

Weighbridge Fund Round 2 Guidelines for applicants

Waste Less Recycle More Initiative

© State of NSW, Environment Protection Authority.

The Environment Protection Authority (EPA) and the State of NSW are pleased to allow this material to be reproduced, for educational or non-commercial use, in whole or in part, provided the meaning is unchanged and its source, publisher and authorship are acknowledged. Specific permission is required for the reproduction of images.

Disclaimer:

The EPA has compiled this document in good faith, exercising all due care and attention. The EPA does not accept responsibility for any inaccurate or incomplete information supplied by third parties. No representation is made about the accuracy, completeness or suitability of the information in this publication for any particular purpose. The EPA shall not be liable for any damage which may occur to any person or organisation taking action or not on the basis of this publication. Readers should seek appropriate advice about the suitability of the information to their needs.

Published by:

NSW Environment Protection Authority (EPA)
59–61 Goulburn Street, Sydney
PO Box A290
Sydney South NSW 1232

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au

See also www.epa.nsw.gov.au/pollution

Phone: +61 2 9995 5000 (switchboard)

Phone: 131 555 (NSW only - environment information and publication requests)

Fax: +61 2 9995 5999

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: info@environment.nsw.gov.au

Website: www.epa.nsw.gov.au

ISBN 978-1-76039-048-8

EPA 2015/0438

July 2015

Contents

Contents

Part 1: What you need to know about the Weighbridge Fund	1
Program summary.....	1
Background.....	1
Why have these changes been made?	2
Project objective.....	2
About the NSW Environment Protection Authority	2
About the Waste Less, Recycle More Initiative.....	2
Part 2: Eligibility — can you apply?	3
Eligible organisations	3
Fit and proper person requirements	4
Weighbridge Fund eligibility flowchart	5
What will be funded?	6
What will not be funded?	6
Part 3: Assessment criteria	7
Part 4: Application and submission process	8
Application	8
Application assistance.....	8
Milestones.....	8
Submitting your application form	8
Where to send your completed application form.....	9
Part 5: Assessment and notification	9
Acknowledgement of receipt of applications.....	9
Notification of grant decisions.....	9
Assessment and approval process.....	9
Part 6: Obligations of successful applicants	10
Funding deed of agreement	10
What happens if I supply false or misleading information?	10
Confidentiality	10
Intellectual property.....	11
Tax.....	11
Program Changes	11
Conflict of interest	11

Part 1: What you need to know about the Weighbridge Fund

Program summary

The NSW EPA *Weighbridge Fund* will provide successful applicants with grants covering up to 50 per cent of the capital costs of installing a weighbridge, up to a maximum of \$75,000.

Applicants must demonstrate:

- eligibility
- capacity to deliver the project to a high standard
- appropriate weighbridge design
- cost-effective project implementation
- compliance with licence and regulatory requirements

Background

Licence, weighbridge and waste levy payment requirements have recently changed. From 1 August 2015, the levy exemption that applied to storage, treatment and transfer stations will be removed. Scheduled waste facilities of these types in the Regulated Area will be required to pay the waste levy for waste that is:

- stockpiled on-site for more than 12 months (unless the waste has been processed at the facility to a standard required by a resource recovery order)
- stockpiled above lawful limits
- transported for unlawful disposal.

Facilities will be exempted from the levy provisions if they are:

- licensed for metallurgical activities
- only required to be licensed for clinical and related waste, liquid waste, hazardous or restricted solid waste
- operating as solely ceramic works, composting, container reconditioning, contaminated soil treatment, or paper or pulp production facilities.

The threshold limits for environmental protection licences have also changed. These changes are outlined in the following table:

Activities	Previous thresholds	New thresholds
Resource recovery		1000 tonnes or 1000m³ stored on-site at any one time, processing more than 6000 tonnes a year (regulated area)
Waste processing (non-thermal treatment)	2500 tonnes or 2500m³ stored on-site at any one time, processing of 120 tonnes a day or 30,000 tonnes a year	2500 tonnes or 2500 m³ stored on-site at any time, processing more than 12,000 tonnes a year (outside the regulated area)
Waste storage		

There is a nine-month transition period, which ends on 1 August 2015, within which facilities required to be licensed can apply for an environment protection license.

