

Inquiry Recommendation	WCRA Position
<b>Recommendation 1:</b> That the NSW Government ensure that all funds allocated to the Waste Less, Recycle More program be spent in accordance with the program.	WCRA supports this recommendation. However there needs to be greater flexibility to rapidly respond to changing conditions in the waste industry, such as China's National Sword policy or to stimulate other waste and resource recovery activities that could resolve ongoing issues such as the waste to Queensland issue.
<b>Recommendation 2:</b> That the NSW Environment Protection Authority undertake an audit of the Waste Less, Recycle More program to ensure that the funds are fully expended to meet the objectives of the program.	WCRA supports this recommendation. This audit should be conducted externally and independently funded through funds obtained from the Waste Levy.
<b>Recommendation 3:</b> That the NSW Government reclassify Shoalhaven City Council from the Metropolitan Levy Area to either the Regional Levy Area or the unregulated area.	WCRA supports this recommendation. Long distances are major cost issue for SCC and this recommendation is in line with the classification of those Councils north of Newcastle.
<b>Recommendation 4:</b> That NSW Government hypothecate 100 per cent of the waste levy funds contributed by local councils back to these organisations to provide waste management services, including waste reduction, avoidance and re-use programs, and environmental programs, and to encourage the development of innovative waste management technology.	WCRA supports this recommendation in that a greater proportion of the levy funds received by State Government will be returned to both industry and local government. It should be noted that from the 1970's through to the early 1990's 100% of the waste levy collected was hypothecated for waste management purposes. NSW currently allocates a mere 12% of the waste levy for waste management purposes and WCRA proposes an increase to 50% hypothecation from 1 <sup>st</sup> July 2019.
<b>Recommendation 5:</b> That the NSW Government investigate opportunities to hypothecate a proportion of waste levy funds contributed by the waste industry back to the industry to support waste management solutions and the development of innovative waste management technology.	In line with our response to Recommendation 4, WCRA supports the recommendation, as there is a need for a greater proportion of the levy funds received by State Government to be returned to both industry and local government.
<b>Recommendation 6:</b> That the NSW Government urgently consider attaching the waste levy to the waste generator in New South Wales, particularly for large waste generators or operators of large sites.	WCRA does not support this recommendation on the basis that it would be too difficult to regulate and control. However, WCRA has long supported the proposal that the Waste Levy should be paid by transfer stations and on residual waste from recycling centres with a credit obtained when tipping at NSW landfills.
<b>Recommendation 7:</b> That the NSW Government investigate options for reforming the waste levy grant system, including providing greater flexibility in the grant guidelines for waste management projects.	WCRA supports this recommendation. The reforms should also consider the implementation of a dedicated planning team, with unique and specialised knowledge, specific to the waste industry. This would enable a streamlined planning process and reduce the risk involved with delivering waste management projects. The currently planning and approval process is long and arduous which increases the risk of projects not being delivered.

<p><b>Recommendation 8:</b> That the NSW Government amend the Protection of the Environment Operations Legislation Amendment (Waste) Regulation 2017 to make it an offence to exhume waste from landfill sites.</p>	<p>WCRA has long advocated for and supports this recommendation. Exhumation of waste from landfills should be ceased. There is no evidence to suggest that there are any environmental benefits from this practice. Quite simply, the Waste Levy is being used to subsidise the transport and disposal of exhumed waste to interstate facilities.</p> <p>In extenuating circumstances, the NSW EPA has the power to approve, on a case-by-case-basis, the exhumation of waste where it can be demonstrated that the waste is being exhumed to address an environmental or planning issue.</p>
<p><b>Recommendation 9:</b> That the NSW Government allocate additional resources to support the policing of illegal dumping.</p>	<p>WCRA believes that the NSW waste management laws and regulations need to be updated to allow for better control of the higher values associated with waste and recycling. Rogue operators view the waste industry as low-cost with limited barriers to entry, where it is easy to make a quick dollar and largely unregulated. This all creates a pathway to by-passing the system, unlawful activities and illegal dumping.</p>
<p><b>Recommendation 10:</b> That the NSW Environment Protection Authority strengthen its liaison with NSW Police when it comes to illegal activity in the waste sector, with formal protocols made public, and specifying the channels through which this liaison occurs.</p>	<p>WCRA supports this recommendation. WCRA has long advocated for all waste transporters to be licenced, thereby allowing for more accountability and better traceability of waste. A proper licencing system for waste transporters would also help better identify (or isolate) rogue operators. In addition, WCRA proposes that there is a permanent section within NSW EPA for the NSW Police so that the two agencies can work together to combat illegal activities within the waste sector. Using funds from the Waste Levy, Police Officers would be specifically trained in environment and waste legislation and provide support to the NSW EPA. WCRA would be happy to design a suitable training program.</p>
<p><b>Recommendation 11:</b> That the NSW Government allocate additional resources to, and expand the number of, Regional Illegal Dumping (RID) squads.</p>	<p>WCRA supports this recommendation. WCRA would like to also recommend and participate in the consultation process.</p>
<p><b>Recommendation 12:</b> That the NSW Environment Protection Authority immediately increase the use of vehicle trackers and other surveillance techniques, including drones, to prevent illegal dumping.</p>	<p>WCRA supports this recommendation. Anything the NSW EPA can lawfully undertake to ensure compliance is supported. The cost to undertake such activities should be funded from the Waste Levy.</p>
<p><b>Recommendation 13:</b> That the NSW Government allocate additional resources to support the enhanced use of vehicle trackers in the waste industry.</p>	<p>WCRA supports this recommendation. Waste tracking and accountability could also be better achieved if all waste transporters were licenced. Funding to undertake such activities should be from the Waste Levy, and outside of the current Waste Less, Recycle More funding.</p>

