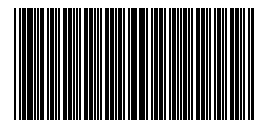




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Points of Defence

COURT DETAILS

| | |
|-------------|-----------------------------------|
| Court | Land and Environment Court of NSW |
| Division | Class 4 |
| Registry | Land and Environment Court Sydney |
| Case number | 2020/00106678 |

TITLE OF PROCEEDINGS

| | |
|------------------|---|
| First Applicant | Bushfire Survivors for Climate Action Incorporated (INC1901160) |
| First Respondent | Environment Protection Authority |

FILING DETAILS

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|-----------|--|
| Filed for | Environment Protection Authority, Respondent 1 |
|-----------|--|

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|--------------------------------|-------------------------------|
| Legal representative | DAMON PAUL ANDERSON |
| Legal representative reference | |
| Telephone | 02 9995 5014 |
| Your reference | EF20/20904 Christopher Butler |

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Points of Defence (EPA ats BSCA - Response - 5 June 2020_.pdf)

[attach.]

Form 1 (version 4)
UCPR 59.6

RESPONSE

COURT DETAILS

| | |
|-------------|---|
| Court | Land and Environment Court of New South Wales |
| Class | 4 |
| Registry | Sydney |
| Case number | 2020/106678 |

TITLE OF PROCEEDINGS

| | |
|------------|--|
| Applicant | Bushfire Survivors for Climate Action Incorporated (INC1901160) |
| Respondent | Environment Protection Authority |

FILING DETAILS

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|--------------------------------|---|
| Filed for | Environment Protection Authority , the Respondent |
| Filed in relation to | Applicant's Amended Summons filed 8 May 2020 |
| Legal representative | Damon Anderson, Director Litigation Environment Protection Authority |
| Legal representative reference | EF20/20904 |
| Contact name and telephone | Christopher Butler (02) 8275 1627 |
| Contact email | Christopher.Butler@epa.nsw.gov.au |

RESPONSE

A. Introduction

1. This is the response of the respondent, Environment Protection Authority (the **EPA**), to the amended summons filed by the applicant, Bushfire Survivors for Climate Action Incorporated (the **BSCA**) on 8 May 2020 (the **Amended Summons**). The grounds advanced for the relief sought are set out in the Points of Claim annexed to the Amended Summons (**Points of Claim**).

B. Whether the EPA opposes the relief sought

2. The EPA opposes the relief sought as set out in the Amended Summons and para. 41 of the Points of Claim, on the grounds set out below.

C. Grounds for opposing the relief sought

3. In the Amended Summons, the BSCA seeks orders in the nature of mandamus to compel the performance of alleged statutory duties in a particular manner under the following provisions:

- (1) section 9(1)(a) of the *Protection of the Environment Administration Act 1991* (NSW) (the **Administration Act**); and
 - (2) section 12(1) of the *Protection of the Environment Operations Act 1997* (NSW) (the **Operations Act**).
4. The EPA says there is no basis for orders of this nature, alternatively such relief should be refused in the exercise of the Court's discretion.
 5. The duty in s 9(1)(a) of the *Administration Act* has been performed and s 12(1) of the *Operations Act* does not impose any duty of the kind alleged by the BSCA.

Section 9(1)(a) of the *Administration Act*

6. The EPA accepts that s 9(1)(a) of the *Administration Act* imposes a duty upon it in the terms stated at para. 32 of the Points of Claim.
7. The EPA denies that there is any requirement under s 9(1)(a) of the *Administration Act*, as alleged in para. 33(a) of the Points of Claim, that objectives, guidelines and policies be "adapted to ensuring" environment protection.
8. On the proper construction of s 9(1)(a), the EPA has discretion as to how that duty is discharged.
9. The EPA has discharged the duty in s 9(1)(a) of the *Administration Act* by exercising its powers from time to time to develop environmental quality objectives, guidelines and policies to ensure environment protection, including as set out in Annex A to this Response.
10. In the circumstances there is no unperformed duty of the kind that could support orders in the nature of mandamus in respect of s 9(1)(a) of the *Administration Act*.
11. Further, or in the alternative, there is no duty arising from s 9(1)(a) of the *Administration Act* or otherwise to make the particular guidelines, policies and/or draft policies described in para. 37 of the Points of Claim.
12. As to the allegation in para. 33(b) of the Points of Claim:
 - (1) the EPA accepts that it is an implied condition of the power and duty in s 9(1)(a) of the *Administration Act* that, when exercised, it be exercised in a legally reasonable way;
 - (2) s 9(1)(a) of the *Administration Act* does not require the EPA to develop the objectives, guidelines and policies "which any reasonable authority would develop...";

- (3) in any event it was and is reasonably open to the EPA not to develop the particular environmental quality objectives, guidelines, policies and/or draft policies identified at para. 39 of the Points of Claim.
13. There is no express or implied requirement, in or deriving from s 9(1)(a) of the *Administration Act*, which is amenable to orders in the nature of mandamus, for the EPA to develop objectives, guidelines and policies on the topics set out at paras. 37 or 39 of the Points of Claim.
14. The EPA says further that:
- (1) it has developed objectives, guidelines and policies on the topics of greenhouse gas emissions, climate change, and the environmental impacts of greenhouse gas emissions, as identified in Annex A; and
- (2) in the premises if there was any specific requirement for the EPA to produce objectives, guidelines and policies of this nature (which is denied), the EPA has complied with such requirement.
15. The EPA therefore denies any breach of s 9(1)(a) of the *Administration Act* and there is no basis for the relief sought in the Amended Summons.
16. Further or in the alternative, it would not be appropriate for the Court to make orders in the nature of mandamus to compel production of objectives, guidelines or policies on particular topics or with particular content. Alternatively, such orders should not be made in the exercise of the Court's discretion.

