerns do you have and what incidents were you referring to?

Mr BALI: It is just what is reported on the internet with regard to the fines that the Environment Protection Authority has issued. In relation to that, and as we heard in company's presentation earlier, it was the employees' fault or the customers' fault. It is always someone else's fault. From our perspective, the company leadership team is standing before an inquiry and shirking its responsibility. If something goes wrong in government, obviously it rests with the Premier. The managing director is here but not the proprietor himself. I do not know whether it is true, but a Google search indicates that some asbestos material allegedly appeared on the farm. I am not sure about parliamentary privilege and so on, and we are not here to attack the individual.

The CHAIR: I strongly recommend that you do not do that.

Mr BALI: A Google search reveals a lot of material. It is for the relevant people to come back to explain what happened or what did not happen. But, as far as that is concerned and putting them to one side, we are talking about a facility of this magnitude with this level of emissions. Yes, it is smaller compared to what it was 20 years ago, but in the end there are toxins, furans and all sorts of nasty things coming out of it. If a person shirks their responsibility or is not held accountable, that person or that group should not be in charge of that facility.

The Hon. SHAYNE MALLARD: Thank you for appearing before the Committee today. Accepting the mayor's position that this type of facility is not desirable at all, there are 120 smaller operating units in the United Kingdom. I take it from your report that you have seen them and inspected them. You would be more interested in the most recent plants, not the older plants. The evidence presented to the Committee yesterday is that the material they will be incinerating will be the final material which they cannot recycle and which would otherwise go to landfill, except asbestos, which goes to landfill any way. You are suggesting a contradiction.

The WSROC submission says that waste facilities were located in local communities. Every council had a tip, and I remember fondly going to Penrith tip with my dad when I was a kid. These facilities have gone and other recycling facilities are under pressure because of residential encroachment. I know that from other areas. The Committee would like recommendations about where these facilities should be located. If it is the end game of a lot of recycling processes like the Genesis Waste Facility, where would you suggest that the

Government look to locate them? Do not get me wrong, I do not think they should all be located in Western Sydney. They should be in the communities where the waste is produced. What is your suggestion as a policy approach for the Government?

Mr CASUSCELLI: I can only respond from my knowledge of the process that has been adopted by the Government in introducing district plans and how they will be rolled up into a regional plan and then a metropolitan plan for Sydney. One of the things we—as in local government collectively across Western Sydney—were disappointed about was that there was not a sufficient level of detail in those plans to convince local government that enough thought had been given to waste management. How many of these things do we really need, not only for Western Sydney but also for all of Sydney? Where are they best placed? If you are going to try to mitigate some of the risks, you are going to place them in areas where you can create buffer zones. But that means greenfield sites away from existing urban areas. One of the biggest disappointments in terms of district plans is that there was not enough detail that would suggest to the professionals in waste management that someone has given this real thought and said, "We need a number of these facilities. We may not know about the exact technologies, but we know we need them to be somewhere safe and we need so many given the projected demand over the next 20, 30 or 40 years."

The Hon. SHAYNE MALLARD: Not just incinerators; we are talking about the whole life story of waste.

Mr CASUSCELLI: Incinerators are one narrow slice of the cake. I am talking about the entire capability—recycling, landfill, diversion programs and stuff like that. We do not seem to have a coherent strategy for investing in facilities in the right locations, at the right scale, reflecting the best technology to produce the outcomes we need for all of Sydney, let alone Western Sydney. The reality is that all the greenfield sites happen to be in Western Sydney.

The Hon. SHAYNE MALLARD: Of course.

Mr CASUSCELLI: That is where it is going to go, or you could put them on the other side of the mountains. Of course, that comes with costs and other risks. One of the things that could come out of the inquiry would be that the Government needs to give greater emphasis to the issue of these regional-scale facilities. Waste management is one of a number of issues. Another one is animal holding facilities for the regions and other regional-scale facilities that are required that have not been given enough thought by government.

[Interruption from the gallery]

The Hon. SHAYNE MALLARD: I note the mayor's comments about Randwick City Council. They surprised me, so I looked at the EPA's figures. It is recycling 59.7 per cent of its waste, not 38 per cent. I thought I would let my Randwick friends know that and correct the record. However, I note that the Blue Mountains is recycling 38 per cent of its waste, so you have broad challenges in your area. It is not unique to Western Sydney. We heard from the EPA that 70 per cent of commercial and residential waste will be recycled by 2021, and that we are now tracking at 65 per cent across the State. My question leads into the Chair's Dorothy Dixers. What do we need to do to support Western Sydney councils to increase their recycling rates and to divert waste from landfill, and ultimately perhaps from this project?

Mr CASUSCELLI: I have an expert who can answer that question for you.

Ms BOMBACI: I am guessing that that is me. We need to have a long-term strategic discussion about where we are going. We have very significant population challenges in Western Sydney. We have regional growth centres and infrastructure plans, but we have no reference to waste in any of them. We set targets for four years and we have funding cycles of three to four years, but we need to look at longer-term solutions. We need to start planning. The waste industry is very fragmented and we have local government looking after one type of waste. There is commercial waste, demolition waste, the waste industry, and there is a role for the EPA. There probably should be a role for the Department of Planning and Infrastructure. Everyone is working in isolation; there is no one coordinating agency. The EPA is currently working on an infrastructure strategy to 2021.

You could not even start, build and deliver a facility within four years. We need to be looking at the longer term trajectory of where we are going, and sit down and have collective discussion about what it might look like to get there. At the moment, we are looking at very short cycles and we need to take a much longer view, particularly when we are talking about waste infrastructure and all of the components of waste infrastructure that we are thinking about. There must be a much larger conversation than looking at just three or four years.

The Hon. SHAYNE MALLARD: There really needs to be a strategic leadership role to map this out.

Ms BOMBACI: Western Sydney cannot do this alone. We have lots of waste facilities in Western Sydney, but they deal with municipal, demolition and commercial and industrial waste. They also deal with all of Sydney's waste, and there is waste going out of Sydney. It is not a role that Western Sydney councils can do alone. There is a large Sydney metropolitan discussion that needs to take place, and then you start looking at four or five ROCs in conversation when you extended out to the greater Sydney metropolitan area. You have flows between Illawarra and Hunter that you need to consider, and that is not something that we can do alone. We have tried to engage the Department of Planning in some of these discussions, and to be honest we get nothing. The EPA, obviously, has a role as a regulator, but it is also doing the only little strategic planning and funding that does occur, so the EPA needs to be part of it as well.

Mr CASUSCELLI: I had an interesting conversation with a cashed-up potential investor looking at opportunities in the waste management sector. This was about nine or 10 months ago, and I said to him, "I think there are great opportunities for the reasons that have been elaborated on." He went away to do some homework and came back to say, "Charles, it is just all too hard. There is no long-term vision and dealing with the multitude of people across ministerial portfolios and trying to get some sense out of them is just too hard." Although he had lots of money to invest, he said that investment in that area was beyond his capability, simply because of the difficulties across government.

The CHAIR: I think that is a good statement to finish on. The fact is that waste needs to be seen as an essential service, like water and energy. If we cannot deal with our waste, we are in deep trouble. I thank you for your helpful evidence today. We will produce a report that will give guidance to the Government about how to move toward zero landfill targets. If you have taken questions on notice, you have 21 days in which to answer them. Committee members may also send you additional questions, and you will have 21 days in which to answer them. The committee secretariat will be happy to help you with processing those questions.

(The witnesses withdrew)

(Luncheon adjournment)

JO IMMIG, Coordinator, National Toxics Network, sworn and examined

JANE BREMMER, Secretary, National Toxics Network, affirmed and examined

The CHAIR: I welcome representatives of the National Toxics Network. Do you have an opening statement?