<p><b>Recommendation 14:</b> That the NSW Environment Protection Authority:</p> <ul style="list-style-type: none"> <li>• develop and implement a state-wide approach to ending the interstate transportation of waste; and</li> <li>• pursue a national approach to addressing the interstate transportation of waste in collaboration with its counterparts in other jurisdictions.</li> </ul>	<p>WCRA has long advocated for an end to the interstate transportation to waste. WCRA proposes that the NSW EPA develop a state wide and national approach to managing the trade in interstate waste (this is a critical issue for NSW waste industry).</p>
<p><b>Recommendation 15:</b> That the NSW Environment Protection Authority provide more detailed information concerning the emissions regime for energy from waste facilities, including explicit reference to international best practice standards, in the Energy Recovery Facility Guidelines.</p>	<p>The NSW EfW Policy already requires international best practice standards.</p>
<p><b>Recommendation 16:</b> That the NSW Environment Protection Authority set licensing conditions that meet current international best practice for emissions standards, and that licensing conditions be drafted so as to incorporate any future improvements in emissions standards.</p>	<p>The NSW EfW Policy already requires international best practice standards.</p>
<p><b>Recommendation 17:</b> That the NSW Environment Protection Authority set out the expected community engagement practices and outcomes a proponent must comply with to receive the necessary approvals and community support to operate an energy from waste facility in the Energy Recovery Facility Guidelines.</p>	<p>One of the greatest challenges facing applicants is identifying an appropriate site for locating EfW facilities. WCRA recommends the government consider developing a dedicated industrial corridor, with specific zoning rules and environmental controls, that supports industrial developments such as EfW facilities. The main role of a dedicated industrial corridor is to facilitate businesses set up their facilities quickly without complicated planning processes, issues with land acquisition and resources, issues with neighbouring landholders and providing cheap, fast, and efficient transportation to facilities and the rest of the state.</p> <p>The recent demise of the AWT sector makes action on this matter a very high priority.</p>
<p><b>Recommendation 18:</b> That the NSW Department of Planning and Environment require applicants for energy from waste facilities to provide a short, high-level summary of the Environmental Impact Statement, and that this document be published on the department’s website, in addition to the full Environmental Impact Statement.</p>	<p>WCRA supports this recommendation. All EfW facility applications must address all the issues in the EIS process.</p>