Section 12(1) of the *Operations Act*

17. In relation to para. 34(b) of the Points of Claim or otherwise, s 12(1) of the *Operations Act* does not impose any mandatory requirements in the nature of a statutory duty upon the EPA.
18. Section 12(1) confers a discretionary power upon the EPA to prepare draft policies of the particular kind referred to in Chapter 2 of the *Operations Act*, and for the specific purposes of that Chapter, if it chooses to do so.
19. There is therefore no basis for orders in the nature of mandamus in respect of s 12(1) of the *Operations Act*.
20. Further, contrary to the allegation in para. 34(c)(i) of the Points of Claim, the requirement that draft policies be "adapted to ensuring" environment protection does not form part of s 12(1) of the *Operations Act*.
21. As to the allegation in para. 34(c)(ii) of the Points of Claim:

- (1) the EPA accepts that it is an implied condition of the power in s 12(1) of the *Operations Act* that, when exercised, it be exercised in a legally reasonable way;
 - (2) s 12(1) of the *Operations Act* does not require the EPA to develop draft policies “which any reasonable authority would develop...”; and
 - (3) in any event it was and is reasonably open to the EPA not to exercise the power in s 12(1) of the *Operations Act* so as to develop the particular draft policies identified at para. 39 of the Points of Claim.
22. There is no express or implied requirement, in or deriving from s 12(1) of the *Operations Act*, which is amenable to orders in the nature of mandamus for the EPA to develop objectives, guidelines and policies on the topics set out at paras. 37 or 39 of the Points of Claim.
23. The EPA therefore denies any breach of s 12(1) of the *Operations Act* and there is no basis for the relief sought in the Amended Summons.
24. Further or in the alternative, it would not be appropriate for the Court to make orders in the nature of mandamus to compel production of draft policies on particular topics or with particular content. Alternatively, such orders should not be made in the exercise of the Court’s discretion.

D. The EPA’s Response to Factual Contentions in the Points of Claim

25. In the NSW State of the Environment Report 2018 (**2018 Report**), the EPA addressed the nature and impact of climate change on the environment and people of NSW. The EPA accepts it is aware of the matters set out in the 2018 Report and believes those matters to be true.
26. In particular, the 2018 Report states:
- (1) The effects of climate change on the people and environment of NSW are expected to become more pronounced and increase in severity as warming continues over the next century.
 - (2) Emissions of carbon dioxide and other greenhouse gases from human activity (including power generation, industry, transport and agriculture) are leading to a build-up of these gases in the atmosphere, trapping heat and leading to global warming.
 - (3) There has been an increase in temperature, increase in the number of hot days, sea level rise and longer, hotter and more frequent heatwaves.

- (4) The Intergovernmental Panel on Climate Change (**IPCC**) is a United Nations body that assesses the latest scientific research on climate change and its effects from around the world. The IPCC has published five comprehensive assessment reports to date, the most current being the Fifth Assessment Report in 2014. The key findings of those reports include the following:
 - (a) Warming of the climate is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia.
 - (b) Human influence in producing greenhouse gases is clear and is the dominant cause of global warming since 1950.
27. The EPA also acknowledges and accepts:
- (1) The work performed by the CSIRO and the Australian Government Bureau of Meteorology that is relied upon at paras. 16 and 18 of the Points of Claim.
 - (2) The work performed by the IPCC that is relied upon at paras. 23-24 of the Points of Claim.
 - (3) Australia's National Greenhouse Gas Inventories and the Department of Environment and Energy's Emissions Projections relied upon at paras. 24-25 of the Points of Claim.
 - (4) The work performed by the Office of Environment & Heritage that is relied upon at para. 28 of the Points of Claim.
 - (5) The assessments that were performed by Working Group II of the IPCC in 2014 that is relied upon at paras. 29-30 of the Points of Claim.
28. As explained in the NSW State of the Environment Report 2018, the NSW Government's Climate Change Policy Framework (the **Framework**), released in 2016, set targets for NSW to achieve net zero emissions by 2050 and to become more resilient to a changing climate and sets out directions for adaption to climate change.
29. The EPA was involved in the development of the Framework.
30. The NSW Government has now published the Net Zero Plan Stage 1: 2020-2030 (**Net Zero Plan**), with the aim of reducing emissions over the next decade and preparing to take further action in the decades that follow.

31. The EPA was involved in the development of the Net Zero Plan.

SIGNATURE

Signature of legal representative

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line that tapers to the right.

