

Questions from Chris Rath MLC

Local Small Commitments Allocation	
<p>1. Where the full \$400,000 for an electorate was not allocated to projects nominated before the election is there any provision in the guidelines for the Local Small Commitments Allocation grants program for allocating the funds to specific new nominated projects rather than being distributed on a pro-rata basis to local councils for parks and playground projects?</p> <p>(a) If so, who is authorised to make the nomination?</p>	
<p>ANSWER:</p> <p>I am advised:</p> <p>The Guidelines for the Local Small Commitments Allocation can be found at https://www.nsw.gov.au/grants-and-funding/lsc#:~:text=The%20Local%20Small%20Commitments%20Allocation,benefits%20to%20communities%20in%20NSW</p>	

Local Small Commitments Allocation	
<p>2. Were each of the projects list for the Castle Hill and Kellyville electorates on the master list emailed from the Premier’s Office to the Premier’s Department nominated prior to the election or not?</p>	
<p>ANSWER:</p> <p>I am advised:</p> <p>An election commitment was made across all electorates, to allocate \$400,000 for projects that cover a broad range of capital works, services and programs, events, supplies and equipment and charitable donations projects.</p> <p>In some electorates a number of community projects have been specified, with the remaining portion of the allocated \$400,000 nominated for playground and park upgrade projects to be delivered by local councils.</p>	

Local Small Commitments Allocation	
<p>3. Who in the Premier’s Office was responsible for confirming to the Premier’s Department that the projects listed on the master spreadsheet emailed on 28 July 2023 were election commitments?</p>	

ANSWER:

I am advised:

Members of my staff are employed under the Members of Parliament Staff Act 2013 (*MOPS Act*) and carry out a range of duties, including ensuring the government delivers on its election commitments such as under the Local Small Commitments Allocation. I expect all my staff to comply with the *Members of Parliament Staff Act 2013* and the NSW Office Holder’s Staff Code of Conduct.

Asbestos	
<p>4. Under Premier’s Memorandum <i>M2023-02 Christmas Closedown for the years 2023-2026</i> it appears that reduced staff levels at Transport for NSW contributed to a six-day delay in anyone responding to the first report of asbestos contaminated mulch which was made by an alert member of the public on 2 January 2024. What steps are you taking to ensure that environmental emergencies reported during the Christmas closedown are responded to promptly?</p>	
<p>ANSWER:</p> <p>I am advised:</p> <p>The EPA was contacted about this incident on 10 January 2024. The NSW EPA has a 24/7 point of contact (through both phone and email) which is staffed year-round, including over the Christmas shutdown period. To respond to enquires or reports which are received, the EPA is adequately staffed during the Christmas shutdown period and has a specialist incident/emergency response team which can operationalise.</p>	

Asbestos	
<p>5. From sites identified to date as having asbestos in contaminated mulch what is the earliest date at which the contaminated mulch was placed on site?</p> <p>(a) What is the earliest date at which asbestos contaminated mulch was placed on a site which is at a school?</p> <p>(b) What is the earliest date at which asbestos contaminated mulch was placed on a site which is at a Government school? 2</p> <p>(c) When was the contaminated mulch placed on site at Liverpool West Public School?</p> <p>(d) When was the contaminated mulch placed on site at Allambie Heights Public School?</p>	
<p>ANSWER:</p>	

I am advised:
 Mulch was supplied during the period of March-December 2023. The EPA have not yet established the specific dates on which schools received mulch.

Rosehill	
6. Noting the Premier’s Diary Disclosure describes the purpose of the meeting held on 30 October 2023 with the Australian Turf Club as “Meet and greet”, was the proposal to develop Rosehill known to you or your staff prior to the meeting? (a) Was this proposal discussed at this meeting? (b) Apart from this meeting, did you have any other meetings with anyone form the Australian Turf Club prior to the media release issued on 7 December 2023?	
ANSWER: I am advised: The ATC pre-submission concept proposal which was the subject of the MOU announced on 7 December 2023 was first received by the NSW Government on 8 November 2023. My meetings are disclosed quarterly.	

Rosehill	
7. Who signed the Memorandum of Understanding with the Australian Turf Club on behalf of the NSW Government?	
ANSWER: I am advised: The Memorandum of Understanding was signed by the Department of Enterprise, Investment and Trade for and on behalf of the State of NSW.	

Rosehill	
8. Which ministers were consulted about the content of the Memorandum of Understanding before it was signed?	
ANSWER: I am advised:	

The scope of the MOU is to apply standard USP probity arrangements to the pre-lodgement period. On lodgement of the USP, Ministers will be advised and consulted in the normal manner.