Ms IMMIG: I have an opening statement. Thank you for the opportunity to appear before the inquiry. Our submission outlines the technical, economic, social and environmental justice issues against the establishment of the waste to energy incineration industry in New South Wales. It is important this inquiry considers the cross-sector nature of waste management. Waste is the physical embodiment of the flaws in our food, energy and material production processes and systems. From raw materials extraction, production, manufacture, packaging and transport through to final disposal there are inherent costs to our environment, health, economy and future. We are using more finite resources than can be replenished and toxifying our environment in the process.

How we manage waste is therefore a social, environmental and human rights consideration with local, State and international implications. There is a long history of the incinerator industry trying to get a foothold in New South Wales. Community pushback has been successful in stopping previous controversial proposals. Speeches given in the New South Wales Parliament opposing high-temperature incinerators in the 1980s are as relevant today as they were then, because despite what we are told, incineration technology is much the same today as it was then. We are concerned by the emergence of the New South Wales Energy from Waste Policy Statement as it seemed to appear out of nowhere and without a robust community debate. It is a flawed policy with internal inconsistencies. It lacks key guidance material and has inadequate provisions for managing air pollution and toxic ash produced by waste incinerators.

Industry proponents have submitted to this inquiry that certain technologies have demonstrated that they meet best available technologies and have broad community and government acceptance. Our research has shown that this is not the case. Our submission and report provide details of numerous pollution incidents and accidents occurring globally as a result of waste incinerators. New South Wales and, indeed, Australia are at a crossroads in consideration of waste management policy. New South Wales can choose to go down the path of unsustainable, expensive and risky burning technologies, or it can steer towards and invest in sustainable and proven zero-waste management solutions delivering more jobs, saving more energy and finite resources and ensuring ecological, social and economic outcomes.

Waste incinerators are a financial risk. They demand long-term contracts for the supply of waste and have caused some cities to go broke. The Australian Clean Energy Finance Corporation supports the industry with taxpayer subsidies, but fails to acknowledge that burning residual waste, which is predominantly plastic, is simply burning fossil fuels in another form and is more greenhouse gas polluting per unit of energy than coal or gas. Many non-government organisations [NGOs] working around the world, including the National Toxics Network, have signed on to a global statement condemning the funding of such technologies with feed-in tariffs and renewable energy subsidies.

The European Commission recently announced support for its member countries to remove renewable energy subsidies and financial support for waste to energy incineration. Australia is a signatory to the Stockholm Convention and must reduce and eliminate all sources of persistent organic pollutants. POPs, as they are known, are a global risk to human health and the environment as they travel long distances, bio-accumulate up the food chain and cause irreversible and intergenerational damage. Incineration of waste is a well-known source of POPs generation. Regardless of proponents' claims about best available techniques, advanced air pollution control equipment and innovative new technologies, all incinerator technologies create dioxins and other POPs, which are released to the atmosphere directly through de novo synthesis outside the stack and the air pollution control [APC] equipment, and they are transferred to the ash residues, which require strict containership and disposal treatments to prevent their release to the environment.

Incinerator emissions include highly toxic and carcinogenic persistent organic pollutants such as dioxins and furans, hexachlorobenzene, polychlorinated biphenyl [PCB] and brominated persistent organic pollutants. Incinerators also emit nanoparticles, toxic heavy metals such as lead, mercury and arsenic, and acid gases that have serious impacts on human health. At a local level, communities living in the shadow of incinerators, even those claiming to operate with best available technology, report disproportionate and increased risks for a range of health impacts including all cancers, particularly soft tissue sarcoma, non-Hodgkin

lymphoma, and impacts on the respiratory, cardiovascular, kidney, urinary and neurological systems. Impacts are disproportionately felt by babies, children and the elderly and those with compromised immune systems.

Australia has no legally enforceable standards for ambient air toxics and only standards that compare badly to other similar jurisdictions for a small range of ambient air pollutants. Australia has no legally enforceable air quality standards for the majority of emissions released by incinerators. In relation to the Sydney Eastern Creek proposal, the proponent has promoted the project by referring to a Korean incinerator as proof of safe operation. Our colleagues in Korea have advised us that this plant does not operate according to its licence conditions, and it took a whistleblower there to reveal the true levels of pollution the plant emitted. No new incinerators have been built in the United States since the 1990s, and the successful San Francisco zero-waste model is achieving high levels of waste diversion from landfill. It is a great example for similar cities, like Sydney. In addition, European cities are also reporting 80 per cent diversion of waste from landfill without incineration.

We urge the inquiry to consider the experience of communities living in the shadow of existing incinerators as well as the success of the zero-waste movement and its achievements. Perhaps we can avoid the same mistakes that the European Union and the United States are now working so hard to rectify.

Ms BREMMER: I have further comment. I am here today to represent the National Toxics Network, but I also have a broader background. I am connected to the Global Alliance for Incinerator Alternatives and I have just finished an 18 month contract as its Asia-Pacific coordinator. Today I would like to table a briefing kit that I have prepared for committee members with some additional reports.

The CHAIR: Thank you very much. You have said that Australia has no legally enforceable air quality standards for the majority of emissions released by incinerators. Please elaborate on that statement because I find it hard to believe.

Ms BREMMER: Would it be okay if I answered that?

The CHAIR: I do not mind who answers it. I wrote half of it down and have missed a bit, but I want to know whether we have some sort of legal redress system.

Ms BREMMER: When we talk about air quality for public health protection, we are talking about ambient air quality. Our only legally enforceable ambient air quality criteria exist under the National Environmental Protection Measures [NEPMs] air criteria. They are very small. There is a range of maybe five or six key pollutants that have strict guidelines that are legally enforceable. The other piece of legislation there is for ambient air toxics. However, they are not laws; they are guidelines. They cannot be legally enforced and they are really to guide industry, but they are not a legal tool to force industry to comply. We are deeply concerned that in terms of air toxics, Australia does not have legally enforceable standards and has a very small range of ambient air criteria for some key pollutants.

The CHAIR: I find it hard to believe.

Ms BREMMER: This is all available on the National Pollutant Inventory and the National Environmental Protection Measures under the Federal environment—Department of Environment and Heritage, I think it is now. It is well known, and it is all available on its website. I would be happy to provide links.

The Hon. LOU AMATO: Do the European Union [EU] and the United States [US] have an enforceable—

Ms BREMMER: Yes, they do. I have to say that our air quality standards compare quite badly to the EU and the US.

The Hon. PENNY SHARPE: Can you expand on what the European Union is doing in relation to subsidies for this type of technology? We have heard differing views in the last day or so about what exactly is happening in Europe around energy from waste, so I am interested that the EU has decided to stop subsidising it. Can you take us through that?

Ms IMMIG: Since Ms Bremmer has been working internationally, I will re-direct that to her.

Ms BREMMER: It is a recent development that the European Commission has received support from most of the member states in the EU to end the subsidies to the waste to energy incinerator industry. The US did it quite some time ago and that is why the incineration industry in the US is not expanding or growing now. The EU has recognised that waste to energy incineration is undermining its aim for a circular economy and closed-loop systems, because the waste streams that the waste to energy incinerator industry and recycling—they are competing for the same resources, basically. The ending of subsidies for the industry in Europe is also part of a broader package, which may be of interest to you.

The Hon. PENNY SHARPE: Yes.

Ms BREMMER: Just prior to the European Commission gaining support to end the subsidies, the European Commission passed legislation to require all its member states to remove organics from their waste stream. That is legislation: All of the food waste and all of the organic waste must be removed from the waste stream. Added onto that was a series of guidelines also to member states. For those member countries that already have incinerators established, the advice was to decommission their old, poorly operating plants and not to build any new ones. For those countries that do not have incinerators, the advice was: Do not build incinerators; invest in zero-waste strategies instead. This package of advisory legislation to the member states is because the EU is very keen to develop a circular economy model and it sees that waste to energy incinerators are one of the biggest impediments to achieving a circular economy.