Capacity

Solicitor for the Respondent

Date of signature

5 June 2020

ANNEX A: OBJECTIVES, GUIDELINES AND POLICIES

| Name of document | Published by * denotes EPA predecessor agencies ^ denotes EPA (or predecessor agency) was involved in the development of the document | Addresses a matter arising under [37](a)-(e), [38](a)-(e) and [39](a)-(e) of the Applicant's Points of Claim | Publication year |
|--|---|--|------------------|
| 2013 Calendar Year Air Emissions Inventory for the Greater Metropolitan Region in NSW | EPA | Y | 2019 |
| 2015 State of the Environment Report | EPA | Y | 2015 |
| 2015–16 National Litter Index Results for New South Wales | EPA | N | 2016 |
| A guide to the Noise Policy for Industry | EPA | N | 2017 |
| Action for Air | EPA predecessor agency (DECCW)* | Y | 2009 |
| Air Emissions Inventory for the Greater Metropolitan Region in New South Wales - 2013 Calendar Year - Consolidated Natural and Human-Made Emissions: Results | EPA | Y | 2019 |
| Air pollution – where does it come from? - Air Emissions Inventory for the Greater Metropolitan Region in NSW | EPA predecessor agency (DECC)* | Y | 2007 |

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| Air Quality Trends in the Illawarra - Current knowledge based on emission, monitoring and modelling studies, and areas of ongoing research - September 2015 | Office of Environment and Heritage (NSW) ^ | Y | 2015 |
| An assessment of attitudes and behaviour amongst multi unit dwelling residents in relation to illegal dumping | EPA predecessor agency (DEC)* | Y | 2004 |
| Applying compost and biosolids to land factsheet | EPA | Y | 2018 |
| Approved Methods for testing noise emissions | EPA | N | 2017 |
| Approved Methods for the modelling and assessment of air pollutants in NSW | EPA | N | 2016 |
| Approved Methods for the sampling and analysis of air pollutants in NSW | EPA predecessor agency (DEC)* | Y | 2006 |
| Approved Methods for the sampling and analysis of water pollutants in NSW | EPA predecessor agency (DEC)* | N | 2004 |
| Aquifer interference policy | Department of Primary Industries - Office of Water (NSW) ^ | N | 2012 |
| Asbestos and Waste Tyre Guidelines | EPA | N | 2015 |
| Assessing Vibration: a technical guideline | EPA predecessor agency (DEC)* | N | 2006 |
| Assessment and management of hazardous ground gases - Contaminated Land Guidelines | EPA | Y | 2019 |
| Assessment of domestic waste and recycling systems | EPA predecessor agency (DEC)* | Y | 2004 |

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| Assessment of Garden Organics Collection Systems | EPA predecessor agency (DEC)* | Y | 2005 |
| Australian and New Zealand Guidelines for Fresh and Marine Water Quality | Australian and New Zealand Governments and Australian state and territory governments (ANZG)^ | N | 2018 |
| Best Practice Note: Landfarming | EPA | N | 2014 |
| Better fuel for cleaner air - Regulation impact statement | Commonwealth of Australian ^ | Y | 2018 |
| Better Practice Guide for Public Place Recycling | EPA predecessor agency (DEC)* | Y | 2005 |
| Better practice guide for resource recovery in residential developments | EPA | Y | 2019 |
| Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities | EPA | Y | 2012 |
| Bushfire impacts on water quality | EPA | Y | 2020 |
| Changing Behaviour Together: Waste Less, Recycle More Education Strategy 2016-21 | EPA | Y | 2017 |
| Clean Air for NSW - Consultation paper | EPA | Y | 2016 |
| Clean cars for NSW | EPA | Y | 2003 |
| Cleaning Up Our Act: Redirecting the Future of Plastic in NSW Discussion Paper | NSW Government ^ | Y | 2020 |
| Cleaning Up Our Act: The Future for Waste and Resource Recovery in NSW | NSW Government^ | Y | 2020 |

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| Issues Paper | | | |
| Coal seam gas activities and air quality | EPA | Y | 2014 |
| Coal Washery Rejects Levy Operational Guidance Note | EPA predecessor agency (DECCW)* | N | 2009 |
| Co-Collection of Domestic Food Waste and Garden Organics The Australian experience | EPA predecessor agency (DECCW)* | Y | 2007 |
| Code of practice for coal seam gas fracture stimulation | Department of Trade & Investment - Resources & Energy (NSW) ^ | Y | 2012 |
| Code of Practice for Coal Seam Gas Well Integrity | Department of Trade & Investment - Resources & Energy (NSW) ^ | Y | 2012 |
| Compliance audit handbook | EPA | Y | 2017 |
| Compulsory notification of pesticides use | EPA | N | Updated 2018 |
| Compulsory pesticides training | EPA | N | Updated 2020 |
| Considering the environmental values of water when issuing prevention notices | EPA predecessor agency (DEC)* | N | 2006 |
| Contaminated Land Management Compliance Statement | EPA | N | 2018 |
| Contaminated Land Planning Guidelines | NSW Government ^ | N | 2018 |

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| Contaminated sites - Guidelines for the Assessment and Management of Groundwater Contamination | EPA predecessor agency (DEC)* | N | 2007 |
| Council resource kit - woodsmoke isn't good smoke education campaign | EPA | N | 2019 |
| Crackdown on illegal dumping - handbook for Local Government | EPA predecessor agency (DECC)* | N | 2007 |
| Dangerous Goods Vehicle Inspection Manual | EPA | N | 2018 |
| Dangerous Goods: Controls and when they apply | EPA | N | 2020 |
| Dangerous goods: Overview | EPA | N | Updated 2020 |
| Dangerous Goods: Tank Design Approvals | EPA | N | 2020 |
| Design Guide for Container Recycling Equipment and Facilities under the NSW Container Deposit Scheme | EPA | Y | 2017 |
| Developing a pesticide use notification plan for outdoor public places | EPA | N | 2017 |
| Developing Recycled Organic Products for Use in Viticulture Market Needs and Sensitivity | EPA predecessor agency (DEC)* | Y | 2005 |
| Diesel and Marine Emissions Management Strategy | EPA | Y | 2015 |
| Diesel emissions and their management in NSW - Background paper for EPA diesel emissions workshop 13 June 2014 | EPA | Y | 2014 |
| Diesel Locomotive Fuel Efficiency & Emissions Testing - Prepared for the NSW EPA | EPA | Y | 2016 |