Questions from Sue Higginson MLC

EPA Regulation	
<p>9. What entities will be involved in the discussions between EPA and Government about the contaminated products issue?</p> <p>(a) What process will be followed for Government entities to engage with the discussions?</p> <p>(b) What process will be followed to allow for non-Government entities to engage with the discussions?</p> <p>(c) What process will be followed to allow for community individuals to engage with the discussions?</p> <p>(d) What weighting will be given to the various stakeholder contributions?</p> <p>(e) What weighting will be given to public security including public confidence in circular waste regulations?</p> <p>(f) Will the scope of discussions include all waste streams?</p> <p style="padding-left: 40px;">i. Identify the waste streams that will be subject to discussions.</p>	
<p>ANSWER:</p> <p>I am advised:</p> <p>Assuming the contaminated products issue in question is referring to asbestos contaminated mulch, the EPA is undertaking a criminal investigation into the circumstances that have resulted in asbestos contamination being found in mulch. The NSW Government has established an Asbestos Taskforce to support the EPA’s investigation.</p> <p>The Taskforce is led by the current Chair of the NSW Asbestos Coordination Committee (NACC), Carolyn Walsh, and includes representatives from the Environment Protection Authority, NSW Health, SafeWork NSW, Public Works, Property and Development NSW, the Office of Local Government, Fire and Rescue NSW, the Department of Climate Change, Energy, the Environment and Water, the Department of Customer Service, the Department of Education, Greater Sydney Parklands, the Premier’s Department, Regional NSW, the Cabinet Office, and Transport for NSW.</p> <p>Local Government NSW is also involved in the Taskforce.</p> <p>The Taskforce is managing the short-term response to the contamination issue, while the NACC is considering longer term policy responses that may be required.</p>	

NSW Government agencies on the NACC include the Environment Protection Authority, NSW Health, SafeWork NSW, Public Works, Property and Development NSW, the Office of Local Government, Fire and Rescue NSW, Fair Trading, the Department of Planning, Housing and Infrastructure Planning Group, Aboriginal Affairs, icare, and the NSW Ombudsman (as an observer).

In 2021, the EPA commissioned an independent review of the resource recovery framework. The review was undertaken by Dr Cathy Wilkinson, and was informed by consultation with industry, government and community stakeholders. Dr Wilkinson’s final report includes 22 recommendations to help refine and strengthen the resource recovery framework. The EPA is now working closely with stakeholders to implement key reforms. Information on the review is available on the EPA’s website:

<https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/independent-review>

<p>EPA Regulation</p>	
<p>10. What evidence is the Government relying on to prioritise increased fines for non compliance with existing regulations? (a) Are increased fines an effective method to ensure greater compliance with EPA regulations? (b) Will increased fines be considered for other industries that regularly breach regulations? i. Why? ii. Why not? (c) Will the Government release the full report from 2022 into the EPA’s proposed changes to the rules governing how skip bin residue is processed and used? i. Is the Government considering whether the recommendations contained in that report should be implemented now?</p>	
<p>ANSWER:</p> <p>I am advised:</p> <p>Court results, sentencing principles and comparative research about Australian and overseas jurisdictions is informing proposals to increase fines for non-compliance.</p> <p>Increased maximum penalties provide general and specific deterrence and avoid companies seeing fines as a cost of doing business. Increased penalties will be considered for other industries.</p> <p>Information was shared with industry in 2022 as part of targeted consultation on proposed changes to recovered fines resource recovery orders and exemptions.</p>	

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EPA Regulation	
11. List the names of the laboratories that were found to be re-testing samples in the 2013 EPA investigation into recovered fines.	
ANSWER: I am advised: Sydney Environmental and Soil Laboratory - 16 Chilvers Road, Thornleigh	

EPA Regulation	
12. List the names of the facilities that produce recovered fines that were found to be re-testing samples in the 2013 EPA investigation into recovered fines.	
ANSWER: I am advised: <ul style="list-style-type: none"> • Benedict Recycling Pty Limited - 33-39 Riverside Road, Chipping Norton • Benedict - End of Challenger Drive, Belrose 	

EPA Regulation	
13. List the names of the laboratories that were found to be re-testing samples in the 2019 EPA investigation into recovered fines.	
ANSWER: I am advised: The following laboratories were found to be re-testing recovered fines samples (at the request of their clients) during the 2019 compliance campaign: <ul style="list-style-type: none"> • Sydney Environmental and Soil Laboratory - 16 Chilvers Road, Thornleigh • Resource Laboratories - 12/1 Boden Road, Seven Hills • Envirolab Services - 12 Ashley Street, Chatswood • Eurofins - Unit F3, Building F, 16 Mars Road, Lane Cove West 	

