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Appendix 1: Workforce diversity profiles

Trends in the representation of workforce diversity groups

Workforce diversity group	Benchmark	30 June 2017	30 June 2018	30 June 2019	30 June 2020	30 June 2021
Women	50% ¹	53.7%	56.1%	57.6%	55.5%	57.1%
Aboriginal and Torres Strait Islander people	3.3% ²	1.1%	1.8%	1.8%	1.9%	2.2%
People whose first language spoken as a child was not English	23.2% ³	13.1%	13.7%	11.9%	11.5%	11.8%
People with a disability	5.6% ⁴	3.8%	3.1%	3.5%	2.9%	2.1%
People with a disability requiring work-related adjustment	n/a ⁴	1.0%	1.0%	1.2%	1.2%	1.1%
Women in senior leadership	40% by 2021	31.8%	33.3%	41.91%	57.3%	65%

Note 1: The benchmark of 50% for representation of women across the sector is intended to reflect the gender composition of the NSW community.

Note 2: The NSW Public Sector Aboriginal Employment Strategy 2014–17 introduced an aspirational target of 1.8% by 2021 for each of the sector's salary bands. If the aspirational target of 1.8% is achieved in salary bands not currently at or above 1.8%, the cumulative representation of Aboriginal employees in the sector is expected to reach 3.3%.

Note 3: A benchmark from the Australian Bureau of Statistics (ABS) Census of Population and Housing has been included for 'People whose first language spoken as a child was not English'. The ABS Census does not provide information about first language, but does provide information about country of birth. The benchmark of 23.2% is the percentage of the NSW general population born in a country where English is not the predominant language.

Note 4: In December 2017 the NSW Government announced the target of doubling the representation of people with disability in the NSW public sector from an estimated 2.7% to 5.6% by 2027. More information can be found in: *Jobs for People with Disability: A plan for the NSW public sector*. The benchmark for *People with disability requiring work-related adjustment* was not updated.

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Trends in the distribution of workforce diversity groups

Workforce diversity group	Benchmark ^{1,2}	30 June 2017	30 June 2018	30 June 2019	30 June 2020	30 June 2021
Women	100	92	93	95	96	96
Aboriginal and Torres Strait Islander people	100	n/a	n/a	n/a	n/a	n/a
People whose first language spoken as a child was not English	100	98	96	97	97	98
People with a disability	100	101	104	101	n/a	n/a
People with a disability requiring work-related adjustment	100	n/a	n/a	n/a	n/a	n/a

Note 1: A Distribution Index score of 100 indicates that the distribution of members of the Workforce Diversity group across salary bands is equivalent to that of the rest of the workforce. A score less than 100 means that members of the Workforce Diversity group tend to be more concentrated at lower salary bands than is the case for other staff. The more pronounced this tendency is, the lower the score will be. In some cases, the index may be more than 100, indicating that members of the Workforce Diversity group tend to be more concentrated at higher salary bands than is the case for other staff.

Note 2: The Distribution Index is not calculated when the number of employees in the Workforce Diversity group is less than 20 or when the number of other employees is less than 20.

Appendix 2: Statistical information on access applications

Under clause 8 of the Government Information (Public Access) Regulation 2018, the EPA must provide statistical information about the formal access applications it has received under section 9 of the *Government Information (Public Access) Act 2009* (GIPA Act) during the current reporting year.

Number of access applications received: clause 8(b)

In 2020–21 the EPA received 80 access applications, 58 of which were initially assessed as being invalid. Of these, 48 subsequently became valid and have been included in the total of 69 valid applications.

Number of access applications refused under Schedule 1: clause 8(c)

In 2020–21 the EPA refused three applications in part because the information requested was information referred to in Schedule 1 of the GIPA Act.

Statistical information about access applications: clause 8(d) and Schedule 2

Of the nine applications received in the previous reporting year, all were completed in 2020–21.

More than one public interest consideration may apply in relation to an access application. If this occurs, each consideration must be recorded (but only once per application).

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Table A: Applications by type of applicant and outcome

Type of applicant	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny if information held	Application withdrawn
Media	0	2	0	1	0	0	0	2
Members of Parliament	1	0	1	0	0	0	0	0
Private sector businesses	11	6	5	2	1	0	0	2
Not-for-profit organisations/ community groups	9	4	0	1	0	0	0	1
Members of the public – application by legal representative	5	7	2	0	0	1	0	1
Members of the public (other)	11	4	1	3	0	0	0	0

Table B: Applications by type of application and outcome

Type of application	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny if information held	Application withdrawn
Personal information applications*	0	0	0	0	0	0	0	0
Access applications – other than personal information applications	36	21	10	7	1	1	0	6
Access applications that are partly personal information applications and partly other	1	1	0	1	0	0	0	0

* A 'personal information application' is an application for access to personal information (as defined in clause 4 of Schedule 4 to the GIPA Act) about the applicant (the applicant being an individual).

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Table C: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	58
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	58
Invalid applications that subsequently became valid	48

Table D: Conclusive presumption of overriding public interest against disclosure – matters listed in Schedule 1 to the Act

Public interest considerations against disclosure – Schedule 1 of the Act	Times consideration used
Overriding secrecy laws	0
Cabinet information	1
Executive Council information	0
Contempt	0
Legal professional privilege	6
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial Code of Conduct	0
Aboriginal and environmental heritage	0
Information about complaints to Judicial Commission	0
Information about authorised transactions under the <i>Electricity Network Assets (Authorised Transactions) Act 2015</i>	0
Information about authorised transactions under the <i>Land and Property Information NSW (Authorised Transaction) Act 2016</i>	0

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Table E: Other public interest considerations against disclosure

Other public interest considerations against disclosure	Occasions application not successful
Responsible and effective government	14
Law enforcement and security	8
Individual rights, judicial processes and natural justice	14
Business interests of agencies and other persons	12
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate freedom of information legislation	0

Table F: Timeliness

Timeframe	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	51
Decided after 35 days (by agreement with applicant)	11
Not decided within timeframe (deemed refusal)	0
Total	62

Table G: Applications reviewed under Part 5 of the Act (by type of review and outcome)

Type of review	Decision varied	Decision upheld	Total
Internal review	2	4	6
Review by Information Commissioner*	1	1	2
Internal review following recommendation under section 93 of the Act	0	0	0
Review by NCAT**	0	1	1
Total	3	6	9

* The Information Commissioner does not have the authority to vary decisions but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the decision has been made.

** NSW Civil and Administrative Tribunal (NCAT)

Table H: Applications for review under Part 5 of the Act (by type of applicant)

Type of application	Applications reviewed
Applications by applicants for access to information	4
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	5

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Table I: Applications transferred to other agencies under Division 2, Part 4 of the Act (by type of transfer)

Type of transfer	Applications transferred
Agency-initiated transfers	1
Applicant-initiated transfers	0

Appendix 3: Public interest disclosures

In accordance with clause 4 of the Public Interest Disclosures Regulation 2011, information for the EPA for 1 July 2020 to 30 June 2021 is set out below.

Public interest disclosure type	Number
Public interest disclosures made by public officials in performing their day-to-day functions	0
Other public interest disclosures that are made under a statutory or legal obligation	0
All other public interest disclosures	0
Public interest disclosures relating to possible or alleged:	
• corrupt conduct	0
• maladministration	0
• serious and substantial waste of public money	0
Total number of public interest disclosures received	0
Total number of public interest disclosures finalised	0

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Appendix 4: Cyber security

Cyber Security Annual Attestation for the 2020-2021 Financial Year for

Environment Protection Authority

I, David Fowler, Acting Chief Executive Officer of the NSW Environment Protection Authority (EPA), am of the opinion that the EPA has an Information Security Management System in place via the Department of Planning, Industry and Environment (DPIE) Cluster Corporate Services and has managed cyber security risks in a manner consistent with the Mandatory Requirements set out in the NSW Government Cyber Security Policy and in alignment with DPIE's enterprise risk management framework.