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| Draft Financial Assurance Policy - This document is for public consultation purposes only | EPA | Y | 2020 |
| Dry cleaning chemicals (fact sheet) | EPA | N | 2009 |
| Dust Assessment Handbook | EPA | N | 2019 |
| Eligible waste fuels guidelines | EPA | N | 2016 |
| Energy Efficiency Action Plan | Office of Environment and Heritage (NSW) ^ | N | 2018 |
| Environment Protection Authority Compliance Policy | EPA | N | 2013 |
| Environmental benefits of recycling | EPA predecessor agency (DECCW)* | Y | 2010 |
| Environmental Guidelines - Use and Disposal of Biosolids Products | EPA | N | 2000 |
| Environmental Guidelines: Aerial Spraying Activities | EPA | N | 2017 |
| Environmental Guidelines: Composting and related organics processing facilities | EPA predecessor agency (DEC)* | Y | 2004 |
| Environmental Guidelines: Solid waste landfills | EPA | Y | 2016 |
| Environmental Guidelines: Use of Effluent by Irrigation | EPA predecessor agency (DEC)* | Y | 2004 |
| Environmental improvement programs: Operating procedure | EPA | N | 2014 |
| Environmental Management Calculation Protocol for Risk-based Licensing. | EPA | N | 2019 |
| EPA Compliance Plan 2018-2019 | EPA | N | 2019 |

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| EPA licensing guideline: Environmental Risk levels | EPA | N | 2016 |
| EPA Litter Prevention Kit Part 2 - Delivering effective local litter prevention projects | EPA | N | 2019 |
| EPA Litter Prevention Kit Part 3 - Local Litter Check Guidelines | EPA | N | 2016 |
| EPA Litter Prevention Kit Part 4 - Butt Litter Check Guidelines | EPA | N | 2019 |
| EPA Prosecution Guidelines | EPA | N | 2013 |
| EPA Strategic Plan 2017-21 - 2018 updated | EPA | N | 2018 |
| EPA's Energy from Waste Policy Statement | EPA | Y | 2015 |
| Explanation of Intended Effects - SEPP (Environment) | NSW Government ^ | Y | 2017 |
| Fact sheet: Rehabilitation of gas sites in NSW | EPA | N | 2016 |
| Filling your land? Make sure it's legal | EPA | N | 2017 |
| Fire safety in waste facilities | EPA | N | 2020 |
| Flaring of Gas | EPA | Y | 2015 |
| Food and Garden Organics Best Practice Collection Manual | Commonwealth of Australia ^ | Y | 2012 |
| Full Cost of Landfill Calculator and brochure | EPA predecessor agency (OEH)*; Department of Premier and Cabinet | Y | 2011 |

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| Future use of mixed waste organic outputs: EPA position statement | EPA | Y | 2019 |
| Government resource efficiency policy - Office of Environment and Heritage Annual Report 2014–15 | Office of Environment and Heritage (NSW) ^ | Y | 2016 |
| Greater Sydney Regional Plan - A Metropolis of Three Cities – connecting people and supporting District Plans | NSW Government ^ | Y | 2018 |
| Green Vehicle Guide | Australian Government ^ | Y | 2020 |
| Guidance for licensing of mineral-sand mining that generates radioactive residues | EPA predecessor agency (DECC)* | N | 2009 |
| Guidance on the resource recovery order and exemption for mulch | EPA | N | 2016 |
| Guide to licensing Under the Protection of the Environment Operations Act 1997 | EPA | N | 2016 |
| Guide to Notices under the POEO Act | EPA predecessor agency (DECC)* | N | 2009 |
| Guideline for the operation of the Mutual Recognition legislation for licensing and accreditation under the Radiation Control Act 1990 | EPA | N | 2013 |
| Guideline: Pollution Incident Response Management Plans | EPA | Y | 2020 |
| Guidelines for Conducting Household Kerbside Residual Waste, Recycling and Garden Organics Audits in NSW Local Government Areas | EPA predecessor agency (DECC)* | N | 2008 |
| Guidelines for Consultants Reporting on Contaminated Sites | EPA | N | 2020 |

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| Guidelines for disposal of rinsate (fact sheet) | EPA | N | 2012 |
| Guidelines for implementing the POEO (Underground Petroleum Storage Systems) Regulation 2008 | EPA predecessor agency (DECCW)* | N | 2009 |
| Guidelines for the Burning of Bio-material - Record-keeping Requirements for Electricity Generating Facilities | EPA | N | 2013 |
| Guidelines for the economic assessment of mining and coal seam gas proposals | NSW Government ^ | Y | 2015 |
| Guidelines for Using Compost in Land Rehabilitation and Catchment Management | EPA predecessor agency (DECC)*; Department of Primary Industries | Y | 2005 |
| Guidelines on Enforceable Undertakings | EPA | N | 2017 |
| Guidelines on EPA use of unmanned aircraft | EPA | N | 2018 |
| Guidelines on recovering monetary benefits from environmental offenders | EPA | N | 2019 |
| Guidelines on resource recovery - Orders and Exemptions - For the land application of waste materials as a fertiliser or soil amendment | EPA | Y | 2017 |
| Guidelines on resource recovery - Orders and Exemptions - For the land application of waste materials as fill | EPA | Y | 2017 |
| Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 | EPA | N | 2015 |

