



Australian Capital Territory

# Environment Protection Regulations

Subordinate Law No. 36 of 1997

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Australian Capital Territory

# Environment Protection Regulations

Subordinate Law No. 36 of 1997<sup>1</sup>

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The Australian Capital Territory Executive, in accordance with section 5 of the *Subordinate Laws Act 1989*, makes the following Regulations under the *Environment Protection Act 1997*.

Dated 2 December 1997.

GARY HUMPHRIES  
Minister

KATE CARNELL  
Minister

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## PART I—PRELIMINARY

### Citation

1. These Regulations may be cited as the Environment Protection Regulations.

### Commencement

2. (1) Regulation 1 and this regulation commence on the day on which these Regulations are notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subregulation (2) has not commenced before the end of the period of 6 months commencing on the day on which these Regulations are notified in the *Gazette*, that provision, by force of this subregulation, commences on the first day after the end of that period.

### **Interpretation**

3. (1) In these Regulations, unless the contrary intention appears—

“affected land” means a parcel of land (whether inside or outside the Territory) a person on which is affected by excessive noise, but does not include—

- (a) if the noise is being emitted from a parcel of leased land— that land; or
- (b) a road, footpath or cycle way;

“affected occupier” means an occupier of affected land and, in relation to affected land that is—

- (a) unleased land; or
- (b) public land within the meaning of section 153 of the *Crown Lands Act 1989* of New South Wales;

and includes a person who is lawfully on that land;

“agvet chemical product” means—

- (a) an agricultural chemical product; or
- (b) a veterinary chemical product;

within the meaning of the Agvet Code;

“Agvet Code” means the Agricultural and Veterinary Chemicals Code as in force for the time being under the *Agricultural and Veterinary Chemicals Code Act 1994* of the Commonwealth;

“approval”, in relation to an activity, means a licence, lease, permit or other instrument (however described) under a law of the Territory authorising the conduct of the activity on specified public land;

“building work” means building work in respect of which a building permit under Part III of the *Building Act 1972* is required;

- “built-up area” means an area declared under the *Bushfire Act 1936* to be a built-up area;
- “CFC” means a chlorofluorocarbon specified in Part I of Schedule 1 to the *Ozone Protection Act 1989* of the Commonwealth, whether existing alone or in a mixture;
- “chimney” means a structure or opening designed to permit the emission of pollutants into the air from premises, whether or not the chimney is structurally part of the premises;
- “compliance location” has the meaning given by regulation 25;
- “essential service” means the provision of electricity or any other service that is prescribed as an essential service by or under the *Essential Services (Continuity of Supply) Act 1992*;
- “excessive noise” means noise that, by virtue of regulation 27, is to be taken to have an adverse impact on the environment;
- “halon” means a halon specified in Part II of Schedule 1 to the *Ozone Protection Act 1989* of the Commonwealth, whether existing alone or in a mixture;
- “HCFC” means a hydrochlorofluorocarbon specified in Part V of Schedule 1 to the *Ozone Protection Act 1989* of the Commonwealth, whether existing alone or in a mixture;
- “methyl chloroform” means the substance specified in Part IV of Schedule 1 to the *Ozone Protection Act 1989* of the Commonwealth;
- “national emission guidelines” means the guidelines called the “National guidelines for control of emission of air pollutants from new stationary sources 1985” published by or on behalf of the Australian Environment Council and the National Health and Medical Research Council;
- “noise zone”, in relation to a parcel of land to which a land use policy specified in column 2 of Table 1 in Schedule 2 applies, means the noise zone specified in column 1 opposite that land use policy;
- “non-scheduled PCB material” means any material that contains PCBs in a measure that is less than the threshold concentration or threshold quantity but is greater than 2 milligrams per kilogram;