Governance is in place to manage the cyber security maturity and initiatives of DPIE, including for the EPA.

Risks to the information and systems of DPIE, including for the EPA, have been assessed and are managed.

There exists a current cyber incident response plan for DPIE, including for the EPA, which has been tested during the reporting period.

The DPIE Cluster Corporate Services has maintained certified compliance with ISO 27001 Information technology - Security techniques - Information security management systems - Requirements by an Accredited Third Party (BSI) during the 2020/2021 financial year (Certificate Number: IS 645082).

The DPIE Cluster Corporate Services has a Cyber Security Strategy including for the EPA in place to ensure continuous improvement and management of cyber security governance and resilience.



**David Fowler (Acting)
Chief Executive Officer
Environment Protection Authority**

Date: 24/09/2021

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Appendix 5: Grants and subsidies

Grants – waste programs

The EPA offers grants to government, business and the community to help them:

- reduce waste
- combat illegal dumping
- increase the capacity for recycling
- educate people about effective ways to help the environment.

The NSW Government's *Waste Less, Recycle More* initiative provides grants and funding for waste and recycling projects. In 2020–21 the *Waste Less, Recycle More* grants were funded and administered by the EPA, after a machinery-of-government change saw waste programs transferred from the Department of Planning, Industry and Environment (DPIE) to the EPA. Any new rounds of *Waste Less, Recycle More* grants in 2020–21 were awarded by and paid through the EPA.

Milestone payments made against grants are listed below.

All grant funding for waste programs detailed below comes from recurrent EPA funding unless stated otherwise.

In 2020–21, the EPA disbursed \$33.1 million in grant payments for waste and recycling projects.

Local government program

Waste Less, Recycle More is providing local government with \$70 million over four years to 30 June 2021 to help local communities increase recycling and reduce illegal dumping and littering. This funding largely consists of payments made through the:

- Better Waste and Recycling Fund
- Regional Coordination and Strategy Support Program for Greater Sydney
- Regional Coordination and Strategy Support Program for Rural and Regional NSW
- Support to Local Government NSW for waste policy and programs.

Payments to local government in 2020–21 under this program totalled \$13,588,665. They included:

- \$9,750,000 under the Better Waste and Recycling Fund, comprising
 - \$8,287,500 for local councils
 - \$1,462,500 for regional groups of councils in the waste levy paying area
- \$1,148,400 to the Regional Coordination and Strategy Support Program for Greater Sydney
- \$2,000,001 to the Regional Coordination and Strategy Support Program for Rural and Regional NSW
- \$499,245 to Local Government NSW to help council improve waste practices in their local government area.

Details of grant programs and recipients in 2020–21 are on the EPA website.

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Aboriginal Communities Waste Management Program

The *Aboriginal Communities Waste Management Program* (ACWMP) aims to support the 61 discrete Aboriginal communities (former missions or reserves) across NSW in:

- reducing litter, illegal dumping and bulky waste
- improving:
 - waste management systems
 - the safety and environmental health of their communities
 - relationships with service providers and local government.

The program has three stages:

- **Stage 1** – Expression of Interest
- **Stage 2** – Community engagement and development of community rubbish management plans
- **Stage 3** – Communities are eligible for up to \$100,000 to implement their plans.

Thirty communities are currently participating. In 2020–21 six progressed to stage 3.

Communities can use the program funding to:

- employ a project manager and a community engagement advisor
- remove waste and litter
- install infrastructure to improve waste management
- provide educational activities and resources.

Payments to Aboriginal community organisations in 2020–21 totalled \$555,655.

Table 1 Payments made under the Aboriginal Communities Waste Management Program, 2020–21

Recipient	Community	Amount paid
Amaroo Local Aboriginal Land Council	Summervale	\$30,000
Armidale Local Aboriginal Land Council	Narwan Village	\$59,023
Brungle–Tumut Local Aboriginal Land Council	Brungle	\$59,988
Baryulgil Land Council	Baryulgil	\$67,472
Coffs Harbour and District Local Aboriginal Land Council	Red Rock Camp and Wongala Estate	\$131,285
Great Lakes Community Resources Inc. – Forster Local Aboriginal Land Council	Cabarita Avenue	\$30,000
Great Lakes Community Resources Inc. – Murrawari Local Aboriginal Land Council	Clara Hart Village	\$30,000
Great Lakes Community Resources Inc. – Walgett Local Aboriginal Land Council	Gingie Road	\$75,106
Many Rivers Housing Association – Toomelah Local Aboriginal Land Council	Toomelah	\$10,000
Weilwan Local Aboriginal Land Council	Gulargambone Top and Bottom Missions	\$62,781
Total		\$555,655

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Aboriginal Land Clean Up and Prevention Program

The *Aboriginal Land Clean Up and Prevention* (ALCUP) program is aimed at reducing the incidence and impacts of illegal dumping on Aboriginal land. It enables:

- surveillance and monitoring
- community education
- cultural activities that enable Aboriginal people to care for Country, share knowledge, and gain skills and employment in land management.

ALCUP program payments to community organisations in 2020–21 totalled \$128,170.

Table 2 Payments made to community organisations under the Aboriginal Land Clean Up and Prevention Program, 2020–21

Recipient	Amount paid
Dubbo Local Aboriginal Land Council	\$18,750
Wanaruah Local Aboriginal Land Council	\$18,750
Coffs Harbour Local Aboriginal Land Council	\$18,563
Amaroo Local Aboriginal Land Council	\$18,032
Worimi Local Aboriginal Land Council	\$11,300
Tibooburra Local Aboriginal Land Council	\$ 9,775
Gandangara Local Aboriginal Land Council	\$15,000
Cowra Local Aboriginal Land Council – Skillset	\$18,000
Total	\$128,170

Bin Trim program

The EPA developed the *Bin Trim* program to improve waste and recycling practices in NSW's commercial and industrial sector. The program provides grants and rebates.

Details of grant programs and recipients in 2020–21 are on the EPA website.

Bin Trim grants

Bin Trim grant payments in 2020–21 totalled \$2,205,590. They comprised:

- non-government organisations – program milestones 2 and 3 – \$1,850,628
- local governments – program milestone 2 – \$292,802
- community organisation (the Ethnic Communities' Council of NSW) – program milestone 2 – \$62,160.

Bin Trim rebates

Bin Trim rebates fund 50% of the cost of recycling equipment that allows small and medium businesses to divert waste from landfill. Rebates of between \$1,000 and \$50,000 are available to fund source-separation bins, balers, shredders and organics processing equipment. Program milestone payments are linked to the installation of equipment, follow-up assessments and performance reports.

Bin Trim rebate milestone payments in 2020–21 totalled \$1,264,203.

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Illegal dumping

The *Waste Less, Recycle More* initiative has provided \$65 million over the five years to 2021 to combat illegal dumping. The EPA's illegal dumping programs have been guided by the *NSW Illegal Dumping Strategy 2017–21*, and have used education, capacity-building, prevention, clean-up and enforcement to reduce the incidence of illegal dumping.

Grant payments made under this initiative in 2020–21 totalled \$3,631,210. They went to:

- local government – \$3,581,210
- community organisations – \$50,000.