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| Handbook for Design and Operation of Rural and Regional Transfer Stations | EPA predecessor agency (DEC)* | Y | 2006 |
| Handbook for the design, construction, operation, monitoring and maintenance of a passive landfill gas drainage and biofiltration system | EPA predecessor agency (DECCW)* | Y | 2010 |
| Hazardous waste storage and processing - Guidance for the liquid waste industry | EPA | N | 2016 |
| Household building and renovation: Asbestos | EPA | N | Updated 2019 |
| Household building and renovation: Lead safety | EPA | N | Updated 2020 |
| Household building and renovation: Treated timber | EPA | N | Updated 2017 |
| Household chemical CleanOut (fact sheet) | EPA | N | Updated 2018 |
| Identifying Potential Agricultural and Horticultural Markets for Composted Garden Organics in New South Wales | EPA predecessor agency (DECC)* | Y | 2008 |
| Illegal dumping prevention and clean-up: Handbook for Aboriginal communities | EPA predecessor agency (DECC)* | N | 2008 |
| Improving mine rehabilitation in NSW | NSW Government ^ | Y | 2017 |
| Improving water quality in catchments using compost | EPA predecessor agency (DEC)*; Department of Primary Industries | N | 2005 |

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| Indicative Secretary's Environmental Assessment Requirements (SEARs) - For state significant mining developments | NSW Government ^ | N | 2015 |
| Industry fact sheet: reducing business waste - Supermarkets | EPA | Y | 2017 |
| Instructions for E-RAMP: Environmental Risk Assessment and Mitigation Package for Small Waste Facilities | EPA | Y | 2014 |
| Instructions for E-RAMP: Environmental Risk Assessment and Mitigation Package for Small Waste Facilities - version 2 | EPA | Y | 2014 |
| Integrated pest management: IPM Case studies | EPA | Y | Updated 2018 |
| Interim Construction Noise Guidelines | EPA predecessor agency (DECC)* | N | 2009 |
| Interim OEH Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra | EPA predecessor agency (OEH)*; Department of Premier and Cabinet | Y | 2011 |
| Large-Scale Solar Energy Guideline - For State Significant Development | NSW Government ^ | Y | 2018 |
| Licences and advice for occupational pesticides users: Aerially applying pesticides | EPA | N | Updated 2020 |
| Licences and advice for occupational pesticides users: Applying antifouling paints at marinas (Fact sheet) | EPA | N | 2017 |

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|---|---|---|--------------|
| Licences and advice for occupational pesticides users: Farming and horticultural production | EPA | N | Updated 2019 |
| Licences and advice for occupational pesticides users: Pest management technicians, fumigators, training permits and ground applicators | EPA | N | Updated 2020 |
| Licensing Guidelines for Sewage Treatment Systems | EPA | N | 2003 |
| Life Cycle Inventory and Life Cycle Assessment for Windrow Composting Systems | EPA predecessor agency (DEC)* | Y | 2006 |
| Load reduction agreements – Freeing funds for environmental improvements | EPA predecessor agency (DECC)* | N | 2009 |
| Local government air quality toolkit | EPA | Y | 2017 |
| Local Government Strategic Waste Action Plan (LGSWAP) Tool | EPA predecessor agency (OEH)* | Y | 2011 |
| Local planning for healthy waterways - using NSW Water Quality Objectives | EPA predecessor agency (DEC)* | N | 2006 |
| Local Strategic Planning Statements (and some Regional Plans) | A specific council or groupings of councils ^ | Y | Various |
| Locomotive Emissions Project Scoping Study of Potential Measures to Reduce Emissions from New and In-Service Locomotives in NSW and Australia | EPA | Y | 2013 |
| Love Food Hate Waste | NSW Government ^ | Y | Current |
| Lower Hunter Particle Characterisation Study - Final report to the NSW | CSIRO, ANSTO, Office of | N | 2016 |

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| Environment Protection Authority | Environment and Heritage ^ | | |
| Managing particles and improving air quality in NSW | EPA | Y | 2013 |
| Managing Urban Stormwater: Soils and construction | NSW Government, Landcom ^ | N | 2004 |
| Marine Estate Management Strategy 2018-2028 | Marine Estate Management Authority (NSW) ^ | Y | 2018 |
| Marine Quality Objectives for NSW Ocean Waters - Sydney Metropolitan and Hawkesbury-Nepean | EPA predecessor agency (DEC)* | N | 2005 |
| Methane and Volatile Organic Compound Emissions in New South Wales - Report for the New South Wales Environment Protection Authority | CSIRO, EPA | Y | 2016 |
| Methane Fact Sheet | EPA | Y | 2015 |
| Mine Application Guideline - Specific development application requirements for State significant mining and extractive industry developments under the Environmental Planning and Assessment Act 1979 | NSW Government ^ | N | 2015 |
| Model Waste Not DCP Chapter 2008 - A Site Waste Minimisation and Management Chapter for Consolidated Development Control Plans | EPA predecessor agency (DECC)* | Y | 2008 |
| National Clean Air Agreement | Commonwealth of Australia ^ | Y | 2015 |
| National Climate Resilience and Adaptation Strategy | Commonwealth of Australia ^ | Y | 2015 |

