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PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2014

Notice under Clause 21A: Notice of variation of approved scheduled waste facilities and other requirements for levy exempt mixed waste organic outputs

I, Tony Chappel, Chief Executive Officer of the NSW Environment Protection Authority (EPA), on behalf of the EPA and by this notice, vary the notice under clause 21A of the *Protection of the Environment Operations (Waste) Regulation 2014* (Waste Regulation) numbered 331-2 in Government Gazette No 331 of 30 August 2024 [**the Notice**] by:

- (a) deleting subclauses (c) (ii) and (d) (ii) of the Notice, to revoke the approval of the Veolia Recycling and Recovery (Port Stephens) Group Pty Ltd (ACN: 071 096 421) facility at 330 Newline Road Raymond Terrace NSW 2324 (Lot 1 DP 1098770) (Environment Protection Licence 12556) as a scheduled waste facility for the purposes of clause 21A of the Waste Regulation,
- (b) replacing the words “25,000 tonnes” with “38,000 tonnes” in subclause (d) (i) of the Notice, so that the limit in the amount of MWOO exempted with respect to the Cleanaway Pty Ltd (ACN: 000 164 938) facility at 1725 Elizabeth Drive Kemps Creek NSW 2178 (Part Lot 740 DP 810111) (Environment Protection Licence 12889) is increased by 13,000 tonnes,
- (c) replacing the words “25,000 tonnes” with “48,000” tonnes” in subclause (d) (iii) of the Notice, so that the limit in the amount of MWOO exempted with respect to the Veolia Environmental Services (Australia) Pty Ltd (ACN: 051 316 584) facility at 619 Collector Road Tarago NSW 2580 (as described in Environment Protection Licence 20476) is increased by 23,000 tonnes,
- (d) replacing the words “71,000 tonnes” with “77,200 tonnes” in subclause (d) (iv) of the Notice, so that the limit in the amount of MWOO exempted with respect to the Eastern Creek Operations Pty Limited (ACN: 105 104 087) facility at Wallgrove Road Eastern Creek NSW 2766 (Lot 10 DP 1048435) (Environment Protection Licence 11798) is increased by 6,200 tonnes.

Note: the tonnes listed in (b), (c) and (d) above reflect the estimated tonnes of MWOO to be produced up to and including 31 August 2025. The EPA may vary or revoke a notice under clause 21A of the Waste Regulation by notice published in the Gazette.

This notice commences on the date it is published in the NSW Government Gazette.

TONY CHAPPEL
CHIEF EXECUTIVE OFFICER
NSW ENVIRONMENT PROTECTION AUTHORITY

Date: 3/06/2025

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Order granting exemption under section 284

Background

- (a) On 18 May 2025, Natural Disaster Declaration AGRN 1212 was announced by Resilience NSW in relation to storms and floods which began in May 2025. To date, a total of 19 Local Government Areas (LGAs) have been declared natural disasters.
- (b) Under clause 21(1)(b) of the Protection of the Environment Operations (Waste) Regulation 2014 (**POEO (Waste) Regulation**) waste arising from a natural disaster that is approved by the Environment Protection Authority (**EPA**) in writing is exempt from the calculation of the waste levy under section 88 of the *Protection of the Environment Operations Act 1997* (**POEO Act**).
- (c) On 18 May 2025 the EPA approved in writing an exemption from the calculation of the waste levy for waste arising from the recent storms and floods in those LGAs that have been declared natural disasters in accordance with the Natural Disaster Declaration AGRN 1212 (**Natural Disaster Exemption**).
- (d) The Natural Disaster Exemption applies to waste arising from the recent storms and floods but does not apply to landfill daily cover material. Daily cover is described in Part 8.1 of the EPA publication *Environmental Guidelines: Solid waste landfills* (second edition, 2016) and the approved materials for that purpose are prescribed in the conditions of environment protection licences of scheduled waste disposal facilities.
- (e) To assist occupiers of scheduled waste disposal facilities in the disposal of waste under the Natural Disaster Exemption, the EPA has considered whether to grant an exemption under section 284 of the POEO Act for the provision of section 88 of the POEO Act in respect of daily cover for that waste.
- (f) The purpose of this Order is to exempt the occupiers of scheduled waste disposal facilities from the requirement to pay the waste levy in respect of material that is used as daily cover for waste under the Natural Disaster Exemption.
- (g) The exemption under this Order only applies to daily cover that is applied to waste which is the subject of the Natural Disaster Exemption. The exemption does not apply to daily cover generally.

Order

By this Order, the EPA, in circumstances of an emergency, being the May 2025 storms and floods in New South Wales, grants exemption under section 284 of the POEO Act from compliance with section 88 of the POEO Act to occupiers of scheduled waste disposal facilities, in respect of the following:

- (a) material that is used for daily cover in accordance with the *Environmental Guidelines: Solid waste landfills* (second edition, 2016) and prescribed for use as daily cover in the environment protection licences of scheduled waste disposal facilities.

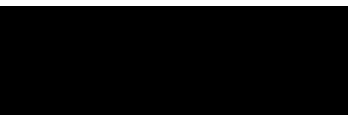
Conditions

This exemption, granted under section 284 of the POEO Act, is 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 that 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 Alternative Daily Cover Specifications published by the EPA in the Gazette and as amended or replaced from time to time (**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 Part 3, Division 1 of the POEO (Waste) Regulation with respect to the daily cover material that they are authorised to use.
4. This exemption ceases to have effect on 31 August 2025.