The figure for local government includes grants approved in previous financial years. The payment to community organisations was non-contestable funding provided to a single organisation, Garage Sale Trail Foundation Ltd.

More details of grant programs and recipients are on the EPA website.

Improvements to systems for household problem wastes

NSW householders can safely and easily dispose of items such as leftover paint, cleaning products and gas bottles through the:

- *Household Chemical CleanOut* program
- *Community Recycling Centres* program.

Of the 3,516 tonnes of waste paint collected through both programs this year 2,500 tonnes were collected under the Paintback product stewardship program.

EPA payments made to local government under these programs in 2020–21 totalled \$870,226 .

Household Chemical CleanOut program

In the Sydney Metropolitan, Illawarra, Central Coast and Hunter regions, the EPA partners with local government to deliver the program. In rural and regional NSW, the EPA funds voluntary regional waste groups to run collection events where householders can dispose of hazardous wastes free of charge.

In 2020–21 the EPA approved grants for this program to the value of \$104,000.

Community Recycling Centres (CRCs)

The *Community Recycling Centres* program is aimed at establishing permanent facilities across NSW where householders can drop off their problem waste free of charge, all year round.

As at June 2021, 105 CRCs and mobile units had been funded through infrastructure grants administered by the NSW Environmental Trust.

The EPA provides additional funding to councils to support:

- community and education activities
- branded signage
- tablets for online reporting
- safety cabinets for hazardous materials
- spill kits at the CRCs.

In 2020–21 the EPA approved grants for these items to the value of \$766,226.

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Organics Infrastructure Fund

The *Organics Infrastructure Fund* is providing \$105 million over nine years to support waste avoidance and the re-use and recycling of food and garden waste from NSW households and businesses.

Projects awarded under the fund's programs run over many financial years, with payments made as milestones are achieved.

The EPA manages three of the fund's five programs:

- Love Food Communities
- Organics Market Development
- Food Donation Education.

EPA grant payments under the *Organics Infrastructure Fund* in 2020–21 totalled \$581,124.

Details of grant programs and recipients are on the EPA website.

Love Food Communities

The Love Food Communities program provides up to \$250,000 for education initiatives aimed at reducing food waste. Recipients are teaching their local communities about ways to avoid food waste, using the EPA-designed *Food Smart* program for households and the *Your Business is Food* program for businesses.

Grant payments under this program in 2020–21 totalled \$117,029. All payments went to local government.

Organics Market Development grants

Grants of up to \$200,000 are awarded for projects that will increase the market for compost made from source-separated recycled organics.

Grant payments under this program in 2020–21 totalled \$186,395. All payments went to non-government recipients.

Food Donation Education grants

Grants of up to \$100,000 were available to organisations working in the food relief sector to help them sign up more donors, work collaboratively and collect more surplus food for redistribution.

These grants complement funding available through the *Organics Infrastructure (Large and Small)* program administered by the NSW Environmental Trust. That program funds equipment used by food relief agencies, such as fridges, freezers and refrigerated vans.

During the COVID–19 pandemic, a \$250,000 underspend was reallocated from other *Organics Infrastructure Fund* grants into a new *Food Donation Top Up* grant program. This funding helped existing grant recipients manage the extra demand for their services that the pandemic created.

Grant payments under Food Donation Education in 2020–21 totalled \$277,700. They went to:

- community organisations – \$150,924
- local government – \$126,776.

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Table 3 Payments made to community organisations for Food Donation Education grants, 2020–21

Recipient	Activity	Amount Paid
Healthy People Illawarra Inc.	Milestone payment	\$44,069
Griffith Meals on Wheels Inc.	Milestone payment	\$40,812
Camden Community Connections	Milestone payment	\$24,481
Second Bite	Milestone payment	\$20,100
OzHarvest Limited	Milestone payment	\$15,891
Carevan Wagga Inc.	Milestone payment	\$12,275
Queanbeyan–Palerang Regional Council	Refund	-\$6,704
Total		\$150,924

Industrial ecology and business recycling programs

Industrial ecology is a strategy for increasing resource recovery by recycling waste materials across different industries. Under an extension to the *Waste Less, Recycle More* initiative, \$5 million was allocated to support councils, households, business, industry, not-for-profit organisations and charities to develop industrial ecology projects. These projects divert waste from landfill and support the continued development and upgrade of necessary infrastructure and services across NSW.

Details of grant programs and recipients are on the EPA website.

In 2020–21, payments totalling \$1,710,415 were made to support the *Civil Construction Market Program* and *Circulate*, the NSW Industrial Ecology Program. They went to:

- non-government organisations – \$1,649,198
- government organisations – \$61,217.

Waste and Recycling Infrastructure Fund

Waste Less, Recycle More infrastructure funding is designed to accelerate and stimulate investment in infrastructure that will increase the amount of waste recycled in NSW and divert more waste from landfill. The fund supports projects within NSW that increase:

- the quality of recycled materials produced by material recovery facilities
- capability and capacity to recover and reprocess waste materials
- the use of recycled content in the manufacture of products
- the recovery of identified priority waste materials.

Grant payments under this initiative in 2020–21 totalled \$1,727,779.

Details of grant programs and recipients are on the EPA website.

Product Improvement Program

The *Product Improvement Program* is part of the NSW Government's response to China's *National Sword Policy*.

Investment in infrastructure can stimulate the local remanufacturing capacity of NSW and generate new industries and jobs in regional and rural communities. Funding recycling infrastructure can also mitigate the effects of China's policy to restrict the quality of foreign recycling material it accepts. The program provides an opportunity for industry to identify new uses and markets for recyclable materials and develop local processing and remanufacturing capability to maintain recycling services into the future.

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Details of grant programs and recipients are on the EPA website.

Payments for *Product Improvement Program* grants in 2020–21 totalled \$1,476,348. They went to:

- non-government recipients – \$1,465,250
- local government – \$11,098.

Expansion and Enhancement Program

Resource Recovery Facility Expansion and Enhancement grants aim to increase the amount of waste diverted from landfill in NSW by accelerating and stimulating investment in existing licensed recycling facilities.

This program is now closed for new applicants and has been incorporated into the *Product Improvement Program*. Existing approved applicants are still being managed under the Expansion and Enhancement program.

Payments made under this program in 2020–21 totalled \$141,481. They were directed to local government.

Weighbridge Fund

The *Weighbridge Fund* helps eligible recycling facilities and landfills install weighbridges. These will:

- ensure better measurement of waste
- support improved environmental performance at the facilities where they are installed
- facilitate the collection and payment of the NSW Waste and Environment Levy.

Grant payments under the *Weighbridge Fund* in 2020–21 totalled \$109,950. They went to:

- non-government recipients – \$68,160
- local government – \$41,790.

Litter Prevention Grants Program

Projects supported by the *Litter Prevention Grants Program* enable local councils, regional waste groups and community groups to target litter hotspots.

Payments for litter prevention grants in 2020–21 totalled \$1,199,135. They were distributed under three programs, as follows.

Cigarette Butt Litter Prevention Grants Program

Councils, community organisations and state government agencies received \$445,092 to tackle cigarette butt litter hotspots.

Council Litter Grants

NSW councils received \$220,657 to deliver on-ground and strategic litter prevention projects.

Community Litter Grants

Community groups across NSW received \$533,386 to deliver on-ground and strategic litter prevention projects.

Details of grant programs and recipients in 2020–21 are on the EPA website.

