

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for the Environment)

# Environment Protection Amendment Bill 2014

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2014

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(As presented)

(Minister for the Environment)

# Environment Protection Amendment Bill 2014

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## A Bill for

An Act to amend the *Environment Protection Act 1997* and the *Environment Protection Regulation 2005*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Environment Protection Amendment Act 2014*.

4 **2 Commencement**

5 (1) This Act (other than section 7, sections 9 to 12 and section 33)  
6 commences on the day after this Act's notification day.

7 *Note* The naming and commencement provisions automatically commence on  
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 (2) Section 7, sections 9 to 12 and section 33 commence on a day fixed  
10 by the Minister by written notice.

11 *Note 1* A single day or time may be fixed, or different days or times may be  
12 fixed, for the commencement of different provisions (see [Legislation](#)  
13 [Act](#), s 77 (1)).

14 *Note 2* If a provision has not commenced within 6 months beginning on the  
15 notification day, it automatically commences on the first day after that  
16 period (see [Legislation Act](#), s 79).

17 **3 Legislation amended**

18 This Act amends the *Environment Protection Act 1997* and the  
19 *Environment Protection Regulation 2005*.

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## Part 2 Environment Protection Act 1997

### 4 Objects Section 2

*omit*

### 5 Offences against Act—application of Criminal Code etc Section 3B, note 1

*substitute*

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 92 (Fuel sales—provision of information)
- s 92A (Confidential commercial information must not be disclosed)
- s 136K (Contravention of enforceable undertakings)

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Certain provisions of the [Criminal Code](#), ch 2 (the *applied provisions*) apply to all offences against this Act. The applied provisions include geographical application provisions (see Code, s 10).

**6 New sections 3C and 3D**

*insert*

**3C Objects of Act**

- (1) The objects of this Act are to—
- (a) protect and enhance the quality of the environment; and
  - (b) prevent environmental degradation and risk of harm to human health by promoting the following:
    - (i) pollution prevention;
    - (ii) clean production technology;
    - (iii) reuse and recycling of materials;
    - (iv) waste minimisation programs; and
  - (c) require people engaging in polluting activities to make progressive environmental improvements; and
  - (d) achieve effective integration of environmental, economic and social considerations in decision-making processes; and
  - (e) facilitate the implementation of national environment protection measures under national scheme laws; and
  - (f) provide for the monitoring and reporting of environmental quality on a regular basis; and
  - (g) ensure that contaminated land is managed having regard to human health and the environment; and
  - (h) coordinate activities needed to protect, restore or improve the ACT environment; and



- 1 (i) establish a process for investigating and, where appropriate,  
2 remediating land areas where contamination is causing or is  
3 likely to cause a significant risk—
- 4 (i) of harm to human health; or
- 5 (ii) of material environmental harm or serious environmental  
6 harm.
- 7 (2) In this section:
- 8 *national scheme law* means—
- 9 (a) the *National Environment Protection Council Act 1994*  
10 (Cwlth); and
- 11 (b) the *National Environment Protection Council Act 1994*.
- 12 **3D Principles applying to Act**
- 13 (1) A person administering this Act must have regard to the following  
14 principles where relevant:
- 15 (a) the principle of a shared responsibility for the environment,  
16 including through—
- 17 (i) acknowledging environmental needs in economic and  
18 social decision-making; and
- 19 (ii) public education about and public involvement in  
20 decisions about protection, restoration and enhancement  
21 of the environment;
- 22 (b) the precautionary principle;
- 23 (c) the inter-generational equity principle;
- 24 (d) the waste minimisation principle.

- 1 (2) In this section:
- 2 *inter-generational equity principle* means that the present
- 3 generation should ensure that the health, diversity and productivity
- 4 of the environment is maintained or enhanced for the benefit of
- 5 future generations.
- 6 *precautionary principle* means that, if there is a threat of serious or
- 7 irreversible environmental damage, a lack of full scientific certainty
- 8 should not be used as a reason for postponing measures to prevent
- 9 environmental degradation.
- 10 *waste minimisation principle* means controlling the generation,
- 11 storage, collection, transportation, treatment and disposal of waste to
- 12 reduce, minimise and, where practical, eliminate harm to the
- 13 environment.