Duration of Exemption

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



Tony Chappel
Chief Executive Officer
Environment Protection Authority

30/05/2025

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Order granting exemption under section 284

Background

- (a) On 18 May 2025, Natural Disaster Declaration AGRN 1212 was announced by Resilience NSW in relation to storms and floods which began in May 2025. To date, a total of 19 Local Government Areas (LGAs) have been declared natural disasters.
- (b) Under clause 21(1)(b) of the Protection of the Environment Operations (Waste) Regulation 2014 (**POEO (Waste) Regulation**) waste arising from a natural disaster that is approved by the Environment Protection Authority (**EPA**) in writing is exempt from calculation of the waste levy under section 88 of the *Protection of the Environment Operations Act 1997* (**POEO Act**).
- (c) On 18 May 2025 the EPA approved in writing an exemption from the calculation of the waste levy for waste arising from the recent storms and floods in those LGAs that have been declared natural disasters in accordance with the Natural Disaster Declaration AGRN 1212 (**Natural Disaster Exemption**).
- (d) The Natural Disaster Exemption applies to waste arising from the recent storms and floods but does not apply to recovered aggregate and wood waste. Roads at scheduled waste disposal facilities within the LGAs that are subject to Natural Disaster Declaration AGRN 1212 have been saturated by the recent storms and floods and are boggy and dangerous. As a result, some facilities have internal roads that require repairing to allow waste disposal operations to recommence and operate at full capacity. Operational and accessible disposal sites are critical to assist communities in their clean-up efforts to dispose of waste under the Natural Disaster Exemption.
- (e) To assist occupiers of scheduled waste disposal facilities in the disposal of waste under the Natural Disaster Exemption, the EPA has considered whether the grant an exemption under section 284 of the POEO Act for the provision of section 88 of the POEO Act in respect of recovered aggregate (as described, and meeting the requirements within, the Recovered Aggregate Order 2014 as published in the Gazette), and wood waste (as defined in clause 50(1) of Schedule 1 to the POEO Act, and being shredded and/or screened to an appropriate particle size) for use in the repair and maintenance of internal roads at scheduled waste disposal facilities that are both located within LGAs that are subject to Natural Disaster Declaration AGRN 1212 and are disposing of waste under the Natural Disaster Exemption.
- (f) The purpose of this Order is to exempt the occupiers of scheduled waste disposal facilities from the requirement to pay the waste levy in respect of material that is used as recovered aggregate and wood waste under the Natural Disaster Exemption.
- (g) The exemption under this Order only applies to recovered aggregate and wood waste that is subject of the Natural Disaster Exemption. The exemption does not apply to recovered aggregate and wood waste used at waste disposal facilities generally.

Order

By this Order, the EPA, in circumstances of an emergency, being the May 2025 storms and floods in New South Wales, grants exemption under section 284 of the POEO Act from compliance with section 88 of the POEO Act to occupiers of scheduled waste disposal facilities, in respect of the following:

- (a) recovered aggregate (as defined, and meeting the requirements within the Recovered Aggregate Order 2014 as published in the Gazette)
- (b) wood waste (as defined in clause 50(1) of Schedule 1 to the POEO Act, and being shredded and/or screened to an appropriate particle size)

for use in the repair and maintenance of roads within the premises of scheduled waste disposal facilities, where those scheduled waste facilities are both located within LGAs that are subject to Natural Disaster Declaration AGRN 1212 and engaged in the disposal of waste under the Natural Disaster Exemption.

Conditions

This exemption, granted under section 284 of the POEO Act, is 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 that 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 aggregate to be used at the scheduled waste disposal facility unless:
 - (a) the recovered aggregate meets the requirements of that material as specified in the Recovered Aggregate Order 2014 as published in the Gazette.
3. An occupier of a scheduled waste disposal facility is not eligible for the exemption in respect of wood waste to be used at the scheduled waste disposal facility unless:
 - (a) The wood waste meets the definition under clause 50(1) of Schedule 1 to the POEO Act and is shredded and/or screened to an appropriate particle size.
4. An occupier of a scheduled waste disposal facility is not eligible for the exemption in respect of recovered aggregate and wood waste unless the scheduled waste disposal facility:
 - (a) is located within one of the LGAs that are subject to Natural Disaster Declaration AGRN 1212; and

(b) is disposing of waste under the Natural Disaster Exemption.

5. An occupier of a scheduled waste disposal facility is not eligible for the exemption in respect of recovered aggregate and wood waste unless the scheduled waste disposal facility uses the recovered aggregate and wood waste for the purpose of repairing or maintaining internal roads within the premises of the scheduled waste disposal facility.
6. An occupier of a scheduled waste disposal facility is not eligible for the exemption unless the occupier complies with any requirements under Part 3, Division 1 of the POEO (Waste) Regulation with respect to the recovered aggregate and wood waste.
7. This exemption ceases to have effect on 31 August 2025.

Duration of Exemption

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



Tony Chappel
Chief Executive Officer
Environment Protection Authority

30/05/2025