The Hon. LOU AMATO: You mentioned San Francisco. What do they have in San Francisco, and can you tell us more about it?

Ms BREMMER: San Francisco runs a very good zero-waste program because its city officials are very engaged and active in the zero-waste model that they are implementing for the city. It is achieving very high rates of diversion from landfill without using incineration. The key to zero waste—I cannot reiterate it enough—is source separation at the home, in the factory and in the restaurant. I know that in San Francisco they do use some MBTs and MBWTs, the mechanical-biological, which is really used for separating the waste, but they also incorporate a very large workforce that is in there hand-removing and source-separating. I can say that in the Asia-Pacific region, they are outstanding in terms of source separation. They put the Western world to shame because they give people jobs and they source-separate their waste by hand. They get far cleaner waste streams and far greater environmental outcomes because their source separation is so good.

The CHAIR: But what about their wages and the costs of doing that? Obviously they have manpower.

Ms BREMMER: They have lots of people—that is true. It speaks to the international nature of waste management, and even Australia's and Western countries' role, in that we export much of our waste to poorer nations.

The CHAIR: I totally agree that if we are going to head towards a zero-waste policy framework you are absolutely right: All the source separation really needs to be the ownership of people at the front end, not the back end. That would take a lot of waste out of our landfills.

The Hon. JOHN GRAHAM: I think your evidence has helped to show a perspective we have not yet seen. You have given us some clear evidence on your views. I will put to you what was put to the Committee earlier regarding the air emissions question and ask you to respond to the suggestion that scrubbing technology is now so good that it is immaterial what goes into a plant like this. Could you give us a view on that statement?

Ms BREMMER: I did find that quite an offensive statement, because the air pollution control equipment really is the most expensive part of the infrastructure and that is because the pollutants are so dangerous. But air pollution control equipment requires regular maintenance and cleaning. You can have the best air pollution control equipment in the world, but it is well known and well documented that the vast majority of the dangerous pollutants are formed outside of those operating parameters: It is when they start up and when they shut down. The De Novo synthesis—I am not sure whether you are familiar with that—means that dioxins and dangerous air pollutants are formed outside of the stack as the temperature cools, because those dioxins are formed at the lower temperatures.

This is why there has been a lot of investigation into air pollution control and the discrepancies that they very much found in Europe where the levels of dioxin being registered in the environment did not seem to match what the incinerator companies were saying was being emitted from the stack. They took a closer look and discovered that a lot of the worst pollutants had been formed outside of the stack where the compliance monitoring is not occurring and during times when there is no registering or monitoring of that. But baghouse filters and things like that are only as good as how they are maintained. They need regular cleaning. There is no doubt that the Europeans have vastly improved their air emissions. It is basic physics: If those contaminants are not going into the air, they are going into the ash, so the ash is highly toxic. Unlike what I think you have heard over the course of this inquiry, Europe is not making its roads and its construction material out of highly toxic ash. In fact, it is treating it like nuclear waste: sealing it in bags and burying it deep in salt mines. That is how toxic the ash is.

The Hon. JOHN GRAHAM: I am happy to concede that it is clear this technology is improving dramatically over the decades, but sometimes things go wrong. That is true, is it not?

Ms BREMMER: Absolutely, and the incinerator technologies are not improving; it is the air pollution control components that are improving. As I said, most of the pollution is created outside of the stack.

The Hon. JOHN GRAHAM: Can you speak to the particular nature of the air environment around Western Sydney and why we should be more careful, given the physical characteristics of this part of the city?

Ms IMMIG: I think the EPA covered that well in their submissions and it is why previously other incinerators that were proposed in Sydney were knocked on the head. Because it is just basic, the way the air patterns move in the Sydney basin are well-known. Apart from being a local source of pollution for the people in Western Sydney an incinerator such as this will be a pollution source for all of Sydney as the air movements come into the basin and during the evening come out back towards the coast over the top of everybody. It is just a well-known fact about how the air patterns move in the Sydney basin.

Dr MEHREEN FARUQI: I want to start with a question on your experience in incinerators internationally. In your opinion can an energy from waste incinerator, such as the one being proposed in Eastern Creek, be built in a way that does not increase the risk to human health or the environment?

Ms BREMMER: I do not believe that is the case. I think that the international Stockholm convention and the international Basel convention recognised that incinerators are prime generators of persistent organic pollutants. So it is really not true to say that incinerators can operate safely. Any level of persistent organic pollutant is a risk to our global environment and our global health because these are pollutants that are so dangerous, they travel vast distances intact, they accumulate in the bodies of people and animals and are concentrating in the polar icecaps. That is a significant issue under climate change where we are watching polar icecaps melting and the release of these persistent organic pollutants into our ocean. I would also add quickly that the recent very great awareness about marine plastic debris and the fact that these persistent organic pollutants are absorbing on to microplastics is a very compelling reason why we have to stop releasing persistent organic pollutants into the environment.

Ms IMMIG: I was listening to the evidence this morning about the health assessments and the way they were modelling exposures to persistent organic pollutants and as far as we are concerned there are no safe exposure levels to persistent organic pollutants. You cannot basically say there are any safe levels of dioxin that it is safe for people to be exposed to.

Dr MEHREEN FARUQI: As you know, what we cannot recycle today we can probably find a way of recycling tomorrow. If big incinerators such as the one proposed are built, do you think that jeopardises the intention of recycling materials later on if we find ways of recycling them, if it is cheaper to burn them off and facilities are available?

Ms IMMIG: Yes, I very much think that. I think that we lock in contracts for a certain type of technology for a long period of time into the future and I think that will have a distorting effect on innovative ways on how we may be able to manage waste in the future.

Ms BREMMER: I would add that the European Union has in fact recognised that burning those finite resources undermines the recycling industry and the reuse industry. Plastic is a very chemically composite material, that is what makes it unsuitable to be used as fuel in incinerators and in other industrial processes. It is a complex mixture of chemicals compared to coal and gas, that is why there is increased toxicity in greenhouse gases. You would have to burn more of the plastic, the biomass, to create the same amount of energy as you would for coal. But coal and gas is a pretty homogenous fuel. Composite plastics are not and it is very hard to know the true toxicity of plastics. Some of them contain flame retardants, they are precursors to persistent organic pollutants [POPs]. Anything that has vinyl in it and you burn it is a precursor to generating POPs. There is a global movement to try and convince the plastics and chemicals industry to redesign their products. Incineration just rewards that poor product design when we really need the industry to move towards a closed-loop system where what they create is recycled and is safe on our planet.

Ms IMMIG: We basically think of them as land fills in the sky instead of land fills in the ground.

Dr MEHREEN FARUQI: This morning we heard evidence from the proponents of the project that they had approached the Clean Energy Finance Corporation to try to get some funding for this particular incinerator in Eastern Creek. From my perspective burning waste for energy is neither clean nor renewable energy. I wanted to get your view on that.

Ms IMMIG: We absolutely agree with that. It is neither clean nor renewable and it is quite shocking to us to read the Clean Energy Finance Corporation is actually using taxpayers' money to support projects that we really think are dirty and not getting us where we need to go in the future with renewable energy. The waters

do get a little bit muddled, I have to say, because there are some waste to energy proposals that are worth considering. When we say that we are talking about waste to energy incineration—

The CHAIR: Which ones are you saying are worthy of consideration?

Ms IMMIG: As we go into our report, we separate them into cool technologies and hot technologies. Cool technologies like anaerobic digestion we think have a place but incinerating technologies we do not.