<p><b>Recommendation 19:</b> That the NSW Government establish an expert advisory body on energy from waste chaired by the Chief Scientist to examine and report on the energy from waste regulatory framework to create certainty for the market and communities, with particular reference to:</p> <ul style="list-style-type: none"> <li>• changes required to the Energy from Waste Recovery Guidelines to guarantee that New South Wales uses only world’s best practices in emissions, emissions monitoring and residual waste disposal;</li> <li>• consent conditions required in any planning approval to guarantee that New South Wales uses only world’s best practices in emissions, emissions monitoring and residual waste disposal</li> <li>• the impact of energy from waste on human health LEGISLATIVE COUNCIL ‘Energy from waste’ technology xiv Report 7 - March 2018; and</li> <li>• the impact of energy from waste on recycling targets.</li> </ul>	<p>WCRA supports this recommendation. The government needs to better promote the benefits of EfW facilities to the community and alleviate concerns relating to EfW facilities including air quality and odour issues. The government must also establish its own confidence in EfW facilities and mandate that all EfW facilities comply with the EU Waste Incineration Directive standards, and the EU Best Available Technology (BAT) Guidelines.</p> <p>Furthermore, the proposed advisory body should also consist of several appropriate industry representatives, nominated by LGNSW, WCRA and WMAA.</p>
<p><b>Recommendation 20:</b> That, subject to the current assessment process being conducted by the NSW Department of Planning and Environment, the NSW Government not approve the energy from waste facility proposed by The Next Generation at Eastern Creek.</p>	<p>WCRA understands that this matter has been dealt with by The Independent Planning Commission.</p>
<p><b>Recommendation 21:</b> That the NSW Government investigate options to restructure the NSW Environment Protection Authority, so it can improve its performance.</p>	<p>WCRA recommends that the NSW government investigate additional options to improve the way that the EPA performs, not just through restructuring. The NSW EPA must remain a regulatory body only and not a policy maker.</p>
<p><b>Recommendation 22:</b> That the NSW Government conduct an independent review into the NSW Environment Protection Authority, with particular reference to:</p> <ul style="list-style-type: none"> <li>• assessing the adequacy of funding for the performance of its compliance, enforcement and other roles;</li> <li>• improving its community engagement role and the effectiveness of its enforcement and compliance roles; and</li> <li>• the perceived conflict of interest between its compliance and policy and education roles.</li> </ul>	<p>WCRA supports these recommendations. The NSW Government should also interview relevant key industry players as well as local government.</p>
<p><b>Recommendation 23:</b> That the NSW Government seek to amend the Protection of the Environment Administration Act 1991 to provide for the appointment of a chairperson of the board independent of the Chief Executive Officer of the NSW Environment Protection Authority.</p>	<p>WCRA has long supported and advocated for the CEO of the NSW EPA to be independent of the chair. Such a split would provide for best practice governance.</p>

<p><b>Recommendation 24:</b> That the NSW Government allocate additional resources to the NSW Environment Protection Authority to conduct investigations into large scale illegal dumping activities.</p>	<p>WCRA supports this recommendation. Site auditors should be accredited by the NSW EPA. Many of the large-scale illegal dumping activities have accepted waste from government sites and tenders. Therefore, a review should be undertaken on the due diligence process of large government tenders, particularly where tenders are awarded on price, rather than experience and/or reputation and/or a requirement to prove that the waste will be transported to a lawful facility.</p>
<p><b>Recommendation 25:</b> That the NSW Government introduce a ‘fit and proper person’ test for proprietors and company directors to assess whether individuals may work in the waste industry, incorporating a risk assessment based on a sliding scale.</p>	<p>WCRA supports this recommendation. Whilst there already is a fit and proper test under licensing which is part of Director's Duties under the <i>Corporations Law</i>, an industry specific test which covers previous waste industry experience and history</p>
<p><b>Recommendation 26:</b> That the NSW Environment Protection Authority complete the draft protocol on calculating the quantum of the monetary benefit of illegal dumping and illegal land filling as soon as practicable.</p>	<p>WCRA supports this recommendation.</p>
<p><b>Recommendation 27:</b> That the NSW Government establish an independent inquiry to investigate the operation, regulation and approvals of the Mangrove Mountain Landfill site.</p>	<p>WCRA supports a full independent inquiry into the operation, regulation and approvals of the Mangrove Mountain Landfill site. It was understood that the NSW Opposition formally referred this matter to ICAC. If this hasn't happened, then such a referral should happen via this Inquiry.</p>
<p><b>Recommendation 28:</b> That the NSW Environment Protection Authority regularly publish up-to-date waste data</p>	<p>WCRA supports this recommendation, all information is periodically reported to the EPA electronically via the WARRP system. WCRA would like to see this information released to the public annually, within 6 weeks of the end of the calendar year.</p>
<p><b>Recommendation 29:</b> That the NSW Environment Protection Authority Waste and Resource Recovery Infrastructure Strategy provide guidance on matters including:</p> <ul style="list-style-type: none"> <li>• identifying appropriate precincts and locations, including buffer zones, for waste facilities;</li> <li>• facilitating new infrastructure, particularly alternative waste management options and energy from waste plants;</li> <li>• enabling the circular economy, including waste generator education, product stewardship, waste levies, market support initiatives and avoidance, reduction and re-use support subsidies; and</li> <li>• creating ‘real markets’ for secondary materials from waste.</li> </ul>	<p>WCRA supports this recommendation. WCRA would also like to see more funding for better education of waste generators for a cleaner recycling stream. Furthermore, it is critical that an infrastructure strategy is kept up to date to help provide signals to the market where there are gaps in infrastructure to encourage appropriate and efficient investment. The recent decision by the EPA to back-flip on the Resource Recovery Exemptions for AWT outputs is a major concern for investors in the NSW waste management sector.</p>