From 1 February 2016, all scheduled facilities that are liable to pay the waste levy must have a weighbridge installed (except facilities that only receive liquid waste). This includes facilities in the Regulated Area that undertake resource recovery, waste processing (non-

thermal treatment) and waste storage activities. More information on the [waste levy and the regulated area](#) is available on the EPA website.

Why have these changes been made?

The licence, reporting and levy payment changes are designed to break the business model of rogue operators in the waste industry, maintain the integrity of the waste levy framework and ensure there is a level playing field across industry. Currently, activities of rogue operators may distort the waste market, negatively impact the financial viability of legitimate operators and undermine the intent of the waste levy, which is to divert waste from landfill and increase recycling and resource recovery.

Illegal activities can include the forging of landfill dockets, deliberate misclassification of waste and transportation of waste to unlawful disposal sites. There is also an increasing trend in the long-term 'storage' of waste with no legitimate end-use. Apart from the health and environmental risks, increasing waste storage and stockpiling waste represents a risk of abandonment and a potential liability to local communities for future clean-up costs.

These changes will also improve the reliability of data in relation to waste and recycling facilities, and strengthen the EPA's regulatory oversight across all sectors of the waste industry. Reliable, accurate and up-to-date data is essential for the development and evaluation of effective waste policies, as well as monitoring progress towards NSW resource recovery targets. More information is available on the [waste regulation changes and the Protection of the Environment Operations \(Waste\) Regulation 2014](#).

Project objective

This project will support waste processors, recyclers and waste storage facilities that are required to install a weighbridge under the updated [Protection of the Environment Operations \(Waste\) Regulation 2014](#), by providing grants of between \$5,000 and \$75,000, covering up to 50 per cent of the capital costs of installing a weighbridge.

Grants will be available for suitable applicants that are able to demonstrate sound project management and methodology, cost-effective and appropriate weighbridge design, and compliance with licence and regulatory requirements.

About the NSW Environment Protection Authority

The NSW Environment Protection Authority (EPA) is an independent statutory authority and the principle environmental regulator in NSW. It leads the state's response to managing a diverse range of activities that can impact on the health of the NSW environment and its people, using a mix of tools including education, partnerships, licensing and approvals, audit, enforcement and economic mechanisms. The EPA is empowered under the *Protection of the Environment Administration Act 1991* (POEA Act).

About the Waste Less, Recycle More Initiative

In February 2013, the NSW Government announced the five-year \$465.7 million Waste Less Recycle More initiative in response to the findings of the independent review of the waste levy.

The EPA is responsible for the delivery of programs under this initiative along with the overall outcomes. A key focus of this initiative is to assist communities, business and industry across the NSW economy to reduce waste, increase recycling and meet recycling targets in NSW 2021: A plan to make NSW Number One.

The initiative is made up of:

- \$250 million Waste and Recycling Infrastructure Package, consisting of:
 - \$70 million Organics Infrastructure Fund
 - \$70 million Community Recycling Centre Fund
 - **\$60 million Waste and Recycling Infrastructure Fund**
 - \$35 million Business Recycling Fund
 - \$15 million Recycling Innovation Fund
- \$137.7 million Supporting Local Communities Fund, including:
 - \$38.7 million Waste and Sustainability Improvement Payment Transition Fund
 - \$70 million Local Government Waste and Resource Recovery Fund
 - \$13 million Voluntary Regional Local Government Fund
 - \$9 million Regional Waste Avoidance and Resource Recovery Strategy Fund
 - \$7 million Regional Landfill Consolidation Fund
 - \$58 million Illegal Dumping Fund
 - \$20 million Litter Fund.

The Weighbridge Fund is part of the \$60 million Waste and Recycling Infrastructure Fund, which targets household, business and industry waste generated in Levy paying areas of NSW.

Part 2: Eligibility — can you apply?