14 **7 Section 10**

15 *substitute*

16 **10 Criminal liability of the Territory**

17 The Territory is liable for an offence against this Act.

18 **8 Inspection of documents**

19 **Section 19 (1) (q)**

20 *substitute*

21 (q) the contaminated sites register;

22 **9 Register of contaminated sites**

23 **Section 21A (2)**

24 *substitute*

25 (2) The register—

26 (a) may be in electronic form; and

1 (b) must contain particulars of land in relation to—

2 (i) an order under section 91C (1) (Order to assess whether  
3 land contaminated), section 91D (1) (Order to remediate  
4 land) or section 125 (2) or (3) (Environment protection  
5 orders); and

6 (ii) a requirement to commission an environmental audit  
7 under section 76 (2) (Authority may require  
8 environmental audit); and

9 (iii) a notice under section 76A (1) (Requests for auditor's  
10 statements) not relating to an order or requirement  
11 mentioned in subparagraph (i) or (ii).

12 **10 Section 21A (3)**

13 *omit*

14 **11 Section 21A (4) (b)**

15 *after*

16 125 (2)

17 *insert*

18 or (3)

19 **12 Section 21A (5)**

20 *substitute*

21 (5) The authority must remove an entry from the register—

22 (a) for an entry made under subsection (2) (b) (i) in relation to an  
23 order under section 91C (1)—within 60 days after receiving an  
24 environmental audit of assessment under section 91C in  
25 relation to the entry unless the authority has, within that period,  
26 made an order under section 91D (1) or section 125 (2) or (3);  
27 or

Section 13

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- 1 (b) for an entry made under subsection (2) (b) (ii) or (iii)—within  
2 60 days after receiving the audit required under section 76 (2)  
3 or the site audit statement mentioned in section 76A (2) in  
4 relation to the entry unless, within that period—
- 5 (i) the authority has entered into an environmental  
6 protection agreement under section 38 (Entering  
7 agreements); or
- 8 (ii) a condition or annotation has been included on the crown  
9 lease or title for the land in relation to the environmental  
10 audit; or
- 11 (c) in any case—if the authority decides, based on advice from an  
12 approved auditor under section 75 (Certain auditors to be  
13 approved), that ongoing management of the land is no longer  
14 required.
- 15 (5A) As soon as practicable after entering particulars of land in the  
16 register or removing an entry from the register, the authority must  
17 give written notice of the entry or removal to—
- 18 (a) the planning and land authority; and
- 19 (b) if the land is in a designated area—the national capital  
20 authority.

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**13 Section 38***substitute***38 Entering agreements**

- 24 (1) Under section 42 (2) (a) or otherwise giving effect to the objects of  
25 this Act, the Authority may enter into an environmental protection  
26 agreement in relation to an activity with the person who is  
27 conducting, or proposing to conduct, the activity.
- 28 (2) The authority must give the person in subsection (1) a copy of the  
29 agreement.

1 **14 Form and terms of agreements**  
2 **Section 39 (c) (i) and (ii)**

3 *omit*

4 caused by the activity

5 *substitute*

6 caused or likely to be caused by the activity

7 **15 Compliance with authorisation**  
8 **Section 45 (2) (a) (ii)**

9 *omit*

10 environmental harm was caused

11 *substitute*

12 environmental harm was caused or likely to be caused

13 **16 Section 45 (2) (b)**

14 *after*

15 caused

16 *insert*

17 , or likely to be caused,

18 **17 Grant**  
19 **New section 49 (6A)**

20 *insert*

21 (6A) The authority must give written notice of its decision to anyone who  
22 has made a submission in relation to the application under  
23 section 48 (1) (c).

24 *Note* See s 136 for the requirement to notify other people.

1	<b>18</b>	<b>Notification of grant</b>
2		<b>Section 50 (5)</b>
3		<i>omit</i>
4	<b>19</b>	<b>Section 50 (6)</b>
5		<i>omit</i>
6		, and published in a daily newspaper,
7	<b>20</b>	<b>Kinds of conditions</b>
8		<b>Section 51 (a) (vii)</b>
9		<i>after</i>
10		environmental harm
11		<i>insert</i>
12		or likely environmental harm
13	<b>21</b>	<b>Notice of intention to vary an authorisation</b>
14		<b>Section 62 (2) (b) (i)</b>
15		<i>omit</i>
16		will cause,
17		<i>substitute</i>
18		will cause or is likely to cause,
19	<b>22</b>	<b>Suspension and cancellation</b>
20		<b>Section 63 (1) (a) (ii)</b>
21		<i>omit</i>
22		or is happening
23		<i>substitute</i>
24		, is happening or is likely to happen