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Alternative Waste Treatment

In 2018 the EPA revoked the order and exemption that had allowed mixed-waste organic outputs (MWOO) to be applied to land. Following this, the NSW Government developed an alternative waste treatment (AWT) transition package to help the AWT industry and councils transition to sustainable resource-recovery practices.

AWT transition package – phase 1

A phase 1 package was introduced in October 2018 to provide support for kerbside collection services and ensure that any additional landfill costs would not be passed on to councils or ratepayers. This package ended on 28 February 2020.

A temporary waste levy exemption was put in place in November 2018 for the disposal of limited amounts of MWOO produced at approved scheduled waste facilities in NSW. This exemption applied until 1 May 2021. A further extension was granted for four scheduled waste facilities – Suez Kemps Creek, Suez Port Stephens, Veolia at Tarago and Eastern Creek Operations – that showed they were transitioning to sustainable resource-recovery practices.

AWT transition package – phase 2

Consultation with the industry and councils in late 2019 informed phase 2 of the AWT transition package, a \$24-million investment announced by the Minister for Energy and Environment in March 2020. This phase of the package includes:

- \$12.5 million in organics collections grants
- \$5 million in local council transition grants
- \$6.26 million in research and development grants, consisting of:
 - \$2.51 million for alternative uses for general waste
 - \$3.75 million for organics infrastructure grants.

Grant payments under this initiative in 2020–21 totalled \$5,039,923. They went to:

- local government – \$4,527,900
- non-government recipients – \$512,023.

Recycling of solar panels and battery storage systems

The International Energy Agency has forecast that:

- by 2025 NSW will generate 3,000–10,000 tonnes a year of waste solar PV panels and battery storage systems
- by 2035 this figure will rise to 40,000–71,000 tonnes a year.

The *Circular Solar* program is a new \$10-million program funded over four years (2019–20 to 2022–23) to pilot initiatives to recycle and re-use these materials.

Grant payments under this program in 2020–21 totalled \$554,130. All went to non-government organisations.

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Grants other than for waste programs

In 2020–21 the EPA allocated \$2.1 million in grants through programs not related to waste.

Contaminated land management

Local government

The *Council Regional Capacity Building Program* was designed to improve the management of contaminated land in NSW. It has provided grants to fund 10 contaminated land experts until 2021, to give regional NSW councils local sources of advice and improve their technical capacity to manage contaminated land.

Grant payments made under this program in 2020–21 totalled \$1,228,820.

Details of grant recipients are on the EPA website.

North Lake Macquarie Lead Program

Local government

Until 2003 Pasminco operated a lead and zinc smelter near North Lake Macquarie, south-west of Newcastle. The now-closed smelter has left a legacy of lead contamination: there is lead in the soil on residential properties around the smelter site. From 2007 to 2013 a lead abatement strategy was put in place to reduce residents' exposure. In 2014 the EPA established the Lead Expert Working Group to consider the effectiveness of this strategy and develop future actions to reduce the community's exposure to lead.

The working group issued its final report in December 2016 with 22 recommendations for managing legacy lead contamination. The NSW Government supported all recommendations and allocated funding over four years to 2020–21. Payments to the local council in 2020–21 under this program amounted to \$200,000.

Broken Hill Environmental Lead Program

Lead contamination in the Broken Hill region arises from both naturally occurring deposits and as a legacy of mining. Exposure to lead has implications for human health, with impacts being greatest for children under the age of five.

Non-government

In 2020–21 Maari Ma Health received a grant of \$250,000 to address ongoing lead exposure and respond to elevated blood-lead levels in Aboriginal children at Broken Hill. The funding provides for more screening of blood-lead levels in children under five, education and awareness-raising, case management and remediation programs.

Government

In 2020–21 the Far West Local Health District received a grant of \$250,000 to step up monitoring and intervention for children under five and pregnant women.

Asbestos Management

Local government

The EPA supports the NSW Asbestos Coordination Committee, which is a whole-of-government committee that aims to reduce the impacts of asbestos on the NSW community by taking a coordinated and strategic approach.

As part of the program, the EPA funds a position at Local Government NSW to support councils in improving all aspects of asbestos management. In 2020–21, \$191,019 was spent on this grant.

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Bushfire Recovery Programs

Local government

The five Bushfire Recovery Programs provide up to \$95 million in support and funding for public land managers and local councils to recover from the 2019–20 bushfires. Four of the five programs provide funding as grants. These programs are the:

- *Bushfire-Generated Green Waste Clean-Up and Processing Program* (Green Waste Program)
- *FenceCycle Program*
- *Bushfire Dumping Program*
- *Council Landfills Program*.

The fifth program (the *Aboriginal Lands Program*) does not provide grants.

In 2020–21, grants totalling \$130,000 were provided to nine councils and a joint organisation under the Green Waste Program.

The other three programs (*FenceCycle*, *Bushfire Dumping* and *Council Landfills*) did not provide grant funding during the 2020–21 financial year as they were still accepting and/or assessing applications.

Appendix 6: Acts administered by the Minister through the EPA

The following Acts were administered by the EPA from 1 July 2020 to 30 June 2021:

- *Contaminated Land Management Act 1997* No. 140
- *Dangerous Goods (Road and Rail Transport) Act 2008* No. 95, so far as it relates to the transport of dangerous goods by road or rail (remainder administered by the Minister for Better Regulation and Innovation)
- *Environmentally Hazardous Chemicals Act 1985* No. 14
- *Forestry Act 2012* No. 96 – Parts 5A and 5B jointly with the Deputy Premier, Minister for Regional New South Wales, Industry and Trade (remainder administered by the Deputy Premier, Minister for Regional New South Wales, Industry and Trade)
- *Local Land Services Act 2013* No. 51 – Part 11 and Divisions 2 and 3 of Part 12, so far as they relate to private native forestry, jointly with the Minister for Agriculture and Western New South Wales (remainder administered by the Minister for Agriculture and Western New South Wales)
- *National Environment Protection Council (New South Wales) Act 1995* No. 4
- *Ozone Protection Act 1989* No. 208
- *Pesticides Act 1999* No. 80
- *Protection of the Environment Administration Act 1991* No. 60
- *Protection of the Environment Operations Act 1997* No. 156
- *Radiation Control Act 1990* No. 13

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- *Recreation Vehicles Act 1983* No. 136 (except Parts 4 and 6, which were administered by the Minister for Transport and Roads jointly with the Minister for Regional Transport and Roads)
- *Waste Avoidance and Resource Recovery Act 2001* No. 58.

Appendix 7: Prosecutions completed under EPA legislation

Details of prosecutions completed under EPA legislation, excluding littering matters, are recorded below.

LEC = Land and Environment Court

LC = Local Court

s 10 = Under section 10 of the *Crimes (Sentencing Procedure) Act 1999*, the Court, although finding the defendant guilty of the offences charged, did not record a conviction.

Unless otherwise stated, the dollar amount referred to in the 'result or penalty' column is a fine.

Tier 1 and serious environment protection offences

Tier 1 and serious environment protection offences are the most serious offences and attract the highest maximum penalties.