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| <ul style="list-style-type: none"> • ALS Environmental - 277-289 Woodpark Road, Smithfield |
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EPA Regulation	
14. List the names of the facilities that produce recovered fines that were found to be re-testing samples in the 2019 EPA investigation into recovered fines.	
<p>ANSWER:</p> <p>I am advised:</p> <p>The following facilities producing recovered fines (referencing names as relevant at the appropriate time) were found to be re-testing sampling during the 2019 compliance campaign:</p> <ul style="list-style-type: none"> • Bingo Industries - 3-5 Duck Street, Auburn • Breen Resources Pty Ltd - 330 Captain Cook Drive, Kurnell • South Coast Equipment Recycling - Lot 1 Shellharbour Road, Warrawong • Hi-Quality Waste Management Pty Ltd – 37 Lee Holm, St Marys • Benedict Recycling Pty Limited - 1A McIntosh Drive, Mayfield West • Benedict Industries Pty Limited - 146 Newbridge Road, Moorebank • Benedict Recycling Pty Limited - 33-39 Riverside Road, Chipping Norton • Benedict - End of Challenger Drive, Belrose • Brandown Pty Limited - 90 Range Road, Cecil Park 	

EPA Regulation	
15. Which facilities were found not to be compliant with EPA sampling requirements in 2013? (a) Which facilities were found not to be compliant with EPA sampling requirements in 2019?	
<p>ANSWER:</p> <p>I am advised:</p> <p>As set out in the final report for the 2013 compliance campaign, the following facilities producing recovered fines (referencing facility names at the relevant time) were found not to be complying with EPA sampling requirements:</p> <ul style="list-style-type: none"> • SPRC Pty Ltd - 6-10 Burrows Road South, St Peters 	

- H. Hassarati & Co Pty Ltd - 35 Wentworth Street, Greenacre
- Pittwater Council - 247 Powderworks Road, Ingleside
- Sydney Transwaste Industries Pty Ltd - 160 Arthur Street, Homebush West
- Genesis - Honeycomb Drive, Eastern Creek
- Hi-Quality Waste Management Pty Ltd - 37 Lee Holm Drive, St Marys
- Get Fast - 20 Hearne Street, Mortdale
- Aussie Skips Recycling Pty Ltd - 84-108 Madeline Street, Strathfield South
- Shoalhaven Excavation & Plant Hire Pty Ltd - 7 Nowra Hill Road, South Nowra
- Ballina Shire Council - 6350 Southern Cross Drive, Ballina
- Botany Building Recyclers - 38 McPherson Street, Banksmeadow

In relation to the 2019 compliance campaign, the following facilities producing recovered fines (referencing facility names at the relevant time) were found not to be complying with EPA sampling requirements:

- Hi-Quality Waste Management Pty Ltd - 37 Lee Holm Street, St Marys
- Benedict Recycling Pty Limited - 33-39 Riverside Road, Chipping Norton
- Benedict - end of Challenger Drive, Belrose
- Benedict Recycling Pty Limited - 1A McIntosh Drive, Mayfield West
- Benedict Industries Pty Limited - 146 Newbridge Road, Moorebank
- Builders Recycling Operations Pty Ltd - 191 Miller Road, Chester Hill
- Aussie Skips Recycling Pty Ltd - Unit 5 84-108 Madeline Street, South Strathfield
- Brandown Pty Limited - 90 Range Road, Cecil Park
- Breen Resources Pty Ltd - 330 Captain Cook Drive, Kurnell
- KLF Holdings Pty Ltd - 16 Grand Avenue, Camellia
- Budget Waste Recycling Pty Ltd (trading as Dump It Bins) - 12 Penelope Crescent, Arndell Park
- Rock and Dirt Pty Ltd - 306 Racecourse Road, Clarendon
- South Coast Equipment Recycling - Lot 1 Shellharbour Road, Warrawong
- Bingo Industries - Adderly, Greenacre, Helensburgh, McPherson, Minto, Revesby, St Marys, Wollongong