1	<b>23</b>	<b>Requests for auditor's statements</b>
2		<b>Section 76A (1)</b>
3		<i>omit</i>
4		statement (a <i>site audit statement</i> )
5		<i>substitute</i>
6		written notice
7	<b>24</b>	<b>New section 76A (1) (aa)</b>
8		<i>insert</i>
9		(aa) reasons for the person making the request; and
10	<b>25</b>	<b>Section 76A (2), new note</b>
11		<i>insert</i>
12		<i>Note</i> If a form is approved under s 165A for this provision, the form must be
13		used.
14	<b>26</b>	<b>Claim on or realisation of financial assurance</b>
15		<b>Section 88 (1) (a)</b>
16		<i>after</i>
17		caused
18		<i>insert</i>
19		, or likely to be caused,

1 **27 Notice before claim on or realisation of a financial**  
2 **assurance**  
3 **Section 89 (1) (a)**

4 *after*  
5 caused  
6 *insert*  
7 , or likely to be caused,

8 **28 Section 89 (1) (b)**

9 *after*  
10 environmental harm  
11 *insert*  
12 or likely environmental harm

13 **29 Recovery of extra costs**  
14 **Section 90 (1)**

15 *after*  
16 caused  
17 *insert*  
18 , or likely to be caused,

19 **30 Procedure if samples taken**  
20 **Section 102**

21 *omit*



1 **31 Information discovery orders**  
2 **Section 133 (1) (a)**

3 *omit*

4 knowledge of

5 **32 Part 14**

6 *substitute*

7 **Part 14 Notification and review of**  
8 **decisions**

9 **135 Definitions—pt 14**

10 In this part:

11 *internally reviewable decision* means a decision mentioned in  
12 schedule 3, column 3 under a provision of this Act mentioned in  
13 column 2 in relation to the decision.

14 *reviewable decision* means—

15 (a) a decision mentioned in schedule 3, column 3 under a  
16 provision of this Act mentioned in column 2 in relation to the  
17 decision; or

18 (b) a decision made on internal review.

19 **136 Internal review and reviewable decision notices**

- 20 (1) If the authority makes an internally reviewable decision, the  
21 authority must give an internal review notice to each entity  
22 mentioned in schedule 3, column 4 in relation to the decision.

- 1 (2) If the authority makes a reviewable decision, the authority must give  
2 a reviewable decision notice to each entity mentioned in schedule 3,  
3 column 4 in relation to the decision.

4 *Note 1* The authority must also take reasonable steps to give an internal review  
5 notice and a reviewable decision notice to anyone whose interests are  
6 affected by the decision (see [ACT Civil and Administrative Tribunal](#)  
7 [Act 2008](#), s 67A and s 67B).

8 *Note 2* The requirements for internal review notices and reviewable decision  
9 notices are prescribed under the [ACT Civil and Administrative Tribunal](#)  
10 [Act 2008](#).

### 11 **136A Applications for internal review**

- 12 (1) The following may apply to the authority for review of an internally  
13 reviewable decision:

14 (a) an entity mentioned in schedule 3, column 4 in relation to the  
15 decision;

16 (b) any other person whose interests are affected by the decision.

- 17 (2) The application must—

18 (a) be in writing; and

19 (b) state the applicant's name and address; and

20 (c) set out the applicant's reasons for making the application.

- 21 (3) The application must be given to the authority within—

22 (a) 14 days after the day the applicant is given the internal review  
23 notice for the decision; or

24 (b) any longer period allowed by the authority before or after the  
25 end of the 14-day period.

### 26 **136B Applications not stay internally reviewable decisions**

27 The making of an application for review of an internally reviewable  
28 decision does not affect the operation of the decision.

1     **136C     Review by authority**

- 2             (1) The authority must review the internally reviewable decision.
- 3             (2) The review must happen within 28 days (the **28-day period**) after
- 4                 the day the authority receives the application for review of the
- 5                 internally reviewable decision.
- 6             (3) The authority must—
- 7                 (a) confirm the decision; or
- 8                 (b) vary the decision; or
- 9                 (c) set aside the decision and substitute another decision.
- 10            (4) If the decision is not varied or set aside within the 28-day period, the
- 11                 decision is taken to have been confirmed by the authority.

12     **136D     Applications for review**

13             The following may apply to the ACAT for review of a reviewable

14             decision:

- 15             (a) an entity mentioned in schedule 3, column 4 in relation to the
- 16                 decision;
- 17             (b) any other person whose interests are affected by the decision.

18             *Note*     If a form is approved under the *ACT Civil and Administrative Tribunal*

19                         *Act 2008* for the application, the form must be used.