Pesticides Act 1999

Defendant	Charge	Result or penalty	Court
McInnes, Warwick Ronald	Negligently use a pesticide in a manner that injures another person	Acquitted	LEC

Protection of the Environment Operations Act 1997

Defendant	Charge	Result or penalty	Court
Aussie Earthmovers Pty Ltd	Provide false and misleading information about waste	\$400,000	LEC
Aussie Earthmovers Pty Ltd	Provide false and misleading information about waste	\$50,000	LEC

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Defendant	Charge	Result or penalty	Court
Mouawad, Paul (also known as Boulos, Isaac)	Provide false and misleading information about waste (first charge)	Sentenced to an aggregate term of 12 months imprisonment to be served by way of intensive correction in the community subject to the conditions: i) must perform 250 hours of community service ii) must not commit any offence iii) must submit to the supervision of the Parramatta Community Corrections District Office iv) must report to the Parramatta Community Corrections District Office. Also ordered to publicise details of the offence in <i>The Daily Telegraph</i> and <i>Inside Waste</i> magazine.	LEC
Mouawad, Paul (also known as Boulos, Isaac)	Provide false and misleading information about waste (second charge)	Sentenced to an aggregate term of 12 months imprisonment to be served by way of intensive correction in the community subject to the conditions: i) must perform 250 hours of community service ii) must not commit any offence iii) must submit to the supervision of the Parramatta Community Corrections District Office iv) must report to the Parramatta Community Corrections District Office. Also ordered to publicise details of the offence in <i>The Daily Telegraph</i> and <i>Inside Waste</i> magazine.	LEC

Tier 2 offences

Contaminated Land Management Act 1997

Defendant	Charge	Result or penalty	Court
McMullen, Kate Lyall	Provide false or misleading information	\$30,000	LEC

Protection of the Environment Operations Act 1997

Defendant	Charge	Result or penalty	Court
A to Z Demolition Pty Ltd	Provide false and misleading information about waste (first charge)	\$12,000 Ordered to publicise details of the offence in the <i>Inside Waste</i> magazine	Parramatta LC
A to Z Demolition Pty Ltd	Provide false and misleading information about waste (second charge)	\$12,000 Ordered to publicise details of the offence in the <i>Inside Waste</i> magazine	Parramatta LC
Abbas, Sam (also known as Abbas, Osama)	Unlawful use of land as a waste facility	\$30,000 Ordered to pay 50% of fine moiety to the NSW EPA and to publicise details of the offence (publications to be determined)	LEC

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Defendant	Charge	Result or penalty	Court
Abbas, Sam (also known as Abbas, Osama)	Pollute land	\$10,000 Ordered to pay 50% of fine moiety to the NSW EPA and to publicise details of the offence (publications to be determined)	LEC
Abbas, Sam (also known as Abbas, Osama)	Unlawfully transport and deposit waste	\$60,000 Ordered to pay 50% of fine moiety to the NSW EPA and to publicise details of the offence (publications to be determined). Also ordered to pay investigation costs of \$80,157.24	LEC
Aussie Skips Recycling Pty Ltd	Breach licence condition	\$9,000 Ordered to publicise details of the offence in the <i>Inner West Courier</i>	Burwood LC
Aussie Skips Recycling Pty Ltd	Breach licence condition	Dismissed	Burwood LC
Aussie Skips Recycling Pty Ltd	Breach licence condition	\$5,000 Ordered to publicise details of the offence in <i>Inside Waste</i> magazine	Burwood LC
Bartter Enterprises Pty Limited	Breach licence condition	\$50,000 Ordered to pay investigation costs of \$837	LEC
BSV Tyre Recycling Australia Pty Ltd	Breach licence condition	\$9,000 Ordered to pay 50% of fine moiety to the NSW EPA and to publicise details of the offence in <i>Inside Waste</i> magazine	Bankstown LC
BSV Tyre Recycling Australia Pty Ltd	Breach licence condition	\$5,000 Ordered to pay 50% of fine moiety to the NSW EPA and to publicise details of the offence in <i>Inside Waste</i> magazine	Bankstown LC
Donpat Investment Pty Ltd	Failure to comply with an investigative requirement under Chapter 7	\$750	Parramatta LC
Ghama, Mohamed	Failure to comply with an investigative requirement under Chapter 7	\$1,500 Ordered to pay 50% of fine moiety to the NSW EPA	Parramatta LC
Hobbs, Benjamin Dennis	Carry out a scheduled activity without a licence	s 10 Ordered to enter a conditional release order for two years	Nowra LC
Hussein, Abdalah	Wilfully delay an authorised officer in the exercise of the authorised officer's powers	\$7,500 Ordered to pay 50% of fine moiety to the NSW EPA	Downing LC

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Defendant	Charge	Result or penalty	Court
JM & BP Superannuation Fund Pty Limited	Failure to comply with an investigative requirement under Chapter 7	\$750	Parramatta LC
Koppers Carbon Materials & Chemicals Pty Ltd	Breach licence condition	Ordered to pay \$30,000 to the Port Stephens Koalas and Wildlife Preservation Society Ltd for the purpose of training volunteers to assist veterinary staff and to publicise details of the offence in <i>The Australian Financial Review</i> , <i>The Sydney Morning Herald</i> and <i>The Newcastle Herald</i>	LEC
Koppers Carbon Materials & Chemicals Pty Ltd	Failure to operate a plant in a proper and efficient manner	Ordered to pay \$30,000 to the Port Stephens Koalas and Wildlife Preservation Society Ltd for the purpose of training volunteers to assist veterinary staff and to publicise details of the offence in <i>The Australian Financial Review</i> , <i>The Sydney Morning Herald</i> and <i>The Newcastle Herald</i>	LEC
Koppers Carbon Materials & Chemicals Pty Ltd	Failure to operate a plant in a proper and efficient manner	Ordered to pay \$22,500 to the Port Stephens Koalas and Wildlife Preservation Society Ltd for the purpose of training volunteers to assist veterinary staff and to publicise details of the offence in <i>The Australian Financial Review</i> , <i>The Sydney Morning Herald</i> and <i>The Newcastle Herald</i>	LEC
Laird, Michael Anthony	Pollute land	\$16,000 Ordered to pay property owners \$100,000 in compensation for clean-up costs and pay investigation costs of \$5,000	Windsor LC
Laird, Michael Anthony	Pollute land	\$12,000 Ordered to pay property owners \$73,793.30 in compensation for clean-up costs and pay investigation costs of \$5,000	Windsor LC
Langford, Drew Alexander	Failure to comply with an investigative requirement under Chapter 7	\$1,500 Ordered to pay 50% of fine moiety to the NSW EPA	Parramatta LC
McClelland, Kenneth Sydney	Wilfully delay an authorised officer in the exercise of the authorised officer's powers	\$10,000	*Blacktown LC and LEC
Narrabri Shire Council	Failure to notify of a pollution incident that caused or threatened material harm to the environment	\$0	Narrabri LC

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Defendant	Charge	Result or penalty	Court
Narrabri Shire Council	Failure to implement pollution incident response management plan	\$35,000 Ordered to publicise details of the offence in the <i>Narrabri Courier</i> , the <i>Northern Daily Leader</i> and <i>LGNSW Weekly</i> (published by Local Government NSW). Also ordered to pay investigation costs of \$688	Narrabri LC
Pullinger, Robert Lenard	Failure to comply with an investigative requirement under Chapter 7	\$750 Ordered to publicise details of the offence in <i>The Newcastle Herald</i>	Parramatta LC
Pullinger, Robert Lenard	Furnish false or misleading information in response to investigative requirement under Chapter 7 requirement	\$750 Ordered to publicise details of the offence in <i>The Newcastle Herald</i>	Parramatta LC
Roussakis, Emmanuel	Breach licence condition	s 10	Burwood LC
Sader, Antonio	Provide false and misleading information about waste	\$9,000	Parramatta LC
South Coast Plant Hire Pty Ltd	Failure to comply with prevention notice	\$20,000 Ordered to publicise details of the offence in the <i>Illawarra Mercury</i> and the <i>South Coast Register</i>	Nowra LC
Sydney Water Corporation	Pollute waters	Ordered to pay \$97,175 to the City of Parramatta Council for the purposes of the project titled 'Parramatta River Fish Lift Refurbishment and Fish Habitat Improvement Proposal' and \$24,325 to the City of Parramatta Council for the purposes of the project titled 'Toongabbie Creek Riparian Restoration Project Proposal'. Also ordered to publicise details of the offence in <i>The Sydney Morning Herald</i> , <i>The Daily Telegraph</i> and the <i>Parramatta Advertiser</i> , and on Facebook, Twitter and Instagram. Also ordered to pay investigation costs of \$11,447	LEC
Sydney Water Corporation	Pollute waters	Ordered to pay \$54,000 to the City of Parramatta Council for the purposes of the project titled 'Toongabbie Creek Riparian Restoration Project Proposal' and to publicise details of the offence in <i>The Sydney Morning Herald</i> , <i>The Daily Telegraph</i> and the <i>Parramatta Advertiser</i> , and on Sydney Water Corporation's Facebook page, Twitter account and Instagram account. Also ordered to pay investigation costs of \$11,447	LEC