Ms BREMMER: In Western Australia the Clean Energy Finance Corporation has given \$50 million to the New Energy company, who I believe has given evidence here. What New Energy did not disclose to you in their evidence is that their gasification project they have in Western Australia, they got \$50 million for, is not something they are pursuing now. In fact it is currently with the West Australian Government. They have put in for an amendment to their licence to change their technology from gasification to mass combustion.

The CHAIR: That is helpful to balance up that bit of evidence.

The Hon. JOHN GRAHAM: Can you clarify which plant that is?

Ms BREMMER: There are three New Energy gasification projects in Western Australia; Rockingham, Red Hill in the eastern suburbs and Port Hedland.

The CHAIR: Which one are you talking about?

Ms BREMMER: I am talking about the big one planned for Rockingham, which is in the south-eastern suburbs of Perth.

The CHAIR: Can I talk about section 88 waste because I think you hit on something there. It is not that we do not have the money to deal with waste streams up front, we are collecting 40 per cent over the weighbridge in local landfill areas and that money is totalling nearly \$1 billion to the Government over time. There is no reason why that cannot be used to grow jobs at the front of the waste stream, rather than at the back. We would definitely see our percentages go up, particularly in regional areas. Youth unemployment is quite high and it would be a most appropriate place to achieve jobs growth, noting that they have already funded approximately 822 projects through the Waste Less, Recycle More program. One of my pet projects is if we want to divert more waste from landfill, surely heavy taxing across the weighbridge is a disincentive for local residents long term if they then have to dig into their pockets again to fund a local project that is going to divert waste from landfill.

Ms BREMMER: It is difficult but I think the intention of the waste levy was to put a price on our consumerist lifestyles. I am not from Sydney but my observation is that some of the problems that we are seeing are not as a result of the waste levy, but as a result of inconsistent national waste management policy.

The CHAIR: Strategy?

Ms BREMMER: Yes. This is what happens when you have a waste levy in some States and not in others. That is what is going to happen; people will go to where it is cheapest to dump. I am not certain that removing a waste levy would stop illegal dumping. I think we need some nationally consistent waste laws.

The CHAIR: I make it clear I am not suggesting for one minute to remove it, I am merely suggesting it should be hypothecated to local areas so they can manage their frontline waste products instead of ending up in landfill.

Ms BREMMER: I agree.

The CHAIR: Instead of having cost shifting; they pay the waste levy with one hand and then pay with the other hand when the local council says it is going to build something. They are paying twice.

Dr MEHREEN FARUQI: You spoke about the zero waste model and that San Francisco has some form of that. How do you see that operating, let us say in Sydney or in New South Wales? What would you recommend for us to move towards zero waste?

Ms BREMMER: The priority for zero waste is source separation. Where it is working well is at a local level. As soon as you scale up, almost beyond human scale, it becomes difficult to manage. Source separation is definitely the key. San Francisco is definitely doing a very good job. I know that they use technologies to separate the waste, but they have better bins and better source separation. The whole plan is designed around maximising that. I would also point to Italy and parts of Europe, which have outstanding rates of diversion from landfill. Some are more than 90 per cent, but they are all up around the 75 per cent to 90 per cent. That is because some towns have six bins to separate the waste. Some towns have trucks that come around that segregate the waste on the doorstep. They have all sorts of innovative things like nappy recycling and

composting. So they are investing in that rather than in large-scale infrastructure to deal with waste. That has proven so effective in Europe that the European Commission has recognised it. That is why they are redirecting policy towards it.

Dr MEHREEN FARUQI: What role do you think extended producer responsibility has to play within that zero waste model?

Ms BREMMER: I think it is a very important component of it. We need all the tools available so that the value of our finite resources which are in waste are given the highest value. Extended producer responsibility [EPR] is definitely part of a system that would work in Australia. In Western Australia we have regional councils that manage our waste. I would personally like to see a model where local governments are doing source separation and that we are providing the volumes of resources that would support a recycling industry in Australia. At the moment we are sending a lot of our plastic waste to China. I urge you to watch a very good documentary called *Plastic China*. If you really want to understand the global human rights aspects of our addiction to plastic and the waste we generate you should know that that is where we are sending our waste. Most of the world is sending its plastic waste to China and the Asia-Pacific region.

If we invest at a local level in source separation we are providing opportunities for local economies and opportunities for jobs. There is a social investment in people engaging with their local governments and the waste that they are generating. It is a cross-sector benefit. I definitely think it could work in Sydney and Australia. It could definitely work in Sydney and Australia. We have seen how the community has reacted and responded to the catastrophe that is looming over plastic marine debris. I think that people in Australia care about their environment and their community, and they would be willing to engage in the right environment with the right education and support for local zero waste programs that could really work.

The CHAIR: Can I just say that I think they work, but you have this section 88 waste levy being stolen away from local communities, taken into general revenue and put somewhere else instead of where it should go in the true spirit of what it was arranged to do. It was meant to go to environmental initiatives to reduce waste to landfill in local government areas. In New South Wales a lot of local councils do what you do in Western Australia but they are held back—they have one arm tied behind their back—because they are not given the full hypothecation of the section 88 waste levy. So our council down on the Shoalhaven did do the nappy recycling, which was fantastic. They do polystyrene recycling but you would be aware that once councils lose that market—wherever they are selling that to—they are in a pickle because they have to try and get of the product. Sadly, sometimes the quickest way to get rid of the product is through landfill. That is the predicament we have. Give local governments some money—hypothecate it so that they can come up with initiatives to ensure their markets never fail and they can recycle those products and end up with zero waste in landfill.

Ms IMMIG: From a policy perspective if you step back and look at the New South Wales Government's policy on waste you find that it has got stuck in the late nineties and early two-thousands. The waste issue has really amplified in that period of time. There has been a lot of building and growth, and the policies have not kept up. We have not had a proper debate in the community. So I think there is a role for Government to be leading in terms of thinking ahead long term about waste strategies and facilitating the sorts of things that we have been discussing here today.

The CHAIR: I just reiterate that a lot of local government areas have done the hard yards but they do not have the cash. The cash has been siphoned off to the State Government.

The Hon. LOU AMATO: Ms Bremmer, in your opening statement you mentioned that some cities were going broke. Can you elucidate on that for me, please.

Ms BREMMER: In the United States it relates to older facilities that were required to upgrade their air pollution control equipment. As our understanding of the health impacts of air pollution and environmental harm develop public health standards change. They have changed over time. As they improve, industry needs to respond to that to get their pollution limits within those guidelines. That often requires improvements in their infrastructure and, particularly for incinerators, air pollution control equipment. Many of the incinerators in the United States are in black communities—low socio-economic communities. An example is Harrisburg in Detroit. It sent that local government broke because it could not raise the funds—

The Hon. LOU AMATO: So it was owned and operated by the local authority, like the council here.

Ms BREMMER: That is right. In our opening statement we have references so you can read all about what happened in Harrisburg. There is a similar case in Ireland, where they had to drop the project in the end because it nearly bankrupted their local community. Again, here in Wollongong in Australia the solid waste to energy recovery facility lost a lot of money. It is a shame because so much money was invested in that. They

built all that infrastructure and it is wasted because they could not operate to meet the air pollution standards. They had to increase their air pollution control equipment.

The Hon. LOU AMATO: Was it a government or a private one?

Ms BREMMER: It is referenced in our statement. It was the Brightstar company. We have a reference in the statement that will give you all that information. I cannot think of it off the top of my head but all three of those local governments risked financial bankruptcy as a result of having to fund the improvements needed for their incinerators.

The CHAIR: That is another very important point about waste technology improving and making products from recycling that flood the market. Some take advantage of lower quality and others have a higher quality and the higher quality cannot meet the competition from the lower quality. Then we lose some very good providers. On that note I thank you both for presenting. It was very helpful and very interesting information.