**33 New part 14A**

*insert*

**Part 14A Enforceable undertakings**

**136E Definitions—pt 14A**

In this part:

*enforceable undertaking* means an environmental undertaking that has been accepted under section 136G.

*environmental undertaking*—see section 136F (2).

**136F Making of environmental undertakings**

- (1) This section applies if the authority alleges that a person has committed an offence against division 15.1 (Environmental offences).
- (2) The person may give the authority a written undertaking (an *environmental undertaking*) in relation to the offence.
- (3) The environmental undertaking must—
  - (a) state that, on acceptance by the authority, it is an enforceable undertaking under this Act; and
  - (b) acknowledge that the authority alleges that the person has committed an offence against a stated provision of this Act; and
  - (c) identify the facts and circumstances of the alleged offence; and

(d) include 1 or more undertakings relating to the alleged offence.

**Examples—undertakings**

1 to stop certain conduct

2 to take particular action to compensate people adversely affected by an  
alleged offence committed against a stated provision of this Act

3 to take particular action to rectify a state of affairs that arose as a direct or  
indirect result of the alleged offence

4 to take particular action (including implementing particular systems) to  
prevent future offences against this Act

5 to implement publicity or education programs

*Note* An example is part of the Act, is not exhaustive and may extend, but  
does not limit, the meaning of the provision in which it appears (see  
[Legislation Act](#), s 126 and s 132).

**136G Acceptance of environmental undertaking**

(1) The authority may accept an environmental undertaking by written  
notice given to the person who gave the undertaking.

(2) On acceptance of the undertaking, the undertaking becomes an  
enforceable undertaking.

**136H Withdrawal from or amendment of enforceable  
undertaking**

(1) The person who gave an enforceable undertaking may withdraw  
from or amend the undertaking only with the authority's written  
agreement.

(2) However, the undertaking may not be amended to provide for a  
different alleged offence.

**136I Ending enforceable undertaking**

(1) The authority may end an enforceable undertaking by written notice  
to the person who gave the undertaking if satisfied that the  
undertaking is no longer necessary or desirable.

1           (2) The authority may act under subsection (1) on the authority's own  
2           initiative or on the application of the person who gave the  
3           undertaking.

4           (3) The undertaking ends when the person who gave the undertaking  
5           receives the authority's notice.

6       **136J       Undertaking not admission of fault etc**

7           (1) This section applies if a person gives the authority an environmental  
8           undertaking in relation to an alleged offence, whether or not the  
9           undertaking is accepted by the authority.

10          (2) Giving the environmental undertaking is not—

11               (a) an express or implied admission of fault or liability by the  
12               person in relation to the alleged offence; and

13               (b) relevant to deciding fault or liability in relation to the alleged  
14               offence.

15       **136K       Contravention of enforceable undertakings**

16           (1) If the authority believes on reasonable grounds that an enforceable  
17           undertaking has been contravened by anyone, the authority may  
18           apply to the Magistrates Court for an order under subsection (2).

19           (2) If the Magistrates Court is satisfied that the enforceable undertaking  
20           has been contravened, the court may make 1 or more of the  
21           following orders:

22               (a) an order requiring the person who gave the undertaking to  
23               ensure that the undertaking is not contravened;

24               (b) an order requiring the person who gave the undertaking to pay  
25               to the Territory the amount assessed by the court as the value  
26               of the benefits anyone derived, directly or indirectly, from the  
27               contravention of the undertaking;

- 1 (c) an order that the court considers appropriate requiring the  
2 person who gave the undertaking to compensate someone who  
3 has suffered loss or damage because of the contravention of the  
4 undertaking;
- 5 (d) any other order that the court considers appropriate.
- 6 (3) A person commits an offence if the person fails to take all  
7 reasonable steps to comply with an order under subsection (2).  
8 Maximum penalty: 200 penalty units.
- 9 (4) An offence against this section is a strict liability offence.

10 **136L Effect of enforceable undertaking on other proceedings**

11 A proceeding may not be brought against a person for an alleged  
12 offence against division 15.1 (Environmental offences) if—

- 13 (a) an enforceable undertaking is in force in relation to the alleged  
14 offence; or
- 15 (b) the person has complied with an enforceable undertaking in  
16 relation to the alleged offence.