Eligible organisations

Grants under this program are made available to organisations not individuals. To be successful in gaining funding, your organisation must operate a facility which:

- receives waste for processing, recycling, storage or transfer
- is located in a [waste levy](#) paying region
- does not currently have a weighbridge.
- has been granted an environment protection licence (or you have applied for an environment protection licence for this facility), which covers one of the following activities:
 - resource recovery
 - waste processing (non-thermal treatment)
 - waste storage

Note that facilities only licenced for disposal to land (such as landfills) are not eligible. See Schedule 1 of the [Protection of the Environment Operations Act 1997](#) for details of licence activities.

The following facilities are not liable for the waste levy, and are not eligible for weighbridge funding:

facilities only required to be licensed for clinical and related waste, liquid waste, hazardous or restricted solid waste

- facilities only required to be licenced for slags or virgin excavated natural material
- facilities operating solely as ceramic works, composting, container reconditioning, contaminated soil treatment, or paper or pulp production facilities.
- facilities licensed only for metallurgical activities.

See the [Waste Levy Factsheet](#) for further details of waste levy requirements.

Fit and proper person requirements

Applicants must also be a fit and proper person, as defined in the [*Protection of the Environment Operations Act 1997*](#) (Section 83).

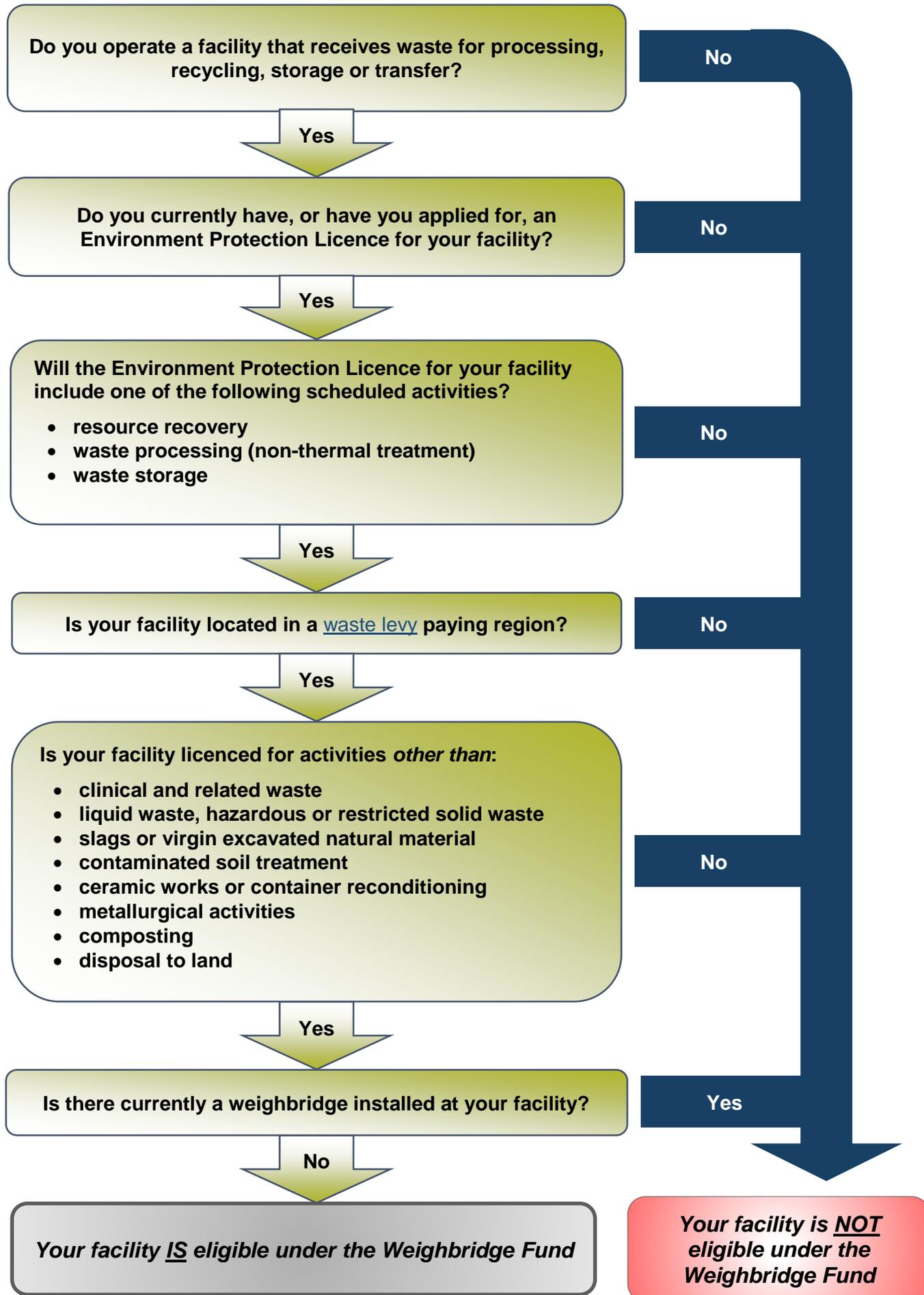
Support from the EPA will consider an applicant's compliance history under NSW environment protection laws, including penalty notices, clean up notices, prevention notices, license suspensions, licence revocations, convictions or prosecutions under the *National Parks and Wildlife Act 1974*, *Protection of the Environment Operations Act 1997 (POEO)* and the *Native Vegetation Act 2003*.

