



New South Wales

# Protection of the Environment Operations (General) Amendment Regulation 2006

under the

Protection of the Environment Operations Act 1997

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,  
Minister for the Environment

## Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (General) Regulation 1998* as follows:

- (a) to define certain expressions used in a provision providing for defences for the land pollution offence under the *Protection of the Environment Operations Act 1997*,
- (b) to provide for evaluation of green offset schemes or green offset works and for reports of evaluations,
- (c) to prescribe the fee payable for the administrative costs of preparing and giving a noise control notice.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 142D, 267A (2) and 295Q (2) and section 323 (the general regulation-making power).

## **Protection of the Environment Operations (General) Amendment Regulation 2006**

under the

Protection of the Environment Operations Act 1997

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations (General) Amendment Regulation 2006*.

### **2 Commencement**

This Regulation commences on 1 May 2006.

### **3 Amendment of Protection of the Environment Operations (General) Regulation 1998**

The *Protection of the Environment Operations (General) Regulation 1998* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

### [1] Chapters 3C and 3D

Insert after Chapter 3B:

## Chapter 3C Land pollution

### 57S Meaning of certain expressions

For the purposes of section 142D of the Act:

*manure, virgin excavated natural material* and *biosolids* have the same meanings as they have in Division 2 of Part 3 of Schedule 1 to the Act.

*non-hazardous agricultural or crop waste* means agricultural or crop waste that is not hazardous waste, or industrial waste, within the meaning of Division 2 of Part 3 of Schedule 1 to the Act.

## Chapter 3D Green offsets

### 57T Evaluation of green offset schemes or works

- (1) Each green offset scheme, and each green offset work that is not part of a green offset scheme, must be evaluated in accordance with this clause.
- (2) An evaluation is to be carried out and reported on:
  - (a) in the case of a green offset scheme—at the intervals (not being greater than 5 years) determined by the EPA for the duration of the scheme and at the end of the scheme, and
  - (b) in the case of a green offset work that is not part of a green offset scheme—at the intervals determined by the EPA in respect of the work.
- (3) An evaluation is to be carried out and reported on by the EPA or by a manager of a green offset scheme or green offset work if directed to do so in accordance with subclause (4).
- (4) The EPA may, by notice in writing given to the manager of a green offset scheme or green offset work, direct that the manager do any of the following:
  - (a) provide the EPA with information relating to the effectiveness of the scheme or work,

- (b) carry out and report on an evaluation required under this clause and provide a copy of the evaluation report to the EPA,
  - (c) amend any such evaluation report.
- (5) An evaluation report:
  - (a) must list the participants in the green offset scheme or green offset work, and
  - (b) must relate to the period since the commencement of the scheme or work or, if the scheme or work has been evaluated under this clause, since the last evaluation of the scheme or work, and
  - (c) must set out the environmental effects and benefits arising from the scheme or work, and
  - (d) in the case of a scheme, must contain any of the following matters that are relevant to the scheme:
    - (i) whether any applicable cap or target has been met,
    - (ii) particulars of the costs of and payments for the purposes of the scheme under Part 9.3B of the Act,
    - (iii) particulars of the implementation of any works for the purposes of the scheme, and
  - (e) in the case of a work that is not part of a scheme, must contain any of the following matters that are relevant to the work:
    - (i) particulars of the implementation of the work by or on behalf of the participants,
    - (ii) particulars of the costs of and payments for the purposes of the work under Part 9.3B of the Act, and
  - (f) must contain any other matters directed to be included by the EPA, and
  - (g) must be made publicly available in the manner determined by the EPA.
- (6) Nothing in this clause requires or permits the EPA or the manager of a green offset scheme or green offset work to make publicly available any information of a kind referred to in section 319 (1) of the Act.

**[2] Part 4.3, heading**

Insert “and noise control notices” after “notices”.

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**[3] Clause 61A**

Insert after clause 61:

**61A Fee for administrative costs of preparing and giving noise control notice**

The fee payable under section 267A (2) of the Act to a regulatory authority by a person who is given a noise control notice is \$320.

**Note.** Section 267A of the Act provides that the fee is payable within 30 days (subject to appeal proceedings). Application may be made under that section to the authority for an extension of time to pay the fee or for the waiving of payment of the fee. A failure to pay the fee within the requisite time constitutes an offence.