17 **34 Causing serious environmental harm**  
18 **Section 137**

19 *after*

20 environmental harm

21 *insert*

22 or likely serious environmental harm

1 **35 Causing material environmental harm**  
2 **Section 138**

3 *after*  
4 environmental harm  
5 *insert*  
6 or likely material environmental harm

7 **36 Causing environmental harm**  
8 **Section 139**

9 *after*  
10 environmental harm  
11 *insert*  
12 or likely environmental harm

13 **37 Liability limited to harm caused by excess pollutants**  
14 **Section 144**

15 *after*  
16 environmental harm  
17 *insert*  
18 or likely environmental harm

19 **38 Criminal liability of executive officers**  
20 **Section 147 (6), definition of *relevant offence*,**  
21 **paragraphs (f) to (h)**

22 *substitute*  
23 (f) section 137 (Causing serious environmental harm or likely  
24 serious environmental harm);



1 (g) section 138 (Causing material environmental harm or likely  
2 material environmental harm);

3 (h) section 139 (Causing environmental harm or likely  
4 environmental harm);

5 **39 Due diligence**  
6 **Section 153**

7 *after*  
8 environmental harm  
9 *insert*  
10 or likely environmental harm

11 **40 Defence of emergency**  
12 **Section 154 (2)**

13 *after*  
14 environmental harm  
15 *insert*  
16 or likely environmental harm

17 **41 Additional court orders**  
18 **Section 157**

19 *after*  
20 environmental harm  
21 *insert*  
22 or likely environmental harm

1	<b>42</b>	<b>Recovery of clean-up costs</b>
2		<b>Section 160</b>
3		<i>after</i>
4		environmental harm
5		<i>insert</i>
6		or likely environmental harm
7	<b>43</b>	<b>Regulation-making power</b>
8		<b>New section 166 (7A)</b>
9		<i>insert</i>
10	(7A)	A regulation may make provision in relation to preventing or
11		limiting pollution on development sites, including regulating or
12		prohibiting certain conduct.
13	<b>44</b>	<b>Activities requiring environmental authorisation</b>
14		<b>Schedule 1, section 1.1, new definition of <i>hazardous</i></b>
15		<b><i>component</i></b>
16		<i>insert</i>
17		<b><i>hazardous component</i></b> , of electronic waste, means any component
18		of the electronic waste that has chemical, physical or biological
19		properties with the potential to cause harm to a person, property or
20		the environment.
21	<b>45</b>	<b>Schedule 1, table 1.2, item 30</b>
22		<i>substitute</i>
	30	the storage of petroleum products in a facility designed to store more than 50m <sup>3</sup> of products

**46 Schedule 1, table 1.2, new items 48 and 49***insert*

48	the operation of a waste transfer station receiving 30 000t or more of waste each year
49	the operation of a commercial facility for the treatment of the hazardous components of electronic waste

**47 Schedule 1, table 1.3, new item 8***insert*

8	the operation of a commercial facility for the storage and dismantling of electronic waste
---	--

**48 Dictionary, definition of *development****substitute****development*** means the following:

- (a) building, altering, repairing or demolishing a building or structure on land;
- (b) disposing of waste materials generated by altering or demolishing a building or structure on land;
- (c) carrying out earthworks or other construction work on or under land;
- (d) carrying out work that would affect the landscape of land.

1 **49 Dictionary, new definitions**

2 *insert*

3 ***electronic equipment*** means equipment that requires an electric  
4 current or electromagnetic field to function.

5 **Examples—electronic equipment**

6 televisions, fridges, computers, mobile phones, drills, remote control cars

7 *Note* An example is part of the Act, is not exhaustive and may extend, but  
8 does not limit, the meaning of the provision in which it appears (see  
9 [Legislation Act](#), s 126 and s 132).

10 ***electronic waste*** means waste electronic equipment.

11 ***enforceable undertaking***, for part 14A (Enforceable  
12 undertakings)—see section 136E.

13 ***environmental undertaking***, for part 14A (Enforceable  
14 undertakings)—see section 136F (2).

15 ***internally reviewable decision***, for part 14 (Notification and review  
16 of decisions)—see section 135.

17 ***waste transfer station*** means a facility that sorts, consolidates or  
18 temporarily stores solid waste (including municipal waste) for  
19 transfer to another site for disposal, storage, reprocessing, recycling,  
20 use or reuse.

1     **Part 3**                             **Environment Protection**  
2   **Regulation 2005**

3     **50             Section 44**

4                     *substitute*

5     **44             Pollution of waterways**

6             (1) A person commits an offence if the person pollutes a waterway.

7                     Maximum penalty: 10 penalty units.

8             (2) An offence against this section is a strict liability offence.