You may have some questions on notice which we would like answered in 21 days. Kate and the team will help you out with those. In the light of your evidence we may follow up with some further questions. Thank you very much for your contribution this afternoon.

Ms IMMIG: Is it possible to make a final statement?

The CHAIR: A really quick one, yes.

Ms IMMIG: We have noticed, in the two days of evidence that you have heard, one thing that has been very disturbing for us is that you have not heard from independent health experts. We would urge the committee to please—

The CHAIR: I am led to believe that we will be. We only started the inquiry yesterday. We will go for as long as we need to to get the relevant information to make sure that we give the Government the best recommendations we can for this amount of time with this technology that we know of.

Ms IMMIG: Thank you.

Ms BREMMER: I would like to make one very quick comment with respect to this industry. It makes no sense to spend so much money on the smallest fraction of our waste stream. When we apply the waste hierarchy, residual waste is an ever-shrinking waste stream. Why would anyone want to spend billions of dollars on the smallest, ever-shrinking fraction of the waste stream?

The CHAIR: I think we will see a shift in the waste stream once we see the container deposit scheme come in. It will be another shift for us to embrace and work with. Thank you very much for your time this afternoon.

(The witnesses withdrew)

ANTONY LEWIS, Blacktown and District Environment Group, sworn and examined

MELINDA WILSON, No Incinerator for Western Sydney, affirmed and examined

ILMIYE ULUC, No Incinerator for Western Sydney, affirmed and examined

KIM VERNON, No Incinerator for Western Sydney, affirmed and examined

The CHAIR: Would anyone like to make an opening statement?

Mr LEWIS: Thank you for the opportunity to appear before the inquiry. I am speaking as secretary of the Blacktown and District Environment Group. Our group was formed in the mid-1990s with a focus on providing a voice for the voiceless and protecting the Cumberland Plain Woodland during a period of significant urban growth in the region. More recently, our concerns have moved to include concerns for human health and the impact of humans on the natural environment at the interface of residential development and nature. I am also an engineer with 30 years of experience, primarily in the food manufacturing industry. Therefore, some of the answer to the terms of reference are from my experience working in business.

As a group, we heard about the incinerator in June 2015, when a resident of Minchinbury presented to our meeting. When considering the impact of any project to our native flora and fauna, there is always the general impact on the loss of open space, their homes, and the area of land they travel over. There is also the concern with the health of fauna, which must endure the same effects as humans. As such, focusing on the proposed energy from waste incinerator at Eastern Creek, in principle the project wishes to take inert materials and to make them toxic while producing electricity. Our fundamental issue is what happens to these toxic by-products both solid and gas.

The environmental impact statement [EIS] and other information available is detailed on what the building would look like and location, but it has inconsistencies, particularly in relation to exhaust data. I will address four issues: human and animal safety; business practice; Western Sydney air quality; and solid waste disposal. With regard to human and animal safety, as well as the natural fauna in the area, this proposed facility is close to Woolworths and Aldi distribution centres and Red Lea and the Big Chook chicken facilities. From research done in the Balkans, Taiwan and China, it is clear that dioxins come from incinerators and have an effect on animals in that it can be found in blood and eggs. I have provided the references for this information on the USB I have provided to the secretariat. Given that the filtration system should be better on the Eastern Creek proposal, the concern is the sheer volume of input material being consumed. We support what the Environment Protection Authority said yesterday, that it is hard to assess or accept given the data we have received.

In relation to business practices, this proposal involves the plant working 24 hours per day, seven days per week. The safety and health consequences could be considered collateral damage for progress, as they are in many other projects. We are currently looking at best-case scenarios. However, I note that an upset scenario had been considered. In practice, this is not how businesses run day to day. Firstly, the filtering system needs to be maintained and as the filters block they will need to be replaced. When? At 95 per cent effective, at 90 per cent effective? How expensive are they? How much work have they done? In the end, they will compromise their capability for profit or if they in a tight squeeze. Our group is concerned in that regard.

Also, the input material will vary, both daily and over time as better design occurs. These variations may require the incinerator to be run less efficiently both in throughput and combustion temperature. That data is theoretical, but the consequences will be real. A factor of safety and level of pragmatism needs to be applied to the data provided before a decision is made on going ahead with the proposal. That was not in the submission I saw a couple of hours ago. We work with No Incinerator for Western Sydney, and we have had an expert from the United Kingdom to put together a plume plotter. We found some data that we could not align, but we now have it.

The Hon. PENNY SHARPE: That is what you have given the Committee?

Mr LEWIS: Yes.

The CHAIR: Do you wish to table that document?

Mr LEWIS: Yes.

Document tabled.

Mr LEWIS: The pretty pictures are the plume plots for the past three days. Given that, there are inconsistencies and we feel that we are being ripped off. I personally believe that this project should not go to the Planning Assessment Commission. We should at least go to an EIS3. There are so many changes that we know nothing about. From the plume plot, today's temperature inversion is seen as white dots. All of the inversion will create a hot spot in the local area, which is two to four kilometres. Data has been produced for a year and it stops as a cumulative effect shown by the black dots, which indicate the nitrogen oxide levels that they used in their PowerPoint. As volunteers, we were able to do this modelling, but we were disappointed that all we got from the TNG was the trucks driving past the 3D model factory.

Last week some residents received letters about an asphalt plant upgrade. It is not in the EIS, but it was part of EIS1 from TNG. We are concerned that as a second stage with Blacktown City Council they will put forward an asphalt system and use that to dispose of their waste. They say that people do not bother about doing that now because it does not work. I still have that concern. In summary, the Blacktown and District Environment Group opposes the Eastern Creek energy from waste incinerator.

Ms WILSON: Thank you for the opportunity to appear before the inquiry. We are Melinda, Kim and Maya and we are here as residents with families that would be directly impacted by the proposed development for a massive waste incinerator at Eastern Creek. We are also founding members of the community group No Incinerator for Western Sydney. We all met at the second community consultation forum run by the proponent and Penrith City Council where we felt the concerns of the people were not being heard during the consultation process. We raised questions about the health effects of the incinerator and were told by the proponent to "read the EIS". That was not community consultation.

Families in Western Sydney are sick to death of being a dumping ground for polluting industries and toxic waste. We already have a serious air quality problem and there are days when the EPA advises residents to stay indoors because the pollution is so bad. Why would anyone even consider building an incinerator in this area and further add to the air pollution problems? The incinerator would operate 24 hours a day, seven days a week, with hundreds of extra trucks on the road. It would create thousands of tonnes of toxic ash every year and release extremely dangerous air pollutants like dioxins into the air from its two 100-metre high stacks.

Just think about that for a minute—two Olympic size swimming pools standing end to end, emitting pollution 24 hours a day, seven days a week. We are told these will be amongst the biggest pollution stacks in the world. To even consider putting such a facility 800 metres from family homes, 1.8 kilometres from three schools and 4.8 kilometres from Prospect Reservoir, which supplies some of Sydney's drinking water, is total madness. Aside from damaging our health and environment, our property prices will also be severely impacted.

Why is it always Western Sydney that gets the radioactive waste at Kemps Creek or the world's largest incinerator? We are here to tell you that Western Sydney residents have had enough and will not be collateral damage for the dirty waste to energy incineration industry. Any government member or party that supports this proposal will not be forgotten at the next election—we will vote you out. We want a government policy on waste management that is progressive and supports the wishes of its people. Waste to energy incineration is not the answer. Reducing what we use and zero waste is the way of the future.

Paid advertisements and newspaper interviews have quoted the proponent as saying the community is "running a scare campaign about the potential impacts of the facility and making inaccurate claims". Our group contacted the National Toxics Network for help, and we also spoke to people living in communities near waste to energy incinerators in the United Kingdom. They tell us that emissions are constantly breached and families are suffering health effects such as coughing, sore throats, headaches and flu-like symptoms that they cannot shake.