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| National Directory for Radiation Protection (NDRP) | ARPANSA ^ | N | 2017 |
| National Environment Protection (Air Toxics) Measure | Commonwealth of Australia ^ | N | 2011 |
| National Environment Protection (Ambient Air Quality) Measure | Commonwealth of Australia ^ | Y | 2016 |
| National Environment Protection (Assessment of Site Contamination) Measure 1999 | Commonwealth of Australia ^ | N | 2013 |
| National Environment Protection (Diesel Vehicle Emissions) Measure 2001 (minor variations May 2009) | Commonwealth of Australia ^ | Y | 2009 |
| National Environment Protection (Movement of Controlled Waste between States and Territories) Measure | Commonwealth of Australia ^ | N | 2012 |
| National Environment Protection (National Pollutant Inventory) Measure 1998 | Commonwealth of Australia ^ | N | 2008 |
| National Environment Protection (Used Packaging Materials) Measure | Commonwealth of Australia ^ | N | 2011 |
| National Pollutant Inventory | Commonwealth of Australia ^ | Y | Current |
| National Pollutant Inventory Guide | Commonwealth of Australia ^ | Y | 2015 |
| National Waste Policy - Less Waste, More Resources - 2018 | Commonwealth of Australia ^ | Y | 2018 |
| National Water Quality Management Strategy | Commonwealth of Australia ^ | N | 2018 |
| Native Forestry Operations Stop Work Orders | EPA | N | 2019 |

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| Net Zero Plan Stage 1: 2020-2030 | Environment, Energy and Science - Department of Planning, Industry and Environment (NSW) ^ | Y | 2020 |
| Noise guide for local government | EPA | N | 2013 |
| Noise Guide for Local Government Update: Changes arising from the Noise Control Regulation 2017 | EPA | N | 2018 |
| Noise Policy for Industry | EPA | N | 2017 |
| Non-road Diesel Air Emission Case Study | EPA | Y | 2016 |
| NSW Asbestos Waste Strategy 2019-21 | EPA | N | 2019 |
| NSW Circular Economy Policy Statement | EPA | Y | 2019 |
| NSW Cleaner Vehicles and Fuels Strategy | EPA predecessor agency (DECCW)* | Y | 2008 |
| NSW Climate Change Policy Framework | Office of Environment and Heritage (NSW) ^ | Y | 2016 |
| NSW Coal Mining Benchmarking Study Best Practice Measures for Reducing Non-Road Diesel Exhaust Emissions | EPA | N | 2015 |
| NSW Electric and Hybrid Vehicle Plan - Future Transport 2056 | Transport for NSW ^ | Y | 2019 |
| NSW Energy Efficiency Action Plan | Office of Environment and Heritage (NSW) ^ | Y | 2013 |
| NSW Environment Protection Authority | EPA | Y | 2019 |

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| Annual Report 2018–19 | | | |
| NSW EPA's Load-based Licensing Scheme: Overview and facts | EPA | Y | 2016 |
| NSW Extended Producer Responsibility Priority Statement 2010 | EPA predecessor agency (DECCW)* | Y | 2010 |
| NSW Gas Plan | NSW Government^ | N | 2014 |
| NSW Illegal Dumping Strategy 2017–21 | EPA | N | 2017 |
| NSW Litter Prevention Strategy 2019-2022 | EPA | N | 2019 |
| NSW Natural Resources Monitoring, Evaluation and Reporting Strategy 2010-2015 | EPA predecessor agency (DECCW)* | N | 2010 |
| NSW Radiation Series No. 5 - Recommendations for radiation safety officers and radiation safety committees | EPA predecessor agency (DEC)* | N | 2003 |
| NSW Renewable Energy Action Plan | NSW Government ^ | Y | 2013 |
| NSW Road Noise Policy | EPA predecessor agency (DECCW)* | N | 2011 |
| NSW State of the Environment 2018 | EPA | Y | 2018 |
| NSW Waste and Resource Reporting Portal (WARRP) User Guide | EPA | Y | 2016 |
| NSW Waste Avoidance and Resource Recovery Strategy 2014-2021 | EPA | N | 2014 |
| NSW Water Quality and River Flow Objectives | NSW Government ^ | N | 2006 |
| Organics recycling offers major environmental benefits | EPA predecessor agency (DECC)* | Y | 2007 |

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| Owner's guide to lawful disposal of construction and demolition waste | EPA | N | 2019 |
| Persistent Herbicides Risk Management Program | EPA predecessor agency (DEC)* | N | 2004 |
| Pesticides in NSW | EPA | N | Updated 2018 |
| Pesticides record keeping fact sheet: Greenkeepers | EPA | N | 2017 |
| Pesticides use in NSW: Engaging a pest management technician | EPA | N | Updated 2018 |
| Pesticides use in NSW: Schools, childcare centres and pesticides | EPA | N | Updated 2018 |
| Petroleum Minimum Standards and Merit Assessment Procedure | Department of Industry, Skills and Regional Development (NSW)^ | N | 2015 |
| Planning and development process for sites with underground petroleum storage systems | EPA predecessor agency (DEC)* | N | 2008 |
| Plastic microbeads in product and the environment | EPA | N | 2016 |
| Pollution reduction programs - Operating procedure | EPA | N | 2014 |
| Pollution studies - Operating procedure | EPA | N | 2014 |
| Powers of Authorised Officers - A guide to your powers under environment protection legislation | EPA predecessor agency (DEC)* | N | 2006 |