<p><b>Recommendation 30:</b> That the NSW Government investigate opportunities to enhance the collaborative powers of Regional Organisations of Councils to encourage investment in waste facilities, to be funded by the waste levy.</p>	<p>WCRA supports this recommendation. More facilities are required, and as per recommendation 7, WCRA supports the implementation of a dedicated planning team, with unique and specialised knowledge, specific to the waste industry. This would enable a streamlined planning process. The currently planning and approval process is long and arduous which adversely affects the confidence and bank balances of waste facility applicants.</p>
<p><b>Recommendation 31:</b> That the NSW Government identify a government body, either an existing department or agency or a newly-created body, responsible for leading waste management infrastructure planning in New South Wales, including:</p> <ul style="list-style-type: none"> <li>• leading the development of a waste management infrastructure plan for metropolitan Sydney, in collaboration with local government</li> <li>• identifying and zoning land, including buffer zones, for waste management facilities, in collaboration with the NSW Department of Planning and Environment and other stakeholders such as local councils</li> <li>• leading the development of a waste management infrastructure State Environmental Planning Policy, in collaboration with the NSW Department of Planning and Environment.</li> </ul>	<p>WCRA recommends that the NSW Government identify a body or create one for leading waste management infrastructure planning in NSW (structural reform is required to ensure that planning and approvals for new infrastructure can proceed more efficiently than is currently the case). Currently Council Compliance Officers are assessing the suitability of proposals which requires two very different skill sets.</p>
<p><b>Recommendation 32:</b> That the NSW Environment Protection Authority develop and implement resource recovery criteria for landfills in New South Wales.</p>	<p>WCRA supports this recommendation. We understand that the Minister has been assessing the Construction and Demolition Waste regulatory reform proposal since June 2018. In fact, across two Ministers (the Hon. Mr Speakman and the Hon. Ms. Upton), this matter has gone unresolved since October 2016. This regulatory uncertainty increases delays planning approvals and increases the costs of delivering new infrastructure.</p>
<p><b>Recommendation 33:</b> That the NSW Environment Protection Authority provide additional support to local councils and resource recovery organisations to meet recycling targets and manage issues such as stream contamination, bureaucratic barriers, lack of product stewardship, and limited market opportunities.</p>	<p>WCRA supports this recommendation. In light of recent issues such as the China Sword policy, the NSW Government and the waste industry need to work together for better waste outcomes including reduced contamination and better market opportunities. Additional funding for this support should be taken from the Waste Levy, but outside of the current Waste Less, Recycle More funding. With the backflipping on approvals for AWT outputs by the EPA, this is now an even greater problem.</p>
<p><b>Recommendation 34:</b> That the NSW Environment Protection Authority urgently investigate, identify and implement alternative solutions to the ban on the importation of recyclable plastics by China.</p>	<p>WCRA supports this recommendation. Additional funding should be taken from the Waste Levy, but outside of the current Waste Less, Recycle More funding.</p>

<p><b>Recommendation 35:</b> That the NSW Environment Protection Authority, in collaboration with stakeholders, investigate opportunities to embed zero waste strategies and the circular economy in New South Wales.</p>	<p>WCRA partly supports recommendation. Any strategies to reduce waste are supported. However, the circular economy concept in the main only encourages organisations to think in terms of increasing their recycling rates versus truly trying to eliminate waste.</p>
<p><b>Recommendation 36:</b> That that the NSW Government allocate additional resources to the NSW Environment Protection Authority to develop and implement Extended Producer Responsibility schemes.</p>	<p>WCRA supports this recommendation. An EPR scheme should be based on founded policy instruments such as product take-back, end-of-life waste management fees, advance disposal fee, mandatory deposit-refund system, recycling incentives or disposal incentives. An EPR scheme has the potential to foster innovation through design changes to reduce the costs of end-of-life disposal of products. However, any EPR action would be best handled nationally. Any funding through and EPR should be used to support public education on the management waste, end of life management of waste, and education to encourage use of sustainable alternatives.</p> <p>The NSW Government should also consider mandatory product stewardship schemes which place a legal obligation on parties to take certain actions in relation to a product. Requirements that can be placed on parties using the legislation include the labelling of products, making arrangements for recycling products at end of life, or requiring a deposit and refund to be applied to a product. Currently, there are no mandatory schemes under the <i>Product Stewardship Act 2011</i>. The only mandatory product stewardship scheme in Australia is for used oil which is covered by its own legislation.</p>