EPA Regulation	
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<p>16. Which facilities were found to have contaminants other than asbestos in their recovered fines in 2013?</p> <p>(a) Which facilities were found to have contaminants other than asbestos in their recovered fines in 2019?</p>	
<p>ANSWER:</p> <p>I am advised:</p> <p>2013:</p> <ul style="list-style-type: none"> • KLF Holdings Pty Ltd - 16 Grand Avenue, Camellia • Pittwater Council - 247 Powderworks Road, Ingleside • Sydney Transwaste Industries Pty Ltd - 160 Arthur Street, Homebush West • Genesis - Honeycomb Drive, Eastern Creek • Aussie Skips Recycling Pty Ltd - 84-108 Madeline Street, Strathfield South • Dats Environmental Services Pty Ltd - 78-80 Cosgrove Street, Strathfield South • Botany Building Recyclers - 38 McPherson Street, Banksmeadow <p>2019:</p> <ul style="list-style-type: none"> • Aussie Skips Recycling Pty Ltd - 84-108 Madeline Street, Strathfield South • Benedict Recycling Pty Limited - 33-39 Riverside Road, Chipping Norton • KLF Holdings Pty Ltd - 16 Grand Avenue, Camellia 	

<p>EPA Regulation</p>	
<p>17. Which facilities were found to have asbestos in their recovered fines in 2013?</p> <p>(a) Which facilities were found to have asbestos in their recovered fines in 2019?</p>	
<p>ANSWER:</p> <p>I am advised:</p> <p>Asbestos was not tested for as part of the 2013 recovered fines compliance campaign.</p> <p>The following facilities (referencing names as relevant at the appropriate time) were found to have asbestos in their recovered fines during the 2019 compliance campaign:</p> <ul style="list-style-type: none"> • Brandown Pty Limited - 90 Range Road, Cecil Park • Aussie Skips Recycling Pty Ltd - Unit 5 84-108 Madeline Street, South Strathfield 	

- Benedict Recycling Pty Limited - 33-39 Riverside Road, Chipping Norton
- Benedict - End of Challenger Drive, Belrose
- Menangle Sands and Soil - 31 Menangle Road, Menangle
- KLF Holdings Pty Ltd - 16 Grand Avenue, Camellia
- Builders Recycling Operations Pty Ltd - 191 Miller Road, Chester Hill
- Budget Waste Recycling Pty Ltd - 12 Penelope Cres, Arndell Park

EPA Regulation	
18. List the locations where contaminated or potentially contaminated recovered fines were used?	
<p>ANSWER:</p> <p>I am advised:</p> <p>From the records available to the EPA, in 2019, the following locations have been identified:</p> <ul style="list-style-type: none"> • Nalleys Road, Millers Forest • Dellwood Street, Bankstown 	

EPA Regulation	
19. Is the EPA testing samples of mulch taken as part of its investigation for other contaminants? (a) List the other contaminants?	
<p>ANSWER:</p> <p>I am advised:</p> <p>The NSW EPA has tested for asbestos and foreign materials in line with the resource recovery mulch order and exemption.</p>	

EPA Regulation	
20. How many samples taken as part of the mulch investigation have returned positive results for contaminants other than asbestos?	
<p>ANSWER:</p>	

I am advised:
 This is a part of an ongoing investigation, and inappropriate to comment on.

EPA Regulation	
21. How many samples taken as part of the mulch investigation contained construction and demolition waste?	
ANSWER: I am advised: This is a part of an ongoing investigation, and inappropriate to comment on.	

Carbon Credits	
22. Has the Government undertaken any cross-department work to assess existing stored carbon in NSW? (a) If no, why not? (b) Has there been any economic assessment of potential carbon credits from existing sources? (c) What is the best estimate for stored carbon in NSW? i. What is the best estimate for stored carbon in native vegetation? ii. What is the best estimate for public native forests?	
ANSWER: I am advised: As part of the work that's being undertaken in the creation of the Great Koala National Park, DCCEEW are undertaking work on a forestry accounting method to account for carbon in forests. This will be considered as part of broader work to develop the Forestry Industry Action Plan. In 2022, the Natural Resources Commission engaged leading carbon accounting experts supported by the CSIRO and Forest Science Unit at the NSW Department of Primary Industries to quantify the carbon balance of NSW forests, and how they have changed in the past. The 'Carbon Balance of NSW Forests – Update Report' was released in June 2023. The report can be accessed at https://www.nrc.nsw.gov.au/fmip/carbon-cc1 . The NSW National Parks and Wildlife Service (NPWS) has undertaken assessments of potential carbon credits in the course of evaluating specific projects for possible registration in accordance with the <i>Carbon Credits (Carbon Farming Initiative) Act 2011 (Commonwealth)</i> .	