In addition, applicants are not eligible for the grant if, on or after 1 January 2013 they, or any directors or managers of the applicants (whether as directors or managers of the applicants or otherwise in their personal capacity or including where they have been directors or managers of other companies), have contravened any provision of the POEO Act 1997 with the result of avoiding, minimising or undermining the requirement to pay any waste contributions required under section 88 of the Act.

For the purposes of this matter, the relevant provisions of the POEO Act are sections 48, 64, 88, 115, 120, 142A, 143, 144, 144AA, s144AB or 211 of the POEO Act or Part 2 of the Protection of the Environment Operations (Waste) Regulation 2005 in relation to any waste activities where a consequence of the contravention has the result of the avoidance, minimisation or undermining of the waste contribution. This also includes a contravention of any clause of a resource recovery exemption.

These matters can be taken into account whether or not any regulatory action has taken place in relation to those contraventions, including whether or not court proceedings have been commenced or an offence has been proven in court proceedings.

Weighbridge Fund eligibility flowchart



What will be funded?

Grant funding will cover up to 50 per cent of the capital cost for the installation of a weighbridge and associated civil works. The 50 per cent contribution does not include in-kind contributions or project management costs, and must be a cash contribution.

Examples of infrastructure and civil works that can be funded under the *Weighbridge Fund* include:

- weighbridge platform and pit (for a maximum of one weighbridge)
- approach ramps
- weighbridge cabling and data readout
- traffic flow management (both during construction and any operational site changes)
- planning approval from council
- environmental approvals.

What will not be funded?

- works already completed at the time the funding was announced (including but not limited to contracts to construct infrastructure or buy equipment or where construction/installation has already commenced)
- Project management costs
- Ongoing operational costs
- Staff and training costs
- IT hardware, software and data management systems
- Gatehouses/shelter or related civil infrastructure
- Electricity and communications and related civil infrastructure
- CCTV cameras and associated equipment
- Additional weighbridges for sites that already have at least one weighbridge.

Part 3: Assessment criteria

Selection for grants is a merit-based process. Eligible applications will be assessed by a technical committee against the assessment criteria, set out in the following table.

The *Weighbridge Fund Application Form* will allow the technical committee to assess your project. Your application should be prepared with these criteria in mind.