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Defendant	Charge	Result or penalty	Court
Sydney Water Corporation	Breach licence condition	Ordered to pay \$62,500 to Sutherland Shire Council for the purposes of the Watercourse Rehabilitation and Bush Regeneration Project at Sabugal Gully, Engadine, pay a fine of \$42,500 (with a 50% moiety payable to the EPA), and publicise details of the offence in <i>The Sydney Morning Herald</i> , <i>The Daily Telegraph</i> and <i>The Leader</i> , and on Facebook, Twitter and Instagram. Also ordered to pay investigation costs of \$5,379	LEC
Sydney Water Corporation	Failure to comply with clean-up notice	Ordered to pay \$37,500 to Sutherland Shire Council for the purposes of the Watercourse Rehabilitation and Bush Regeneration Project at Sabugal Gully, Engadine, pay a fine of \$42,500 (with a 50% moiety payable to the EPA), and publicise details of the offence in <i>The Sydney Morning Herald</i> , <i>The Daily Telegraph</i> and <i>The Leader</i> , and on Facebook, Twitter and Instagram. Also ordered to pay investigation costs of \$5,379	LEC
Sydney Water Corporation	Breach licence condition	Ordered to pay \$63,500 to the NSW National Parks and Wildlife Service for the purposes of the Proposal for Bush Regeneration within Lane Cove National Park, pay a fine of \$9,000 (with a 50% moiety payable to the EPA), and publicise details of the offence in <i>The Sydney Morning Herald</i> , <i>The Daily Telegraph</i> and the <i>North Shore Times</i> , and on Facebook, Twitter and Instagram. Also ordered to pay investigation costs of \$12,185	LEC
Sydney Water Corporation	Pollute waters	Ordered to pay \$63,500 to the NSW National Parks and Wildlife Service for the purposes of the Proposal for Bush Regeneration within Lane Cove National Park, pay a fine of \$9,000 (with a 50% moiety payable to the EPA), and publicise details of the offence in <i>The Sydney Morning Herald</i> , <i>The Daily Telegraph</i> and the <i>North Shore Times</i> , and on Facebook, Twitter and Instagram. Also ordered to pay investigation costs of \$12,185	LEC

Pesticides Act 1999

Defendant	Charge	Result or Penalty	Court
McInnes, Warwick Ronald	Use pesticide in a manner that injured another person	\$48,000 Ordered to pay the victims support levy of \$85 in accordance with section 106(1) of the <i>Victims Rights and Support Act 2013</i> and pay 50% of fine moiety to the NSW EPA	LEC

* Kenneth Sydney McClelland appealed against his sentence in the Land and Environment Court. The appeal was dismissed, and the original sentence handed down by Blacktown Local Court was upheld.

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Appendix 8: Enforceable undertakings

Incident	Company	Agreed actions	Amount
<p>4 September 2019</p> <p>A hole in the 'B' Ravensworth Ash Pipeline resulted in the release of slurry which entered the dry bed of Bayswater Creek.</p> <p>Date of EU: 3 September 2020</p>	AGL Macquarie Pty Ltd	<ul style="list-style-type: none"> • Monetary contribution towards the delivery of environment-related projects • Undertake upgrade works to pipeline • Measures to improve environmental performance through training • Print media notice in <i>Newcastle Herald</i>, <i>Singleton Argus</i>, the <i>Hunter River Times</i> and <i>Coal Face</i> magazine 	\$1,108,000
<p>March 2019 – January 2020</p> <p>The waste contribution monthly report submitted by Central Waste Plant Pty Ltd contained errors. This is the third consecutive year the Company has breached its licence condition.</p> <p>Date of EU: 1 February 2021</p>	Central Waste Plant Pty Ltd	<ul style="list-style-type: none"> • Monetary contribution to the Department of Planning, Industry and Environment to fund 'Protecting Cessnock Forests and Woodland' project to support and enhance the conservation of the Regent Honeyeater • Undertake clean-up and remediation works of asbestos and other waste • Print media notice in the <i>Newcastle Herald</i> and <i>Inside Waste</i> 	\$111,570
<p>Between late 2017 and early 2018</p> <p>Two incidents involving the unlawful transport and deposit of lead contaminated material at a site known as 'Camp 2' in Broken Hill, and the unlawful transport and deposit of sand material and soils to 134 Pinnacles Road, Broken Hill.</p> <p>Date of EU: 3 March 2021</p>	Consolidated Mining & Civil Pty Ltd and Consolidated Broken Hill Holdings Pty Ltd	<ul style="list-style-type: none"> • Monetary contribution to Landcare Broken Hill for the Northern Broken Hill Landcare Hub Project • Measures to procure the lawful removal and disposal of stockpiled waste material at 134 Pinnacles Road, and material deposited at Camp 2 	\$200,000

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Incident	Company	Agreed actions	Amount
<p>Between 19 August 2019 and 17 September 2019</p> <p>Three unlicensed discharges of sediment laden water from a road construction site due to activities associated with the construction of the Berry to Bomaderry Princes Highway Upgrade.</p> <p>Date of EU: 15 September 2020</p>	<p>Downer EDI Works Pty Ltd and Seymour White Constructions Pty Ltd (Joint Venture)</p>	<ul style="list-style-type: none"> • Measures to improve environmental performance through training • Measures to improve internal auditing, monitoring and reporting • Contribution to waterway restoration works in Abernethys Creek catchment area by way of payment and in-kind support • Distribution of <i>Environmental Alert</i> within current projects, including to subcontractors, consultants and suppliers, detailing the alleged breaches and lessons learned • Print media notice in <i>The South Coast Register</i> and <i>Illawarra Mercury</i> 	<p>\$14,500</p>
<p>28 August 2019</p> <p>Failure of a moulded fitting in the 20,000-litre caustic soda (sodium hydroxide) bulk storage tank at 107 Brays Lane, Wallerawang, NSW 2845.</p> <p>Date of EU: 7 July 2020</p>	<p>Lithgow City Council</p>	<ul style="list-style-type: none"> • Undertake to have a consultant prepare and implement new Pollution Incident Response Management Plans for all the Council's sewage treatment plants • Measures to improve environmental performance by appointing a Work Health and Safety and Environment Officer, Asset Maintenance Coordinator and Water and Wastewater Engineer • Measures to deliver benefits to the local environment and community through the Farmers Creek Weed Eradication Project • Measures to improve environmental performance through training • Measures to prevent future incidents • Print media notice in the <i>Village Voice</i>, the <i>Lithgow Mercury</i> and <i>The Sydney Morning Herald</i>. 	<p>\$517,000</p>