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| Practice Note - Managing run-off from service station forecourts | EPA | N | 2019 |
| Preventing pesticides misuse: Avoiding spray drift | EPA | N | Updated 2018 |
| Preventing pesticides misuse: Safe Disposal of Pesticides | EPA | N | Updated 2018 |
| Priorities for Biodiversity Adaptation to Climate Change | EPA predecessor agency (DECCW)* | Y | 2010 |
| Private Native Forestry advisory notes (x15) | EPA (2); EPA predecessor agency (DECC)* (13) | N | Various |
| Private Native Forestry Code of Practice Guideline No. 1 - Guidelines for assessing regeneration and stocking | EPA | N | 2013 |
| Private Native Forestry Code of Practice Guideline No. 4 - Techniques for measuring stand height | EPA | N | 2013 |
| Private Native Forestry Code of Practice Guideline No. 5 - Techniques for measuring stand basal area | EPA | N | 2013 |
| Protection of the Environment Operations Risk-based licensing - Guidance on using the risk assessment tool | EPA | N | 2016 |
| Protocol for calculating monetary benefits | EPA | N | 2019 |
| Radiation Advisory Council - Annual Report 2018-19 | EPA | N | 2019 |
| Radiation Guideline 1 - Monitoring devices | EPA predecessor agency (DEC)* | N | 2005 |
| Radiation Guideline 2 - Preparation of radiation management plans | EPA | N | 2018 |

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| Radiation Guideline 3 - Recommendations for minimum standards and safety requirements for fixed radiation gauges (sealed source devices) | EPA | N | 2013 |
| Radiation Guideline 4 - Compliance requirements for x-ray protective clothing | EPA | N | 2018 |
| Radiation Guideline 6 - Registration requirements & industry best practice for ionising radiation apparatus used in diagnostic imaging (Parts 1-6), Second edition | EPA | N | 2016 |
| Radiation Guideline 7 - Radiation shielding design assessment and verification requirements | EPA | N | 2015 |
| Radiation protection information: Disposal of regulated material | EPA | N | Update web page 2017 |
| Radiation protection information: Household smoke detectors | EPA | N | Update web page 2017 |
| Rail Infrastructure Noise Guidelines | EPA | N | 2013 |
| Recycled Organic Products in Stormwater Treatment Applications | EPA predecessor agency (DEC)* | Y | 2006 |
| Recycled Organics in Mine Site Rehabilitation A review of the scientific literature | EPA predecessor agency (DEC)* | Y | 2006 |
| Recyclator | EPA | Y | 2017 |
| Reducing business waste - Cafes and restaurants | EPA | Y | 2017 |
| Reducing Contamination of Dry Recyclables and Garden Organics at the | EPA predecessor | Y | 2007 |

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| Kerbside: The NSW Experience | agency (DECC)* | | |
| Reducing Illegal Dumping at Charitable Recyclers Action Plan 2019-2021 | EPA | N | 2019 |
| Regional waste avoidance and resource recovery strategy guidance | EPA | Y | 2014 |
| Registration and off label use | EPA | N | Updated 2018 |
| Regulatory Assurance Statement | EPA | N | 2019 |
| Requirements for publishing pollution monitoring data | EPA | N | 2012 |
| Resource Recovery Order and Exemptions | EPA | Y | Various |
| Responding to spills | EPA predecessor agency (DEC)* | N | 2005 |
| Review of Coal Fired Power Stations Air Emissions and Monitoring | EPA | N | 2018 |
| Risk Management Tools for the Recycled Organics Industry | EPA predecessor agency (DEC)* | Y | 2006 |
| Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions | Office of Environment and Heritage (NSW) and EPA | N | 2017 |
| Risk-based licensing Environmental management systems guidelines - April 2020 | EPA | N | 2020 |
| Risk-based licensing: Regulatory actions guideline | EPA | N | 2015 |

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| Risk-based licensing: Regulatory actions tool profiles | EPA | N | 2015 |
| Road and rail transport checklist for Alcohol-based hand sanitiser | EPA | N | 2020 |
| Safe compost for fruit and vegetables A guide for the supply of recycled organics to fresh produce growers | EPA, Freshcare, applied horticultural research (ahr), MRA Consulting Group | Y | 2016 |
| Safe use of chemicals in the home | EPA | N | 2020 |
| Safeguarding future environmental liabilities from Coal Seam Gas Activities in NSW | EPA | N | 2020 |
| Security of sealed radioactive sources | EPA | N | Updated 2019 |
| Smoke abatement notices | EPA | N | 2017 |
| Social impact assessment guideline - For State significant mining, petroleum production and extractive industry development September 2017 | Department of Planning and Environment (NSW) ^ | N | 2017 |
| Social Research on Small to Medium Enterprises (SME) Waste and Recycling Summary Benchmark Study | EPA | Y | 2016 |
| Sources of air pollution in NSW Air Emissions Inventory for the Greater Metropolitan Region of NSW – 2013 | EPA | Y | 2019 |
| Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations | EPA | N | 2017 |
| Standards for managing construction waste in NSW | EPA | N | 2019 |