Weighbridge Fund
1. Technical analysis
<ul style="list-style-type: none"> • Evidence that the weighbridge is suitable for your facility, including design specifications, length, number of decks and weight limits (include the usual range of vehicle movements at your facility, in number and weight ranges). • Site plan, including location of existing structures and proposed weighbridge. Detail proposed vehicle flow controls, including the entry and exit points where waste is transported into and out of the waste facility. • Ability to supply data to the EPA in accordance with requirements set out in the Waste Regulation and Waste Levy Guidelines, including a description of the IT weighbridge management system (also see the Weighbridge Data Output Requirements). • Weighbridge must be capable of being verified (as required by the Commonwealth <i>National Measurement Act 1960</i>).
2. Licence and Regulatory Requirements
<ul style="list-style-type: none"> • Demonstrated ability to obtain relevant planning and licensing approvals, including development approvals. • No impact on the ability of the facility to meet Planning Consent and Environment Protection Licence requirements upon installation of the proposed infrastructure. • Demonstrate compliance with the <i>National Trade Measurement Regulations 2009</i>.
3. Ability to deliver the project to a high standard
<ul style="list-style-type: none"> • Project plan, demonstrating sound project planning and methodology. • Applicant's project management skills, expertise and relevant experience. • Detail how traffic control and site accessibility will be managed, both during construction and site operation. • Staff training plan (for manned weighbridge use). • Capacity to deliver project within required timeframe and within budget.
4. Value for Money
<ul style="list-style-type: none"> • Cost-effective infrastructure design (consider providing multiple quotes to demonstrate value for money). • Financial viability of project. • Overall investment by government (minimise percentage) and the related co-investment leveraged.

The EPA will also consider the following risks:

- project is too immature (insufficiently planned to proceed in the time available)
- project is not financially viable (either in the construction or operational phase)
- weighbridge design is inappropriate (in the context proposed).

Your application should provide sufficient evidence to address these risks.

Part 4: Application and submission process

Application

When submitting your application, you must include the following documents:

- grant application Form
- complete project plan (as per the project plan guidelines)
- CVs for staff directly involved in managing the project (or a short summary of experience and qualifications)
- site plan
- traffic management plan
- minimum of one quote from a weighbridge supplier
- any other supporting evidence.

These documents can be downloaded from the NSW EPA website.

Application assistance

NSW EPA has engaged Hyder Consulting to provide assistance to Weighbridge Fund applicants, free of charge. Up to **four hours** assistance is available to each eligible applicant, to assist with:

- advice about the application process and requirements
- review and quality check of application forms
- review of project plans and application evidence.

Review and feedback on documents is provided as quality check and advice only. Applicants retain responsibility for ensuring applications are complete and sufficiently evidenced.

Application assistance **does not** include undertaking major works on behalf of applicants, such as designing traffic management plans or seeking quotes.

To request application assistance, download the request form from the [EPA website](#) and email to infrastructure.grants@epa.nsw.gov.au.

For general program related issues or questions, please contact the NSW EPA on 02 999 56 918 or by email at: infrastructure.grants@epa.nsw.gov.au

Milestones

The following milestones will apply:

1. execution of funding deed and submission of project plan endorsed by director of body corporate or equivalent
2. detailed Engineering design, planning and approvals obtained
3. weighbridges commissioned and operational and final outcomes report submitted.

Submitting your application form

If emailing your application, ensure you email your entire application, including attachments. Emails cannot be larger than 15MB including attachments. For applications larger than this limit split the application and attachments across multiple emails.

Your application must be received by:

Application closing date: 5.00 pm 21 August 2015

Where to send your completed application form

Submit your application by one of two methods:

E-mail to: (preferred method)	Or	Post to:
infrastructure.grants@epa.nsw.gov.au		Attention: Manager Resource Recovery Infrastructure NSW EPA PO Box 668 Parramatta NSW 2124
Do not fax		

Part 5: Assessment and notification

Acknowledgement of receipt of applications

You should expect acknowledgement of your application form within two weeks of the closing date. If you do not receive acknowledgement within a fortnight, please contact the EPA.

Note: If you email your application, the EPA will acknowledge receipt of your email within two working days. If you have not received notification of receipt of your email within this time it is your responsibility to contact the EPA to ensure that your email has been received.

Notification of grant decisions

Applicants will be notified by writing on the grant decision. The Minister for the Environment may wish to publicly announce the successful applicants.

Assessment and approval process

After the closing date, NSW EPA will check whether your application is eligible and complete for assessment purposes. NSW EPA may contact you for more information.

The EPA will establish a technical committee for reviewing applications. The technical committee will be made up of EPA staff with knowledge and experience relevant to the grant program, and may also include external experts. Committee members agree to undertake their duties within the principles of ethical conduct – integrity, objectivity and independence. They are also required to keep all matters concerning applications confidential and to declare any potential conflict of interest.

