



New South Wales

Protection of the Environment Operations Amendment (Premises- based Activities) Regulation 2001

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*.

BOB DEBUS, M.P.,

Minister for the Environment

Explanatory note

Part 1 of Schedule 1 to the *Protection of the Environment Operations Act 1997* specifies “premises-based” activities. The occupier of premises where such activities occur is required to be the holder of a licence authorising the activity to be carried on at those premises.

The objects of this Regulation are:

- (a) to change the licensing threshold for wood or timber milling or processing works from one based on the amount of timber products produced to one based on timber processing capacity, and
- (b) to clarify the descriptions of certain of the activities, and
- (c) to update certain references and to make various other minor amendments to Part 1 of Schedule 1.

This Regulation also amends Schedule 1 to the *Protection of the Environment Operations (General) Regulation 1998* (which specifies the licensing fees for scheduled activities) as a consequence of the change referred to in paragraph (a) above.

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Protection of the Environment Operations Amendment (Premises-based Activities)
Regulation 2001

Explanatory note

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 5 (3) and 323 (the general regulation-making power).

Protection of the Environment Operations Amendment (Premises-based Activities) Regulation 2001

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations Amendment (Premises-based Activities) Regulation 2001*.

2 Amendment of Schedule 1 to Protection of the Environment Operations Act 1997 No 156

The *Protection of the Environment Operations Act 1997* is amended as set out in Schedule 1.

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 2.

4 Notes

The explanatory note does not form part of this Regulation.

2001 No 237

Protection of the Environment Operations Amendment (Premises-based Activities) Regulation 2001

Schedule 1 Amendment of Schedule 1 to Protection of the Environment Operations Act 1997

Schedule 1 Amendment of Schedule 1 to Protection of the Environment Operations Act 1997

(Clause 2)

[1] Schedule 1, Part 1, matter relating to “Agricultural produce industries”

Insert “gin,” after “grind,”.

[2] Schedule 1, Part 1, matter relating to “Chemical industries or works”

Omit the word “poisonous” wherever occurring from paragraphs (1) (g) (i), (1) (h), (1) (k) (i), (2) (a) and (2) (b).

Insert instead “toxic”.

[3] Schedule 1, Part 1, matter relating to “Chemical industries or works”

Insert “(except the production of explosives at mines)” after “propellants” in paragraph (1) (d).

[4] Schedule 1, Part 1, matter relating to “Chemical industries or works”

Omit “(excluding simple blending)” from paragraph (1) (g) (ii).

[5] Schedule 1, Part 1, matter relating to “Chemical industries or works”

Omit “*Dangerous Goods Regulation 1978*”.

Insert instead “*Dangerous Goods (General) Regulation 1999*”.

[6] Schedule 1, Part 1, matter relating to “Coal mines”

Omit “disturb” from paragraph (2) (b) where firstly occurring.

Insert instead “have disturbed, are disturbing”.

[7] Schedule 1, Part 1, matter relating to “Crushing, grinding or separating works”

Omit “minerals or materials for recycling or reuse, including”.

Insert instead “minerals,”.

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- [8] Schedule 1, Part 1, matter relating to “Livestock intensive industries”**
Omit “**milking facilities**” from paragraph (4). Insert instead “**dairies**”.
- [9] Schedule 1, Part 1, matter relating to “Marinas and boat repair facilities”**
Insert “(other than swing moorings)” after “storage” in paragraph (1).
- [10] Schedule 1, Part 1, matter relating to “Marinas and boat repair facilities”**
Omit paragraph (2). Insert instead:
(2) works such as slipways, hoists or facilities for the repair and maintenance of vessels (other than boat repair facilities that are not adjacent to waters) at which 5 or more vessels (being vessels other than rowing boats, dinghies or other small craft) or any vessel 25 metres or longer is handled or capable of being handled at any one time.
For the purposes of this item, *waters* has the same meaning as it has in paragraph (a) of the definition of *waters* in the Dictionary to this Act.
- [11] Schedule 1, Part 1, matter relating to “Mines”**
Omit “disturb” where firstly occurring.
Insert instead “have disturbed, are disturbing”.
- [12] Schedule 1, Part 1, matter relating to “Petroleum works”**
Omit “asphalt” from paragraph (4). Insert instead “bitumen”.
- [13] Schedule 1, Part 1, matter relating to “Petroleum works”**
Omit paragraph (6). Insert instead:
(6) dispose of oil waste or petroleum waste or process or recover more than 20 tonnes of oil waste or petroleum waste per year.
- [14] Schedule 1, Part 1, matter relating to “Shipping facilities (bulk)”**
Insert “(but not where any material is wholly contained within a shipping container)” after “vessels,”.
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Protection of the Environment Operations Amendment (Premises-based Activities) Regulation 2001

Schedule 1 Amendment of Schedule 1 to Protection of the Environment Operations Act 1997

[15] Schedule 1, Part 1, matter relating to “Wood or timber milling or processing works”

Omit paragraphs (1) and (2). Insert instead:

- (1) have an intended processing capacity of more than 6,000 cubic metres of timber (or timber products) per year and burn waste (other than as a source of fuel), or
- (2) have an intended processing capacity of more than 50,000 cubic metres of timber (or timber products) per year.

Protection of the Environment Operations Amendment (Premises-based Activities) Regulation 2001

Amendment of Protection of Environment Operations (General) Regulation 1998 Schedule 2

Schedule 2 Amendment of Protection of Environment Operations (General) Regulation 1998

(Clause 3)

Schedule 1 Licensing fees—activities and assessable pollutants

Omit Schedule 1 [86]. Insert instead:

- [86] Wood or Timber Milling**, being activities that process timber or wood products by way of sawing, machining, milling, chipping, pulping or compressing timber or wood (other than at a joinery, builders' supply yard or home improvement centre).

Units of measure (m³ processed)

Licence Administrative Fee

Capacity to Process per Annum	Number of Administrative Fee units
0–50,000	5
>50,000–100,000	15
>100,000–200,000	50
>200,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

BY AUTHORITY