The proponent is making public claims such as waste to energy incineration is "cleaner than composting" when in reality for every four tonnes of waste incinerated, it makes one tonne of toxic contaminated ash that needs to be sent to a hazardous waste landfill. The proponent also claimed that "Greenpeace are all for incineration". Greenpeace have confirmed to us they have always been opposed to all forms of incineration in Australia. The proponent's public relations person has even been on our No Incinerator for Western Sydney Facebook page and stated there would be "No ill effects on the local population, don't be swayed by wild inaccurate claims".

The community's concerns are shared by the EPA that stated in its submission that it, "Could not support the plan due to concerns about the proposal's potential air quality and human health impacts". Western Sydney Local Health District—and I do not understand why no representative is appearing before the

Committee today—also expressed concerns and said in its submission it could cause, "Increased hospital admission as well as death from heart and lung disease".

The Plume Plotter report we commissioned shows that the Western Sydney incinerator plume will be among the worst in the world. So the community has very good reasons to be concerned about this proposal. Our petition shows the majority of residents do not want an incinerator anywhere in Australia. The proponents own EIS states the incinerator "May release substance to atmosphere which have the potential to harm human health". The EIS also confirms that, "Ultrafine Particulates will increase" as a result of this project.

The proponent has a history of operation outside the law and is well known to the EPA for pollution breaches. An article in the *Sydney Morning Herald* on 18 December 2011 describes how 1,300 cubic metres of asbestos-contaminated soil ended up spread across the lawn of the proponent's own mother-in-law, endangering the health of the proponent's own children. If the proponent does not care about the health of the proponent's own children then the proponent definitely does not care about the health of the children of Western Sydney.

The CHAIR: Ms Wilson, we are not here as a planning authority but to hear how stakeholder feel about this development application. Do you think that your stakeholders have confidence that the EPA will endorse your concerns on behalf of the community.

Ms WILSON: The EPA has already said it is against this proposal.

The CHAIR: At this point in time, it has. Earlier today the proponent said it would submit new contributions to address community concerns, as it has the right of reply according to the DA. In planning processes, to get approval for a DA, there is transparency and we have to trust the departments will tick or cross the boxes when assessing proposals for approval. Do you have confidence that the EPA will take your concerns into account in assessing this DA?

Ms WILSON: I do not have faith in the EPA. We already have had a serious smell issue in this area. There are a lot of landfill sites in the area, and people have been complaining for—

Ms VERNON: Fifteen years.

Ms WILSON: —15 years but nothing has been resolved. No, we do not trust the EPA to have our best interests at heart. We have concerns and have made complaints, but nothing is done. Our concern is that this is how we will be treated if an incinerator goes ahead.

The CHAIR: Let me give a different perspective. Regardless of whether the EPA says it is safe or what could be done to address issues of concern, the community says it is non-negotiable: You do not want the incinerator in your backyard.

Ms WILSON: That is it. It is not just not in our backyard but not in the whole of Australia.

The CHAIR: That is our backyard.

Mr LEWIS: If the National Toxics Network told me it was safe, I would believe them. I do not have faith in anyone else in this institution.

Ms VERNON: It is not just that we would not believe the EPA, but if someone is given 73 chances to change the wording and the information they are giving, will they just keep being given chances until they get it right or until someone says, "Yes, you can go ahead"? That is where I lose faith in it. How many chances are they given? Can they be believed when their paid advertisements are not true?

Ms ULUC: And we do not appreciate being called "nimbys". He calls us nimbys and it is not right.

The CHAIR: Earlier I asked the department's staff about the seven-part test. One of the parts is public interest. I believe the public should have a say in what facilities are built in their communities, but the planning process involves ticking boxes—that is how residential planning approval works also. There is a system in play and we must allow the process to proceed, although I believe there should be a heavy weighting on what infrastructure the community chooses for their community.

The Hon. PENNY SHARPE: I want to explore the proposal for an asphalt facility. Is it the case that in EIS1 there was a suggestion that part of the facility would deal with asphalt?

Ms VERNON: Manufacturing.

The Hon. PENNY SHARPE: And is the idea that the ash from the energy from waste facility, the toxic waste, would be able to be used as a recyclable material rather than going into land fill?

Ms WILSON: It said as aggregate. They wanted it to be used as aggregate for roads.

Mr LEWIS: That was in environmental impact statement [EIS] 1.

The Hon. PENNY SHARPE: It has been removed from EIS 2. It is not current?

Ms WILSON: Apparently that was one of the reasons the first EIS was knocked back, because they stated they wanted to use the toxic ash as aggregate for road base.

The Hon. PENNY SHARPE: I want to ask you about the community consultation process. I know there has been a lot of frustration. Can you take me through what interaction you have had with the proponent?

Ms ULUC: Maybe not so much the proponent. Tanya Davies who is supposed to represent us as our member of Parliament [MP] has not shown her face. We have gone to her office, we have called numerous times, our community have emailed her and the only time she came out was to the Erskine Park community meeting. She did a runner straight after the meeting. She did not stick around like a lot of the others. She refuses to come out. How can we as a community—she is supposed to be looking out for us. This is not about parties, Liberal or Labor or whatever, this is about doing right for the community, what is right for the people and what is just. She has not supported us in any way. How can we get any community consultation if she is keeping everything under her wings?

The Hon. SHAYNE MALLARD: Just for the record, I think it is only fair, since she is one of my colleagues, that we give her right of reply. You have two Government members of Parliament here today. Obviously there is an interest in the community's views, and if you had been here all day today or read the transcript yesterday, you would see we have not come in here with any prejudice towards the applicant. We are very keen to see what is suitable for the community. I want to put it on the record that it is not fair to attack Tanya Davies when she is not here to defend herself.

The CHAIR: That is noted as evidence that you would have liked her at community meetings.

The Hon. PENNY SHARPE: I hear what you are saying about your local member, but I am interested. The NSW Environment Protection Authority [EPA] policy is very clear about this. People putting forward this type of proposal have to be good neighbours and enter into a genuine dialogue with the people who are surrounded by them. I know that the local council has run a lot of information and I note a lot of it has been public driven. I congratulate you for doing everything you have done. I am very keen for you to take me through what interaction you have had since 2013 in relation to this proposal.

Ms VERNON: I did not receive anything in 2013. I live in Erskine Park where I heard this morning they did a letterbox drop for Minchinbury and Erskine Park, 4000. I was the only person in my street that received one. I find that very strange. I did not speak to everyone in my street, but a good proportion of them, and they knew nothing about it. When I went around collecting signatures for petitions they did not have a clue in 2015. I did not hear any more about it. I think there may have been a meeting brought about by them at some point that I might not have made it to. That is possibly being generous, but I do not recall. Earlier this year, maybe in January, I received another leaflet and USB with more information about how wonderful they were. Again, nobody received that. Some people on our local page send us things when they receive it as a letterbox drop and we are not getting them in Erskine Park but a couple of people. One of our members received something about the asphalt plan the other day, but other people that live in Minchinbury, in our group, did not receive it either.

The Hon. PENNY SHARPE: There has not been an opportunity for you to sit down with the proponents to talk through this issue?

Ms WILSON: There has been. There have been two public forums. The first one by Blacktown Council and the proponent, and the second by Penrith Council and the proponent. But, personally I do not think these were two consultations.

The Hon. PENNY SHARPE: I agree with you, a public meeting is not a consultation.

Ms WILSON: There was a question time when people could stand up and ask questions of the proponent. People were asking things about how much dioxin is going to be released. What is actually going into the air? What are the chemicals that are going to be going into the air? The answer we received was, "Read the EIS." Even one of them said, "I don't know. Read the EIS." Come on!