As of 2021 the total carbon stock of NSW forests (including above and below-ground biomass and dead organic matter) was calculated to be 2.1 billion tonnes of carbon.

As of 2021 there was approximately 288 million tonnes of carbon stored in public native forests.

Carbon Credits	
<p>23. Has the Government undertaken any cross-department work to assess potential sites or industries for carbon storage?</p> <p>(a) If no, why not?</p> <p>(b) Has there been any economic assessment of potential carbon credits that could be stored in NSW?</p> <p>(c) What is the best estimate for how much additional carbon could be stored in NSW?</p> <p style="padding-left: 40px;">i. What is the best estimate for the potential to store carbon through land use changes that regenerate native vegetation?</p> <p>(d) What industries have been considered by the NSW Government as likely contributors for carbon storage?</p>	
<p>ANSWER:</p> <p>I am advised:</p> <p>Coal Innovation NSW has funded a number of projects investigating carbon storage opportunities in NSW. Details of these projects are available in Coal Innovation NSW's annual reports at https://meg.resourcesregulator.nsw.gov.au/invest-nsw/coal-innovation-nsw</p> <p>The Office of Energy and Climate Change commissioned a report examining the opportunities for Direct Air Capture and Storage and other carbon dioxide removal technologies in NSW, including an analysis of the costs and economic opportunities. The report, 'Scaling Atmospheric Carbon Dioxide Removals in NSW' (2023), can be accessed at https://www.energy.nsw.gov.au/government-and-local-organisations/guides-and-helpful-advice-local</p> <p>The NSW CO₂ Storage Assessment Program led by the Department of Regional NSW aims to quantify the carbon geosequestration potential in regional NSW. The Program identified multiple porous sandstone reservoirs in the Darling Basin with the potential to store 555 million tonnes of CO₂.</p>	

The NSW Government also undertook modelling to estimate enhanced carbon sequestration within the LULUCF sector potentially achievable under the NSW Primary Industries Productivity and Abatement Program. This modelling can be found in the Department of Primary Industries’ report *Abatement opportunities from the agricultural sector in New South Wales* and can be accessed at https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/1315562/FINAL_May2021Abatement-opprtunities-in-NSW.pdf

Industries that have been considered by the NSW Government as possible contributors for carbon storage include agriculture, the land sector more broadly across all tenures including public lands, Aboriginal-managed lands and conservation lands, the mining and resources industry.

Carbon Credits	
24. Has any cross-government assessment been undertaken to understand carbon markets? (a) If yes, what are the terms of reference for the assessment? (b) If no, why not?	
<p>ANSWER:</p> <p>I am advised:</p> <p>Most available methods for generating Australian Carbon Credit Units relate to the land sector. Work is occurring across the Department of Climate Change, Energy, Environment and Water, and the Department of Primary Industries and NSW Treasury to develop a greater understanding of the opportunities in carbon markets.</p>	

Carbon Credits	
25. Is the NSW Government discussing carbon storage with the Federal Government? (a) Have any agreements been reached so far? i. When were those agreements made? (b) Have any reports been produced so far? i. What are the names of those reports?	
<p>ANSWER:</p> <p>I am advised:</p> <p>Carbon storage is an issue of interest to both the NSW Government and the Australian Government. The NSW Government is in contact with the Australian Government to</p>	

ensure the State’s approach to carbon storage builds on the work of the Australian Government and the other Australian states and territories.

There is no formal agreement with the Australian Government in relation to state-wide approach to carbon storage.

No reports have been produced on the topic of carbon storage.

Carbon Credits	
<p>26. Is the NSW Government discussing carbon credits with the Federal Government?</p> <p>(a) Have any agreements been reached so far?</p> <p style="padding-left: 20px;">i. When were those agreements made?</p> <p>(b) Have any reports been produced so far?</p> <p style="padding-left: 20px;">i. What are the names of those reports?</p>	
<p>ANSWER:</p> <p>Carbon credits is also an issue of interest to both the NSW Government and the Australian Government.</p> <p>I’m advised:</p> <p>The NSW Government is in contact with the Australian Government to ensure the State’s approach to carbon credits builds on the work of the Australian Government and the other Australian states and territories. There are no carbon credit agreements in place between the NSW Government and the Australian Government. No reports have been prepared in relation to supporting an agreement between the State and federal government on carbon credits. There have been reports on carbon credits in general.</p> <p>Australian Carbon Credit Units have been issued by the Commonwealth Clean Energy Regulator to private and public sector proponents in NSW under the Carbon Credits (Carbon Farming Initiative) Act 2011.</p>	