Appendices

Incident	Company	Agreed actions	Amount
<p>Between 1 July 2017 and 24 October 2017</p> <p>Waste from the construction site at 122–136 Lake Road, Elernmore Vale, NSW (owned by Pepperwood Close Pty Ltd), was transported to and deposited at the disposal site, 102 Lake Road, Elernmore Vale (owned by Pepperwood Ridge Pty Ltd). The waste transported comprised approximately 6,994 cubic metres of material including asbestos.</p> <p>Date of EU: 17 November 2020</p>	Pepperwood Ridge Pty Ltd	<ul style="list-style-type: none"> • Monetary contribution to Hunter Wetlands Centre • Measures to improve environmental performance through training • Measures to prevent future incidents by engaging a consultant to undertake audit of systems and procedures. • Measure to prepare asbestos waste removal plan and clean up waste • Print media notice in local newspaper and industry publication 	\$50,000
<p>Between July 2017 and September 2017</p> <p>Unlawfully stored and transported PCB-contaminated oil at and from its facilities in locations including Seven Hills and Gosford West. In July and September 2017, Southern Oil transported PCB-contaminated oil from its Seven Hills and Gosford West facilities to Scarfone Flowers, a flower grower in Horsley Park. Scarfone Flowers does not hold an EPL allowing it to store or process PCB waste. Southern Oil Collection may also have provided false/misleading information to transporters as it was aware of PCB contamination but did not inform transporters.</p> <p>Date of EU: 10 September 2020</p>	Southern Oil Collection Pty Ltd	<ul style="list-style-type: none"> • Engage an expert to prepare an annual report verifying environmental compliance for 3–5 years • Monetary contributions to Landcare NSW or Greater Sydney Landcare for <i>Local Streams, Local Communities</i> project • Monetary contributions to industry improvement project involving workshops, guidelines and training • Print media notice in <i>Waste Management Review</i> and post on website 	\$275,000
Total monetary contributions towards environmental works			\$2,276,070

Appendices

Appendix 9: Penalty notices 2020–21

Infringement type	EPA		Other NSW Government*		Local government	
	No.	Penalty	No.	Penalty	No.	Penalty
POEO** Aggravated litter – motor vehicle	9	\$4,050	29	\$13,050	64	\$29,250
POEO Air Pollution: Non-motor vehicle – control of burning	-	-	3	\$1,500	36	\$20,000
POEO Air Pollution: Non-motor vehicle – emission of air impurities or odours from premises	3	\$24,000	-	-	2	\$4,000
POEO Dangerous goods: All offences	-	-	1	\$750	142	\$171,250
POEO Land pollution and waste	4	\$52,500	4	\$17,200	351	\$1,021,850
POEO Land pollution and waste: Asbestos/hazardous	2	\$8,250	-	-	4	\$20,000
POEO Littering: Motor vehicle	2,488	\$672,250	237	\$48,790	1,247	\$298,260
POEO Motor vehicle – other air	2	\$1,500	2	\$800	-	-
POEO Noise: Motor vehicle	21	\$5,650	6	\$1,600	1	\$200
POEO Noise: Non-motor vehicle	-	-	232	\$70,500	21	\$6,600
POEO Other offences e.g. contravene licence conditions	64	\$602,250	11	\$21,250	344	\$580,250
POEO Water: All offences	6	\$90,000	2	\$15,000	300	\$2,144,000
Dangerous Goods: All offences	5	\$16,000	75	\$175,660	-	-
Native Vegetation: All offences	-	-	1	\$3,300	-	-
Other offences e.g. contravene licence conditions	-	-	73	\$550,500	2,238	\$7,822,500
Pesticides: All offences	3	\$3,750	-	-	-	-
Water: All offences	-	-	122	\$111,750	-	-
Total	2,607	\$1,480,200	798	\$1,031,650	4,750	\$12,118,160

*'Other NSW Government' includes any NSW Government agency that has issued environmental penalty notices other than those notices issued by the EPA. The highest volume of penalty notices for 'Other NSW Government' were issued by NSW Police and the Resources Regulator.

**POEO = *Protection of the Environment Operations Act 1997*

Appendix 10: Requirements for conflict of interest disclosure by EPA Board members

Clause 7 of Schedule 1 to the *Protection of the Environment Administration Act 1991* and the provisions of the *Protection of the Environment Administration Regulation 2012* contain detailed requirements on:

- disclosure of the pecuniary and personal interests of Board members
- the keeping of publicly available records about disclosures
- the effect disclosures have on Board members' participation in Board business.

A member must disclose if they have a direct or indirect pecuniary interest in a matter being considered, or about to be considered, at a meeting of the Board where the interest appears to raise a conflict with the proper performance of the member's duties because:

- they are a member of, or are employed by, a specified company or other body
- they are a partner of, or are employed by, a specified person
- they have some other specified interest relating to a specified company or other body or to a specified person
- a matter being considered or about to be considered at a meeting of the Board relates to the institution of criminal or related proceedings against a person and a member has any personal or financial interest in the matter.

Board members have an ongoing duty to make additional disclosures whenever there is a relevant change in circumstances. At the start of each meeting, members are given an opportunity to declare any potential, perceived or actual conflicts of interest and these are recorded in the minutes of each meeting.

In accordance with NSW Treasury directions and Australian Accounting Standards, the EPA has implemented procedures to ensure the requirements of *Australian Accounting Standard 124 - Related Party Disclosures* are met.

The Board agreed on a new Conflict of Interest protocol in December 2020. The Board will review this Protocol together with the EPA Board Code of Conduct and EPA Board Charter every two years to ensure it remains fully consistent with the EPA's objectives and responsibilities and up to date with developments within the EPA and corporate governance in general.

Glossary

ARA: An authority that has the power to regulate an activity as per the appropriate legislation. ARAs include: The EPA; local councils and other local authorities; public authorities declared by regulation.

Audit: A tool utilised by the EPA to monitor compliance and/or best practice with licence, Code or approval conditions and legislative requirements. The EPA utilises both compliance and environmental audits as part of its regulatory process.

Audit and Risk Committee (ARC): is the subcommittee of the EPA Board. The ARC provides assurance to the Board that the EPA has effective and efficient systems, policies and processes in place to manage its risk.

Bin Trim Program: Free program to provide support to NSW businesses to maximise their recycling and minimise landfill waste.

CAMMS: The EPA's hazard, incident and near-miss reporting management system.

Circular economy: A systematic approach for changing the way we produce, assemble, sell and use products to minimise waste and reduce our environmental impact.

Clean-up notice: A notice requiring a person to take specified clean-up action under s91 of the POEO Act when they reasonably suspect that a pollution incident, as defined in the Act, has occurred or is occurring.

Compliance Incident Reporting and Management: The current EPA case management system.

Cluster: NSW Government departments, agencies and organisations are arranged into nine groups, called clusters. The EPA is an independent statutory authority that sits in the portfolio of the Minister for Energy and Environment as part of the Planning, Industry and Environment Cluster.

Coal ash: Waste generated as a by-product from the burning of coal in coal-fired power stations, also known as fly ash.

Community Recycling Centres: Permanent drop-off centres for common household problem wastes that can't be collected via

council kerbside waste and recycling collection services. NSW householders can drop off problem wastes at these centres year-round, free of charge.

Compliance: Meeting the environmental standards and protections as set out by licence, Code or approval under the appropriate Act and associated regulations that the EPA administers.