9             (3) In this section:

10             *pollutes a waterway*—a person *pollutes a waterway* if the person—

11                     (a) allows, causes, or fails to prevent the discharge, emission,  
12                             depositing, disturbance or escape of a pollutant into or on a  
13                             waterway; or

14                     (b) places a pollutant in a position where it is likely to pollute a  
15                             waterway by entering a stormwater system or other entry into a  
16                             waterway.

17     **51             Development waste not to enter stormwater system or**  
18                             **waterways**  
19                             **Section 45 (3)**

20                     *omit*

- 1 **52** **Areas near development to be kept clear**  
2 **Section 46 (3)**
- 3 *omit*
- 4 **53** **Entries to and exits from land to be kept stable**  
5 **Section 47 (4)**
- 6 *omit*
- 7 **54** **Consignment authorisation for controlled waste**  
8 **Section 58 (1) (b)**
- 9 *substitute*
- 10 (b) does not have a consignment authorisation for the movement  
11 of the waste.
- 12 **55** **New section 58 (2A)**
- 13 *insert*
- 14 (2A) A person in charge of a facility commits an offence if the person—  
15 (a) accepts a consignment of controlled waste; and  
16 (b) does not have a consignment authorisation for the movement  
17 of the waste.
- 18 Maximum penalty: 10 penalty units.

**56 New part 8A***insert***Part 8A Erosion and sediment control measures for development sites****66A Meaning of *erosion and sediment control measures*—pt 8A**

In this part:

*erosion and sediment control measures* means measures to prevent or limit pollution on a development site.

**Examples—erosion and sediment control measures**

- diversion structures
- dust suppression
- geotextile sediment and control barriers
- sediment control ponds
- stabilised access or egress points

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**66B Development sites 0.3ha or greater**

A person who is in charge of development on a development site commits an offence if—

- (a) the site is 0.3ha or greater; and
- (b) the person does not install and maintain on the site erosion and sediment control measures required under the environmental protection agreement that is in effect in relation to the development.

Maximum penalty: 10 penalty units.

**66C Development sites less than 0.3ha**

A person who is in charge of development on a development site commits an offence if—

- (a) the site is less than 0.3ha; and
- (b) the person does not install and maintain on the site erosion and sediment control measures approved by a building certifier.

Maximum penalty: 10 penalty units.

**57 Noise zones, noise standards and conditions**  
**Schedule 2, table 2.3, new item 21**

*insert*

21	<p>noise emitted in the course of—</p> <ul style="list-style-type: none"> <li>(a) building work that requires a building approval under the <i>Building Act 2004</i>, division 3.3; or</li> <li>(b) development</li> </ul>	<ul style="list-style-type: none"> <li>(a) all of the following: <ul style="list-style-type: none"> <li>(i) the noise is emitted from a place in noise zone A or B;</li> <li>(ii) all relevant noise reduction measures mentioned in AS 2436, as in force from time to time, are implemented;</li> <li>(iii) the noise is emitted between 6 am and 8 pm; or</li> </ul> </li> <li>(b) all of the following: <ul style="list-style-type: none"> <li>(i) the noise is emitted from a place other than a place in noise zone A or B;</li> <li>(ii) the building work or development will be finished within 2 weeks after the day it started;</li> <li>(iii) all relevant noise reduction measures mentioned in AS 2436, as in force from time to time, are implemented;</li> <li>(iv) the noise is emitted— <ul style="list-style-type: none"> <li>(A) between 7 am and 8 pm on Monday to Saturday; or</li> </ul> </li> </ul> </li> </ul>
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		<p>(B) between 8 am and 8 pm on Sunday or a public holiday; or</p> <p>(c) all of the following:</p> <ul style="list-style-type: none"> <li>(i) the noise is emitted from a place other than a place in noise zone A or B;</li> <li>(ii) the building work or development will not be finished within 2 weeks after the day it started;</li> <li>(iii) all relevant noise reduction measures mentioned in AS 2436, as in force from time to time, are implemented;</li> <li>(iv) the noise is emitted between 7 am and 6 pm on Monday to Saturday, excluding public holidays</li> </ul>
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### 58 Dictionary, note 3

*insert*

- development

### 59 Dictionary, new definition of *erosion and sediment control measures*

*insert*

*erosion and sediment control measures*, for part 8A (Erosion and sediment control measures for development sites)—see section 66A.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 18 September 2014.

**2 Notification**

Notified under the [Legislation Act](#) on 2014.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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