Mr LEWIS: It is over 2,000 pages.

The Hon. PENNY SHARPE: We have seen it.

Mr LEWIS: I have read a lot of it, but not all of it yet.

The CHAIR: We took some evidence yesterday of a good suggestion that reduced such documents to a few pages so the community can get the information it needs. That is helpful.

Mr LEWIS: Obviously I am separate. The Blacktown and district environment group, as the local environment group for the area and being around for 20 years, never received anything or any consultation.

Ms VERNON: One more thing about the public meeting: when we did push and push about whether there would be ill-health effects for us they did admit, "Yes, there would be." They spoke with their hands. They said, "But two in three people get cancer anyway."

The Hon. JOHN GRAHAM: You have heard today from the company. It has presented a range of evidence. Do you feel reassured by anything you have heard from the company?

Ms ULUC: No, actually it has opened my eyes. It has put us more against it with everything they have learnt. They are unsure about half of what they say themselves. The information they are giving us, they are talking very fearfully and they cannot answer your questions. There are a lot of gaps.

Mr LEWIS: I am chairperson of the safety committee at my work and I do all the inductions for contractors. We talk about concurrent responsibility. For a single safety incident by common law multiple directors of multiple companies and multiple individuals can be found guilty for the same breach of the law. This sword fight of blaming everyone else, which is what they did with their lawyer talking. It is exactly what that law is around, to the point we take notice. I do not understand this 550 just for a consult. We thought it was 1.2 million tonnes.

The Hon. JOHN GRAHAM: I want to come to that point because one of the things that has concerned me most over the course of the day is we received in my mind quite conflicting evidence on some points. The ones that stood out to me are whether there are one or two development applications going in, what makes up 20 per cent of the waste stream, whether this is all coming through the genesis plant or not, and whether this company has been fined by the EPA or not. Those were four things that we have received in writing or in evident very conflicting evidence. We will do the best we can to sort through that. The Committee will keep meeting. On any of those points I want to give you the chance to say which is of the greatest concern.

Ms WILSON: For me, being a mother of four children that are still school age, the fact that the proponent has a history of EPA violations. The fact that he seems not to be concerned when he gets these things. He has been filmed coming out of court saying, "Oh, it was only a small fine." Like, why would I stop? The proponent that has a lot of money thinks that because he has a lot of money he can do what he wants to do.

The CHAIR: Order!

Ms WILSON: That is the impression that the Committee is getting.

The CHAIR: My job is to also protect you.

Ms WILSON: I know that.

The CHAIR: Just measure your words.

Ms WILSON: I am. That is why I am saying "the proponent".

The CHAIR: I just remind you to do that.

Ms WILSON: We are just regular people trying to raise our families. Why would we trust someone that has a history of doing the wrong thing?

The CHAIR: Allegedly. I think you mean allegedly.

Ms WILSON: No, it is actually documented, so it is not alleged.

The CHAIR: Order! We can only go off the evidence we have been given and the spokesperson for the proponent said things this morning contrary to what you are saying.

Ms WILSON: It would have been in my opening address, except that I would have been over time.

Mr LEWIS: I would say the same thing, and more from my manufacturing background. The structure and the culture comes from the top. If something is not right, they should take ownership. When they are directors, they have to provide that, and they should be positive. To your point, I do not see a good culture in the DADI group. I do not see a good culture in Genesis. I accept that that process seems to work okay, and I do not see good culture in the proponent, The Next Generation. They do not have that culture.

The Hon. JOHN GRAHAM: I want to give you the chance to respond to this. We have been told by the company that significant sections of the community do not want to understand this. The mayor said today that the community does want to understand exactly what is going on here. Would you like to respond if you are representing the community? I would like to give you the chance to respond to that statement by the company.

Ms VERNON: Just for starters, saying that we do not want to, I seriously would like to not have been wasting my life on this for the last two years. I do not need another thing to learn. I do not do many holidays, I do not drink, I do not smoke, I do not do any fun things, and I really have not done any fun things for the last two years learning about this crap, and trying to find out how the people that we voted in that are supposed to protect us are going to allow this to happen—I do not understand that at all. It upsets me terribly. I have wasted the last two years of my life. I want to understand. I have learned more than I ever wanted to know that scares the crap out of me, and thank God to the people I have accidentally met and the National Toxics Network is how I have learnt so much. I do not need to learn about lies and crap and stuff that is not true. I do not need to learn what people will do to us because they think we do not matter or we are not as important as them. I do not need to learn anymore of that. I want to have some fun. I do not want to have to worry about the air I am breathing in. I want to know as much as possible so I can protect myself, but I need you guys to help. I need you goes to not let this happen, please. It should not be anywhere in the world. Nowhere. It is not safe. Please do not let them do this to us.

Ms ULUC: I am a former registered nurse. I used to work at Westmead Hospital, and my specialty is respiratory medicine. I have seen so many children and humans die from asbestos-related diseases, cancers—anything that is breathed in and anything that exacerbates their condition. That person can die very rapidly. This is going into an area where the pollution is at its highest in all of Sydney. We have the highest air pollution and we have the highest rate of asthmatics. It is a death sentence. It is intentional genocide in my eyes, because to knowingly build something like that is a slow kill. It will happen. That comes from a person with a medical background. It is full of toxicity. You guys have had the technical bits, you have had the professionals talk to you. We are talking as parents. We are talking as family members. We are talking about people who care about our community. We are talking for everyone, actually.

Dr MEHREEN FARUQI: Thank you for coming today and expressing the opinions and views of your community so strongly and passionately. It is really appreciated. I want to go back to the size of the incinerator. Again, we have heard different evidence with respect to its size. The proponent said that the development approved application is for 550,000 tonnes per year and then we heard from Blacktown City Council it is 1.3 million tonnes and it may be reduced to 1.1 million tonnes. It is confusing. What is your view? As you know, you are very familiar with the EIS and other aspects of the project.

Ms WILSON: Supposedly, if it goes ahead, it will be built in two parts, so I am pretty sure the first one you mentioned will be stage one.

Dr MEHREEN FARUQI: But the application is for the whole thing, as far as you understand?

Ms WILSON: Yes, stage one and stage two.

Dr MEHREEN FARUQI: Which makes it one of the biggest incinerators in the world, to be frank?

Ms WILSON: It is, definitely.

Dr MEHREEN FARUQI: Ms Wilson, you said the community of Western Sydney is sick and tired of being used as a dumping ground for waste.

Ms WILSON: Yes, we are.

Dr MEHREEN FARUQI: And then you asked the question, and presumably it was a rhetorical question, but you said, "Why would anyone consider building an incinerator in this location?" I ask you, why do you think—

Ms WILSON: Because we do not have the money to fight against it, that is why. Because we do not have the money that people elsewhere have. We are a working-class community. Why should we be picked on because of that? Why the hell are we somehow less of a human being? Are we somehow less worthy than any of you? Would you like this to be brought upon your family? I have got four children, all school age. My youngest is in year 1, okay. "Mummy, are they going to build that terrible thing that is going to poison me?" That is what she says to me. She draws pictures about it. She is terrified. Would you like your children to be saying that to you? Why? This is not needed. We do not need someone burning this 24 hours a day, seven days a week so when our children are outside playing in the sunshine they have got toxic emissions raining down on them, shortening their lives. I am a mother and there is no way I am going to let this go ahead. No way in hell. If I

have to put myself between a bulldozer and the building of this site, that is what I will do because this is not safe for anyone.

Dr MEHREEN FARUQI: I want to go back to the consultation process. I will read a couple of sentences from the EPA energy from waste policy, which says:

... it will be essential that proponents provide effective information and public consultation about energy from waste proposals. As proposals progress from the concept to detailed development assessment stage, proponents should engage in a genuine dialogue with the community ...

