New South Wales

Protection of the Environment Operations (General) Amendment (Fees and Native Forest Bio-material) Regulation 2019

under the

Protection of the Environment Operations Act 1997

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

MATTHEW KEAN, MP
Minister for Energy and Environment

Explanatory note

The objects of this Regulation are to:

(a)   prescribe the following fee units and fees under the *Protection of the Environment Operations (General) Regulation 2009* for the 2019–2020 financial year and subsequent years:

    (i)   an administrative fee unit used to calculate the administrative fee for environment protection licences,

    (ii)   a pollutant fee unit used to calculate load-based fees,

    (iii)   fees payable in respect of clean-up notices, prevention notices and noise control notices, and

(b)   amend certain categories of bio-material that are excluded from the definition of *native forest bio-material* consequent on the repeal of the *Native Vegetation Act 2003* and the commencement of Parts 5A and 5B of the *Local Land Services Act 2013*.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 53 (2) (c), 94 (2), 100 (2), 267A (2) and 323 (the general regulation-making power) and clause 9 of Schedule 2.

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1   Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (Fees and Native Forest Bio-material) Regulation 2019*.

2   Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1   Amendment of Protection of the Environment Operations (General) Regulation 2009

[1]   Clause 9 Amount of administrative fee unit

Insert "and before 1 July 2019" after "on or after 1 July 2018" in clause 9 (1) (j).

[2]   Clause 9 (1) (k)–(o)

Insert after clause 9 (1) (j):

    (k)   on or after 1 July 2019 and before 1 July 2020—$136,

    (l)   on or after 1 July 2020 and before 1 July 2021—$139,

    (m)   on or after 1 July 2021 and before 1 July 2022—$143,

    (n)   on or after 1 July 2022 and before 1 July 2023—$146,

    (o)   on or after 1 July 2023—$150.

[3]   Clause 19 Calculating the fee for each assessable pollutant—Step 4 of load-based fee calculation

Insert "and before 1 July 2019" after "on or after 1 July 2018" in clause 19 (7) (j).

[4]   Clause 19 (7) (k)–(o)

Insert after clause 19 (7) (j):

    (k)   on or after 1 July 2019 and before 1 July 2020—$50.48,

    (l)   on or after 1 July 2020 and before 1 July 2021—$51.54,

    (m)   on or after 1 July 2021 and before 1 July 2022—$52.62,

    (n)   on or after 1 July 2022 and before 1 July 2023—$53.73,

    (o)   on or after 1 July 2023—$54.85.

[5]   Clause 96 Definitions

Omit paragraph (a1) (i) and (ii) of the definition of *native forest bio-material*.

Insert instead:

    (i)   trees cleared in accordance with a land management (native vegetation) code under Division 5 of Part 5A of the *Local Land Services Act 2013*, or

[6]   Clause 96, definition of "native forest bio-material"

Omit "private native forestry PVP" wherever occurring in paragraph (a1) (iii) and (iv).

Insert instead "private native forestry plan".

[7]   Clause 96, definition of "private native forestry PVP"

Omit the definition. Insert instead:

    private native forestry plan has the same meaning as in Part 5B of the *Local Land Services Act 2013*.

[8]   Clause 99 Fee for clean-up, prevention and noise control notices

Insert "and before 1 July 2019" after "on or after 1 July 2018" in clause 99 (j).

[9]   Clause 99 (k)–(o)

Insert after clause 99 (j):

  (k) on or after 1 July 2019 and before 1 July 2020—$563,

  (l) on or after 1 July 2020 and before 1 July 2021—$577,

  (m) on or after 1 July 2021 and before 1 July 2022—$591,

  (n) on or after 1 July 2022 and before 1 July 2023—$605,

  (o) on or after 1 July 2023—$619.