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| State and Territory Greenhouse Gas Inventories 2017 - Australia's National Greenhouse Accounts | Commonwealth of Australia | Y | 2019 |
| State Environmental Planning Policy - Three Ports - (various amendment proposals) | NSW Government ^ | N | 2020 |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | NSW Government ^ | N | 2020 |
| State Environmental Planning Policy (Infrastructure) 2007 | NSW Government ^ | Y | 2020 |
| State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (and Amendment 2014) | NSW Government ^ | Y | 2007 |
| State Environmental Planning Policy (Primary Production and Rural Development) 2019 | NSW Government ^ | Y | 2020 |
| State Environmental Planning Policy (Sydney Region Growth Centres) 2006 | NSW Government ^ | Y | 2020 |
| State Environmental Planning Policy No 55—Remediation of Land (and various amendments to it) | NSW Government ^ | N | 2020 |
| Storing liquid waste | EPA predecessor agency (DEC)* | N | 2005 |
| Sydney Particle Characterisation Study PM2.5 Source Apportionment in the Sydney Region between 2000 and 2014 | EPA, ANSTO | N | 2016 |
| TBL Assessment of (Domestic) Food Organics Management | EPA predecessor agency (DEC)* | Y | 2006 |
| Technical Framework - Assessment and Management of odour from stationary | EPA predecessor | N | 2006 |

| sources | agency (DEC)* | | |
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| Technical guidelines for the estimation of greenhouse gas emissions by facilities in Australia - 2017-18 reporting year | Commonwealth of Australia ^ | Y | 2017 |
| Technical Note (Immobilisation Technical Note 1): Mixing - process equipment for Treatment of Contaminated Soil and Sludge Waste | EPA | N | 2017 |
| Technical Note (Immobilisation Technical Note 2): Cement-based Solidification/Stabilisation Treatment of Organic chemical Contaminants in Waste | EPA | N | 2017 |
| Technical Note: Vapour Intrusion | EPA predecessor agency (DECCW)* | Y | 2010 |
| Technical Notes: Assessment and Management of odour from stationary sources | EPA predecessor agency (DEC)* | N | 2006 |
| The benefits of using compost for mitigating climate change | EPA predecessor agency (DECCW)* | Y | 2011 |
| The recycling trouble shooter | EPA predecessor agency (OEH)* | N | 2011 |
| Tracking sources of air pollution in NSW communities - Air emissions inventory for the Greater Metropolitan Region of NSW | EPA | N | 2012 |
| Upper Hunter Air Particles Action Plan | EPA | Y | 2013 |
| Upper Hunter Air Quality Particle Model - Final Report | EPA | Y | 2014 |
| Upper Hunter Wood Smoke Community Research Project - Final report prepared for the NSW Environment Protection Authority | EPA | N | 2016 |

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| UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS | EPA predecessor agency (DECCW)* | N | 2010 |
| UPSS Technical Note: Investigation of Service Station Sites | EPA | N | 2014 |
| Using Biofilters to Reduce the Greenhouse Impact of Small to Medium Sized landfills | EPA predecessor agency (DECC)* | Y | 2007 |
| Using Compost Materials in the Construction of Community Parklands | EPA predecessor agency (DECC)* | Y | 2007 |
| Using Compost Materials on Council Sporting Fields | EPA predecessor agency (DEC)* | Y | 2007 |
| Using compost safely - A guide for the use of recycled organics in horticulture | EPA | Y | 2018 |
| Using environment protection licensing to control water pollution | EPA | Y | 2013 |
| Using the ANZECC Guidelines and Water Quality Objectives in NSW | EPA predecessor agency (DEC)* | N | 2006 |
| Vapour Recovery Regulation in NSW | EPA | N | 2012 |
| Vehicle Standard (Australian Design Rule 30/01 – Smoke Emission Control for Diesel Vehicles) 2006 | Commonwealth of Australia ^ | Y | 2006 |
| Vehicle Standard (Australian Design Rule 79/04 – Emission Control for Light Vehicles) 2011 | Commonwealth of Australia ^ | Y | 2011 |
| Vehicle Standard (Australian Design Rule 80/03 – Emission Control for Heavy Vehicles) 2006 | Commonwealth of Australia ^ | Y | 2006 |
| Vehicle Standard (Australian Design Rule 81/02 – Fuel Consumption Labelling for Light Vehicles) 2008 | Commonwealth of Australia ^ | Y | 2008 |

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| Waste Classification Guidelines | EPA | Y | 2014 |
| Waste Levy Guidelines | EPA | N | 2018 |
| Waste Locate: Important information for the building industry, transports and waste facilities | EPA | N | 2015 |
| Waste Locate: Important information for tyre outlets, transporters, recyclers and waste facilities | EPA | N | 2015 |
| Waste Wise Events Guide | EPA predecessor agency (DEC)* | Y | 2007 |
| Ways to reduce food waste in your business | EPA | Y | 2016 |
| Who Cares about the Environment in 2009? | EPA predecessor agency (DECCW)* | Y | 2010 |
| Who Cares about the Environment in 2012? | Office of Environment and Heritage (NSW) ^ | Y | 2013 |
| Who Cares about the Environment in 2015? | Office of Environment and Heritage (NSW) ^ | Y | 2017 |
| Who Cares about Water and Climate Change in 2007? | EPA predecessor agency (DECC)* | Y | 2007 |
| Wind Energy Guideline - For State significant wind energy development December 2016 | Department of Planning and Environment (NSW) ^ | Y | 2016 |