



New South Wales

# Protection of the Environment Operations (Waste) Amendment (Waste Facility Contributions) Regulation 2024

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*.

PENNY SHARPE, MLC  
Minister for the Environment

## Explanatory note

The object of this regulation is to amend the *Protection of the Environment Operations (Waste) Regulation 2014* to provide that the Kyogle local government area is no longer part of the regional levy area until 1 July 2027. This change affects the contributions payable by occupiers of scheduled waste facilities, including by exempting occupiers of facilities in Kyogle from the requirement to pay a particular amount for certain waste that is not generated, or generated from waste generated, in the metropolitan levy area or regional levy area.

This regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 88(2) and (5)(a) and 323, the general regulation-making power.

## **Protection of the Environment Operations (Waste) Amendment (Waste Facility Contributions) Regulation 2024**

under the

Protection of the Environment Operations Act 1997

### **1 Name of regulation**

This regulation is the *Protection of the Environment Operations (Waste) Amendment  
(Waste Facility Contributions) Regulation 2024*.

### **2 Commencement**

This regulation commences on 1 March 2024.

## **Schedule 1      Amendment of Protection of the Environment Operations (Waste) Regulation 2014**

### **[1]    Clause 7 Definitions**

Omit the definition of *regional levy area* or *RLA*. Insert instead—

*regional levy area* or *RLA* means the following local government areas—

- (a) Ballina, Bellingen, City of Blue Mountains, Byron, Clarence Valley, City of Coffs Harbour, Dungog, Kempsey, City of Lismore, Mid-Coast, Muswellbrook, Nambucca Valley, Port Macquarie-Hastings, Richmond Valley, Singleton, Tweed, Upper Hunter Shire and Wollondilly,
- (b) on and from 1 July 2027—Kyogle.

### **[2]    Clause 22 Waste contribution monthly reports**

Omit clause 22(3). Insert instead—

- (3) The occupier of a scheduled waste facility located outside the MLA and RLA is not required to provide information under this clause in relation to waste that is not generated, or generated from waste generated, in the MLA or RLA.

**Note—** See clause 109 for other reporting requirements that apply to occupiers of scheduled waste facilities outside the MLA and RLA.

### **[3]    Clause 90B Construction and demolition waste facility**

Insert after clause 90B(2)—

- (3) In this clause—

*regional levy area* means the local government areas of Ballina, Bellingen, City of Blue Mountains, Byron, Clarence Valley, City of Coffs Harbour, Dungog, Kempsey, Kyogle, City of Lismore, Mid-Coast, Muswellbrook, Nambucca Valley, Port Macquarie-Hastings, Richmond Valley, Singleton, Tweed, Upper Hunter Shire and Wollondilly.

### **[4]    Clause 109, heading**

Omit “, and for landfill sites outside regulated area”.

Insert instead “and landfill sites outside MLA and RLA”.

### **[5]    Clause 109(1)(c)**

Omit “regulated area”. Insert instead “MLA and RLA”.

### **[6]    Clause 109(5)**

Insert in alphabetical order—

*RLA* has the same meaning as in Part 2.

### **[7]    Schedule 1A Savings and transitional provisions**

Insert after Part 4—

## **Part 5      Provisions consequent on commencement of Protection of the Environment Operations (Waste)**

## **Amendment (Waste Facility Contributions) Regulation 2024**

### **8 Effect of amendment of clause 7**

The amendment made to clause 7 by the *Protection of the Environment Operations (Waste) Amendment (Waste Facility Contributions) Regulation 2024* does not affect the calculation of a contribution that becomes payable after the commencement of the amendment for waste received at a scheduled waste facility before the commencement of the amendment.

### **9 Weighbridges at scheduled waste facilities in Kyogle**

An occupier of a scheduled waste facility in the Kyogle local government area must comply with clause 36, whether or not the occupier is required to pay contributions for waste received at the facility.

### **10 Repeal of part**

This part is repealed on 1 July 2027 at the beginning of the day.