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PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Order granting exemption under section 284

Background

- a) On 7 September 2019, the Office of Emergency Management approved Natural Disaster Declaration AGRN 871 for NSW bushfires that began on 31 August 2019. To date, a total of 49 local government areas (“LGAs”) have been declared natural disasters.
- b) Waste arising from a natural disaster that is approved by the Environment Protection Authority (“EPA”) in writing for the purposes of clause 21(1)(b) of the *Protection of the Environment Operations (Waste) Regulation 2014* is exempt from the calculation of the waste levy payable under section 88 of the *Protection of the Environment Operations Act 1997* (“POEO Act”).
- c) The EPA has approved in writing an exemption from the calculation of the waste levy for waste arising from bushfires in those LGAs that have been declared natural disasters by Natural Disaster Declaration AGRN 871 (“Natural Disaster Exemption”).
- d) The Natural Disaster Exemption does not apply to landfill cover material used for the disposal of waste arising from the bushfires.
- e) On 25 May 2020, the EPA granted an exemption under section 284 of the POEO Act from the provision of section 88 of the POEO Act for occupiers of scheduled waste disposal facilities in respect of virgin excavated natural material and recovered fines used as landfill cover for waste arising from bushfires in LGAs that have been declared natural disasters by Natural Disaster Declaration AGRN 871. This exemption ceases to have effect on 30 November 2020.
- f) Section 284 of the POEO Act provides that the EPA may grant, and may renew, an exemption from specified provisions of the POEO Act or its regulations in an emergency. An exemption may be granted subject to conditions.
- g) The purpose of this Order is to renew the exemption published in NSW Government Gazette No.107 of 29 May 2020 at page 2105 (Reference number: (n2020-1486)).
- h) The EPA is satisfied that the 2019/2020 bushfires in New South Wales is an emergency and therefore that it may grant a further exemption under section 284 of the POEO Act.

Note: Section 284(8) of the POEO Act provides that a further exemption granted within 5 years after the expiry of an earlier exemption (being a further exemption that is the same in substance as the earlier exemption) is to be treated as a renewed exemption for the purposes of that subsection.

Order

By this Order, the EPA, in circumstances of an emergency, being the 2019/2020 bushfires in New South Wales, exempts occupiers of scheduled waste disposal facilities from complying with section 88 of the POEO Act in respect of the following:

- (a) virgin excavated natural material (as defined in Schedule 1 to the POEO Act) used as:
 - (i) immediate or initial cover for asbestos waste arising from bushfires in those LGAs listed in Natural Disaster Declaration AGRN 871, or
 - (ii) daily cover for waste arising from bushfires in those LGAs listed in Natural Disaster Declaration AGRN 871; and
- (b) recovered fines (being recovered fines meeting the requirements of Recovered Fines Alternative Daily Cover Specifications published by the EPA in the Gazette and as amended or replaced from time to time (“Recovered Fines Specifications”)) used as daily cover for waste arising from bushfires in those LGAs listed in Natural Disaster Declaration AGRN 871.

Conditions

This exemption is granted under section 284 of the POEO Act subject to the following conditions:

1. An occupier of a scheduled waste disposal facility is not eligible for the exemption unless the Natural Disaster Exemption has been activated in respect of the facility by a local council which has been issued with an exemption certificate and natural disaster exemption number by the EPA.
2. An occupier of a scheduled waste disposal facility is not eligible for the exemption in respect of recovered fines unless the scheduled waste disposal facility:
 - a. is authorised (in the environment protection licence for the facility) to receive the recovered fines and to apply the recovered fines to land as daily cover; and
 - b. has obtained, from the scheduled waste facility that supplied the recovered fines, a statement in the approved form that certifies that the fines have been sampled and tested in accordance with the Recovered Fines Specifications and that the fines comply with the Recovered Fines Specifications.
3. An occupier of a scheduled waste disposal facility is not eligible for the exemption unless the occupier complies with any requirements under Division 1 of Part 3 of the Protection of the Environment Operations (Waste) Regulation 2014 with respect to the virgin excavated natural material and recovered fines
4. This exemption ceases to have effect on 30 June 2021.

Duration of Exemption

This Order takes effect immediately upon the signing of this Order unless otherwise varied or revoked. The Order may be varied or revoked under section 284 of the POEO Act.



Tracy Mackey

Chief Executive Officer

Environment Protection Authority

(by delegation)

20 November 2020

NATIONAL PARKS AND WILDLIFE ACT 1974

Sydney Harbour National Park Plan of Management draft amendment on exhibition until 10 January 2021: comments sought

The *Sydney Harbour National Park Plan of Management draft amendment: sustainable visitor use Clark Island, Shark Island, Rodd Island and Fort Denison* is on exhibition until 10 January 2021

The draft amendment may be viewed at www.environment.nsw.gov.au/get-involved/have-your-say or by appointment at:

NPWS Vaucluse Office, Greycliffe House, Neilson Park, 6 Steel Point Road, Vaucluse
02 9337 5511 npws.sydneysouth@environment.nsw.gov.au

Submissions on the amendment must be received by 10 January 2021 via:

- the online form at www.environment.nsw.gov.au/get-involved/have-your-say
- email to npws.parkplanning@environment.nsw.gov.au
- mail to Manager, Planning Evaluation and Assessment, Locked Bag 5022, Parramatta NSW 2124.

See www.environment.nsw.gov.au/about-us/privacy-and-security for information on how we will treat any personal information you provide. For more information, contact npws.parkplanning@environment.nsw.gov.au.