The technical committee will assess the merit of your proposal by using the assessment criteria outlined on page 6 and will make recommendations to the EPA. Having considered the technical committee's recommendations, the EPA will make recommendations to the Minister or relevant delegate. Successful applicants may not receive the full amount requested and may be subject to special, as well as general, conditions of funding.

Unsuccessful applicants can request feedback on their applications by contacting EPA staff. Decisions by the EPA are final. There is no appeal process.

Part 6: Obligations of successful applicants

Funding deed of agreement

Successful applicants will be required to enter into a performance-based deed of agreement which will stipulate all funding obligations and conditions. The EPA will monitor the progress of projects, and may engage an independent auditor to verify project outcomes. Funding is normally provided in staged payments, and continuing payments are dependent on satisfactory milestone reports.

Applicants should be aware that project start-up or establishment costs should be kept to reasonable amounts. All upfront costs will need to be substantiated by quotes for products and services and/or statements of expenses incurred by the project.

Successful applicants will have at most 30 days from the date of formal notification of the offer of funding to sign a deed of agreement. If the deed of agreement is not signed within the specified period, the offer of funding will automatically lapse.

Successful applicants will also be required to:

- demonstrate that any previous grants provided by either the EPA or the Environmental Trust to your organisation are progressing satisfactorily
- provide evidence of all necessary planning, regulatory or other approvals, as these are granted, to ensure all project activities are completed within the designated timeframe
- confirm a final schedule of payment and reporting dates relative to project activities
- sign a deed of agreement that sets out terms and conditions associated with the grant
- provide evidence of appropriate insurance coverage
- forward a tax invoice to the EPA for each instalment of their grant, plus GST if applicable
- seek prior approval to alter proposed project plan, project measures, timeframe or budget
- comply with all conditions contained in the grant agreement
- provide milestone and final evaluation reports in accordance with the reporting requirements outlined in the deed of agreement
- acknowledge the EPA's support in all promotional material or any public statement about your project. Your acknowledgement must include the EPA's logo in written material
- be prepared for all knowledge gained as part of the grant to be made publicly available whether that be publishing the final report or promoting the project via other avenues available to the EPA.

What happens if I supply false or misleading information?

Applicants must certify by signature that all of the information in the application is true and correct. Please note that if applicants supply information as part of the application that is false or misleading in a material particular, the application will not be considered OR, if the grant is made and it is discovered that information supplied was false or misleading in a material particular, the grant will be revoked and funds, plus interest, must be repaid.

Confidentiality

The EPA will use the information you supply to assess your project for funding. Information on funding projects may be used for promotional purposes.

We will endeavour to treat sensitive personal and confidential information that you provide to us confidentially. If you require strict commercial confidentiality, you should request this in your application. However, all documents held by the EPA are subject to the *Government Information (Public Access) Act 2009*.

Intellectual property

The applicant must own or be able to lawfully use any intellectual property required to carry out the project. The applicant will be required to grant the EPA (without cost) a non-exclusive irrevocable licence to use, reproduce, communicate to the public, or adapt the intellectual property in the project.

Tax

Good and Services Tax (GST) applies to payments. However, some grants of financial assistance may be subject to income tax in the hands of certain recipients. It is therefore recommended that potential recipients seek independent legal and financial advice if uncertain of the taxation obligations.

Program Changes

The EPA reserves the right, as its sole and absolute discretion and at any time, to change the eligibility and selection criteria for programs.

Conflict of interest

Applicants are required to declare any real, potential or perceived conflict of interest (COI) that they may be aware of in relation to the awarding of a grant, particularly where:

- members, or relatives of members, of the applicant organisation are being paid as project managers with EPA funds
- members, or relatives of members, of the applicant organisation are being paid as contractors with EPA funds
- works carried out by the project could create current or future financial or other benefit for members of the organisation applying for the grant, or their relatives

Such circumstances do **not exclude** the project from being funded, however they do need to be acknowledged as a potential COI. The committee will assess each situation on its merits.