Do you think the proponent has met any of these tests at all?

Ms WILSON: No, not at all. Any kind of genuine dialogue, we cannot get a straight answer. If we ask a question we are told, "Read the EIS". That is not an answer. Radio interviews that are actually telling mistruths, if anything, is certainly very questionable, if you ask me. Under the Trade Practices Act, misleading statements in business, then they are in breach of that law. It is just ridiculous, honestly.

Mr LEWIS: I assume consultation is a two-way process. You put a leaflet into a letterbox and you do not get a reply, that does not mean you have consulted. You hold an event and no-one turns up to it because they do not see it, you have not consulted, you are just holding an event. It is meant to be a dialogue. I think you asked earlier, "Have you been given the opportunity to go?" One day we did a protest in front—I think it was in February—and there were 10 to 12 of us, and we think you got to walk through the Genesis facility.¹ I spoke to Mr Malouf at the time. That is when I learnt—I said, "What changed between EIS 1 and EIS 2 on the air quality?" because it was shocking. As an engineer I thought, "I will find out about the new process." Nothing, and now I have learnt why. They just changed their modelling. I think Stephen Bali said it quite well, "When you just change modelling and change the instructions rather than change the process, it is still a shit sandwich."

The CHAIR: Is that a technical term, Mr Lewis?

Mr LEWIS: I will table that.

Ms VERNON: More to that consultation, even though I do not believe that they have done what they have claimed they have done, because I know about people not receiving things, I also think at this stage learning what we have learnt of what has gone on in the rest of the world, the cancer clusters, the toxins in food and eggs and people's bodies, things like that, I do not need any consultation now. There is no way you are going to spin that that I will think it is a good thing. The rest of the world is just waking up. Why are we going, "Let us give that a try"? I do not understand. If someone can help me to understand that, then, maybe, but other than that, it is just not on.

Dr MEHREEN FARUQI: Especially given the history of the Blacktown and District Environment Group, what is your view on how waste can be better dealt with in New South Wales?

Mr LEWIS: The circular economy is the answer. I have heard a lot of people talking about the streaming out, but the design in is very important. Everyone has got a mobile phone. It is effectively 95 per cent recyclable. You throw it in a bag, they get them back. They have already worked that out because elsewhere in the world they have done it so they have just said Australia will tick the box too. As part of the OEH Sustainability Advantage Program we have product stewardship. The circular economy is working for glass, steel and basically cardboard but wood pulp. These things are starting to develop. The Office of Environment and Heritage, that section of it, is working hard at it. They maybe should get some of that money that Paul Green wants to give back to some people because they are stewards of that.

That does not stop what I put in my submission about stuff coming from overseas. When we import stuff which is in the worst format and then we have to consume it in this society we are doing it for free right now from imports. I would suggest that this should be a very mature and job rich opportunity for Australia. It is internal economy and consumption. Whatever we charge, the consumer pays, effectively, because it will reach back up. If we just make sure that we charge everyone equally we will get a good, solid waste management program that people will trust. The point is the circular economy and put more people in there.

The CHAIR: That is a very good point to finish on. I thank you for all your evidence today. It is great to be here to hear from you. Once again, we are not a development approval body; we are here to guide the Government to make better decisions. I am sure I can say on behalf of the Committee that we have heard you

¹ 25 July 2017 – Note from Mr Antony Lewis, Blacktown and District Environment Group, to Secretariat, informing the committee that the Blacktown and District Environment Group visited the Genesis facility on 10 December 2016.

very clearly. You may receive some questions on notice, given some of your evidence. You will 21 days to answer those questions and the secretariat will help you with that. Once again, thank you very much.

(The witnesses withdrew)

GERALD BARR, before the Committee: Thank you for the opportunity to present my submission. My submission is primarily from the perspective of a local resident of Minchinbury impacted by the proposed Next Generation energy from waste facility at Eastern Creek. My residence is about 1.2 kilometres from the site. I understand that the terms of reference for this inquiry are broader than that specific proposal; however, my submission mainly centres around that facility. As well as being a resident, as a project manager in the construction industry with over 15 years experience I witness on a daily basis the practical or physical output of development proposals. While development proposal applicants promote their projects in the best possible light, the practical application of their intent during construction is primarily driven by construction companies whose understandable aim is to simply meet minimum legislative requirements.

Keeping this in mind, because a specific regulatory framework for energy from waste or thermal treatment facilities does not currently exist I believe it is imperative that a strict and enforceable regime be developed prior to approval of any development of this kind. Not wanting to overstate or sensationalise, but the recent United Kingdom resident tower fire and such incidents show what can happen at one extreme of the scale when regulations are either not in place, not adhered to or not enforced. I would like to point out that my primary objection is aimed at thermal treatment or incineration of waste to produce energy. I do not have the same strong objections to alternative methods of energy from waste such as anaerobic digestion or extraction of gas from landfill. The common denominator in all of these, however, is that they should not be placed next to residential properties.

As a side issue, I would like to note in my personal opinion that the term "energy from waste" when referring to thermal treatment is a bit of a misnomer. When you examine it closely, the process is actually either gas- or diesel-powered electricity generation with waste disposal added on to that process. One of the points in my submission relating to the Eastern Creek proposal that has not been answered to date is what a failure either minimal or catastrophic would look like in terms of emissions. As the proposal is adjacent to urban and residential environments, I believe these questions must be answered. The carcinogenic nature of the ash residue and the fact that it has to be encased in concrete and disposed of in a remote toxic waste dump indicates that in its ash state the potential for a catastrophic failure would be immense on the local community, in a similar manner to what we have seen from other high profile cases around the world. At a minimum this lack of information does not allow for reasoned review of analysis. Power stations are also generally not built in urban or residential environments. I believe this proposal is outside of the intent of the Department of Planning and Environment's development guidelines for the Eastern Creek industrial zone.

While the Eastern Creek proposal cites European standards and United Kingdom operations as the basis for its design it conveniently fails to mention that this type of development is now actively discouraged by European environmental authorities. The Stockholm Convention—being the United Nations "Guidelines on best available techniques and provisional guidance on best environmental practices relevant to Article 5 and Annex C of the Stockholm Convention on Persistent Organic Pollutants 2007"—in its summary on waste incinerators concludes that priority should be given to alternatives to waste incinerators including improved recycling and the prevention of the formation and release of persistent organic pollutants. Energy from waste using thermal treatment or incineration does not meet or attempt to comply with either of these goals. European evidence has shown that the alternatives, being increased re-use and recycling of waste are in fact adversely affected by waste incineration. The Eastern Creek energy from waste facility proposal does not offer or provide best environmental practices.

The submission by Next Generation, like many development applications, was to design and construct, not to operate, the energy from waste facility. It was clear from the lack of detail in the proposal regarding the waste content—even in giving you figures it was contradictory—that the separation between building and operating this type of facility provides both regulatory agencies and the public with little or no reassurance that the actual environmental risks in operation will be either adequately assessed or mitigated. I heard mentioned earlier here that the environmental impact statement for this facility was not on display for a reasonable amount of time based on the size of the document, being several thousand pages. Due to these constraints my submission itself was only based on an overview and not a detailed assessment.

Finally, the visual impact of 100-metre high pollution stacks one kilometre from residential houses is significant. I do not believe it is in keeping with the profile of the adjoining residential or industrial area and should not be accepted in its current form or location. While my comments have referred to the specific development proposal, I believe most if not all are applicable to the terms of reference of this Committee. Thank you.

The CHAIR: Thank you, Mr Barr. That concludes our inquiry for today. I thank everyone for their participation and the way you handled yourselves today. It is real credit to you.

(The witness withdrew)

The Committee adjourned at 15:10.