Contaminated land: Land that has been used for industrial, agricultural, waste disposal or other purposes, leading it to contain substances in land or groundwater that are potentially harmful to human health or the environment.

Contaminated land management: The management approach of contaminated land to prevent harm to human health and the environment. Approaches can include a range of options including investigation, containment of the contamination, removal and treatment and ongoing monitoring, depending on the type and extent of the contamination.

COVID-19: A disease caused by a new strain of coronavirus, formerly referred to as 2019 novel coronavirus or 2019-nCov.

Don't be a Tosser! A litter campaign run by NSW EPA, an evolution of the highly recognised 'Hey Tosser!' campaign that originated in 2014 to create community dialogue around the ongoing problem of littering.

End of Financial Year (EOFY): The financial year is a time period of 12 months (1 July - 30 June) used for tax purposes.

Enforceable undertakings: Voluntary and binding written agreements between the EPA and another party where the other party is alleged to have contravened a provision of an Act administered by the EPA on behalf of the Minister for Energy and Environment.

Environmental improvement programs (EIP): Involves licensees proactively undertaking actions that lead to environmental improvements and a reduction in pollution,

Glossary

consistent with the objectives of the POEO Act. EIPs are attached as conditions of a licence and as such are enforceable. EIPs are intended to encourage voluntary environmental improvements by providing a potential financial incentive. Where an EIP is entered into and placed on a licence, it can improve a licensee's environmental management score which may lead to reduced licence administration fees.

Environmental liabilities: The potential costs of remediating a site due to any environmental harm caused by activities occurring on the site.

Environment Line: The EPA's contact centre that handles general inquiries about environmental issues and takes reports of pollution for which the EPA has regulatory responsibilities. Environment Line is a one-stop pollution and environmental incident reporting service provided by the Department of Planning, Industry and Environment.

Environmental Services Functional Area Supporting Plan (EnviroPlan): A supporting plan of the NSW Emergency Management Plan. It details the provision of support and coordination of prevention measures; and planning for, response to and recovery from hazards impacting or potentially impacting the environment and causing damage. The principles within EnviroPlan are applied during incidents and emergencies and are not limited to the declaration of a State of Emergency.

Environment protection licence: A licence issued to the owners or operators of various industrial premises under the POEO Act. These licences contain conditions that relate to pollution prevention and monitoring, and cleaner production through recycling and re-use and the implementation of best practice.

EPL Map Viewer: EPA's Environment Protection Licence secure spatial map viewer displaying licensed premises and other spatial layers.

Get the Site Right: A joint program between the Parramatta River Catchment Group, Cooks River Alliance, Georges River Combined Councils Committee, Sydney Coastal Councils group, Lake Macquarie Council, NSW EPA and DPIE, and local councils.

Government Information (Public Access) Act 2009 (GIPA Act 2009): Replaces the Freedom of Information Act 1989 (FOI Act) and provides a legally enforceable right to access government information except when it would be contrary to public interest to provide that information.

Government Resource Efficiency Policy (GREP): A policy to ensure the NSW Government meets the energy, water and waste goals of NSW 2021: A plan to make NSW number one.

Greenfields: Undeveloped land either used for agriculture or landscape design or left to evolve naturally.

Green leases: A lease between a landlord and tenant that aims to ensure the environmental impact associated with the ongoing use and operation of the building is minimised.

Household Chemical CleanOut: A free service available for the disposal of a range of common household chemicals, many of which could harm the environment if not disposed of properly.

Hazardous materials: Materials which are potentially harmful to human health or the environment.

IFOA: The EPA monitors compliance with Integrated Forestry Operations Approvals (IFOAs), which regulate environmental planning and assessment, protection of the environment and threatened species conservation in native forests on public land. The terms and conditions of all forestry operations, including logging, are set out in integrated forestry operations.

Licence conditions: Conditions associated with an issued licence. These include the activity or activities licensed, the scale of activity, monitoring requirements, reporting requirements, and conditions included in the general terms of approval as a result of the development assessment.

Licensee: A business, organisation, or individual that has been granted legal permission by the EPA to engage in an activity prescribed by legislation.

Glossary

Machinery-of-government: The interconnection of government structures and processes, sometimes referred to as MoG.

Non-Governmental Organisation (NGO):

A non-profit group or institution with a social mission, which operates independently from the government.

Notice: A broad range of regulatory instruments utilised to manage compliance for a licensed or non-licensed premise/activity.

NSWRFS: NSW Rural Fire Service Association

Penalty notice: A notice issued under legislation administered by the EPA. It is designed primarily to deal with one-off breaches that can be remedied easily.

People Matter Employee Survey (PMES): An annual survey run by the NSW Public Service Commission. The survey is anonymous and includes questions about NSW public servants' experiences with their work, workgroups, managers and organisation.

PFAS: Per- and polyfluoroalkyl substances are a group of manufactured chemicals that have multiple fluorine atoms attached to a chain of carbon atoms. They have historically been used in firefighting foam, among other things, and are of concern as they can contaminate land and groundwater.

Pollution reduction programs (PRP): Legally binding regulatory instruments aimed to improve the environmental performance and reduce pollution of licensees. PRPs generally require licensees to undertake studies before implementing steps to address environmental problems, including significant upgrading of controls and equipment.

POEO Act: *The Protection of the Environment Operations Act 1997* is a key piece of environment protection legislation administered by the EPA.

Pollution Incident Response Management

Plan (PIRMP): A document that outlines what procedures are in place to minimise the risk of a pollution incident at a premises. All holders of environment protection licences, or licensees, are required to prepare a PIRMP which meets the requirements of the POEO Act.

Private Native Forestry Code: The Private Native Forestry (PNF) Code of Practice (the Code) establishes a regulatory framework for the sustainable management of forests. It is the key piece of legislation guiding private native forestry operations in NSW.

Public interest disclosure: The process for NSW public service employees to report concerns about possible misconduct or serious wrongdoing.

Return and Earn: NSW's container deposit scheme. The scheme operates by requiring the cost of purchasing eligible drink to include a refundable deposit. This deposit is refunded on return of the clean and empty container to a return point.

Risk-based licensing: The EPA's risk-based licensing system aims to ensure that all environment protection licensees receive an appropriate level of regulation based on the level of risk they pose. This approach means that all licensed premises have an associated risk rating attached to them and the regulatory approach to the management of the site is proportionate to the rating.

Sewage: The waste matter or effluent carried away by sewers or drains. (Sewerage refers to the physical facilities – pipes, drains and treatment facilities through which sewage flows).

Snowy Hydro 2: A pumped hydro expansion of the existing Snowy Hydro Scheme using surplus electricity at times of low demand to pump and store water, which can be used to generate power on demand when it is needed.

State of the Environment report: A report prepared every three years as a requirement under Section 10 of the POEA Act. The report describes the status and trends in the key environmental issues facing NSW.

Glossary

Subsidiary: A company that is owned by another company – either a parent company or a holding company.

Voluntary management proposal: A proposal from a landowner that outlines how contamination will be managed at a site. A proposal may be accepted with or without conditions.

Waste levy: A per tonne charge on waste disposed of to landfill in specified regulated areas of NSW.

Wet weather overflow: When raw or partially treated sewage is released into the environment

World-class regulation: a standard of excellence that the EPA strives for in everything we do. Our five pillars of world class regulation are: having a learning mindset, being outcomes focused, responsive and adaptive, purpose and people-centred and service oriented.



View of Aboriginal fishing pools, Hacking River, Bungoona. Photo: iStock