- “NRA” means the National Registration Authority for Agricultural and Veterinary Chemicals under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth;
- “NSW Authority” means the Environment Protection Authority under the *Protection of the Environment Administration Act 1991* of the State of New South Wales;
- “NSW Noise Control Act” means the *Noise Control Act 1975* of the State of New South Wales, and includes any regulations in force for the time being under that Act;
- “NSW Noise Control Manual” means—
- (a) the manual called the “Environmental Noise Control Manual”, published by or on behalf of the NSW Authority, as varied and in effect for the time being; and
  - (b) where the manual has been replaced by an equivalent publication—that publication, as varied and in effect for the time being;
- “PCB” means a polychlorinated biphenyl with the chemical formula  $C_{12}H_{10-n}Cl_n$ , where  $n$  is any whole number in the range from and including 1 to and including 10;
- “PCB material” means scheduled or non-scheduled PCB material;
- “permitted agvet chemical product” means an agvet chemical product that is the subject of a permit under Part 7 of the Agvet Code;
- “premises” includes vacant land, vehicles, vessels and aircraft;
- “protocol” means a national environment protection protocol within the meaning of the national scheme laws, and includes a national environment protection protocol in a national environment protection measure made by the National Environment Protection Council and in force from time to time under those laws;
- “registered agvet chemical product” means an agvet chemical product that is registered under Part 2 of the Agvet Code;
- “scheduled PCB material” means any material that contains PCBs in a measure that is equal to or greater than the threshold concentration and threshold quantity;
- “sole occupancy unit” means a part of a building in respect of which a person has an exclusive right of occupation;

“standard” means a national environment protection standard within the meaning of the national scheme laws, and includes a national environment protection standard in a national environment protection measure made by the National Environment Protection Council and in force from time to time under those laws;

“the Act” means the *Environment Protection Act 1997*;

“threshold concentration” means a concentration of PCB material at 50 milligrams per kilogram;

“threshold quantity” means 50 grams of PCB material;

“zone noise standard”, in relation to noise being emitted in a noise zone during a period specified in column 3A, 3B, 3C or 3D of Table 1 in Schedule 2, means the zone noise standard specified in that column opposite that noise zone.

(2) Unless the contrary intention appears, an expression used in these Regulations has the same meaning as in Schedule 1 or 2 to the Act.

(3) A reference in these Regulations to an ozone depleting substance shall not be read as including a reference to a thing that has been manufactured where the thing—

- (a) contains, or will use in its operation, an ozone depleting substance; or
- (b) consists in part of an ozone depleting substance only because the substance was used in the manufacturing process.

(4) A reference in subregulation (3) to a thing that has been manufactured shall not be read as including a reference to such a thing that is to be used only for the transportation and storage of an ozone depleting substance unless the substance can only be used in conjunction with the thing.

## **PART II—AIR**

### ***Division 1—Preliminary***

#### **Application to tobacco products**

4. This Part does not apply in relation to the lighting or smoking of a cigar, cigarette or pipe.



***Division 2—Emissions***

**Emission of certain pollutants through a chimney**

5. For the purposes of paragraph 5 (a) of the Act, a pollutant emitted into the air through a chimney, being a pollutant specified in Table 1 or 2 of the national emission guidelines, shall be taken to cause environmental harm if the measure of the pollutant being emitted into the air from a source specified in that table opposite that pollutant exceeds the standard specified in that table opposite that source.

**Smoke and soot**

6. (1) Despite regulation 5, the concentration of smoke being emitted into the air through a chimney from a source specified in Table 1 of the national emission guidelines opposite that pollutant—

- (a) may exceed the standard specified in that table opposite that source for a period that does not exceed 20 minutes in any period of 24 hours if—
  - (i) the emission is due solely to the lighting of a boiler or incinerator from cold;
  - (ii) the concentration does not exceed the concentration that appears as Shade 3 on the Ringlemann chart; and
  - (iii) such steps as are practicable and reasonable are taken to prevent or minimise the emission; and
- (b) may exceed the concentration that appears as Shade 3 on the Ringlemann chart for a period that does not exceed 10 minutes in any period of 8 hours if—
  - (i) the emission is due solely to the blowing of tubes of a boiler; and
  - (ii) such steps as are practicable and reasonable are taken to prevent or minimise the emission.

(2) Despite regulation 5, the concentration of soot being emitted into the air through a chimney from a source specified in Table 1 of the national emission guidelines opposite that pollutant—

- (a) may exceed the standard specified in that table opposite that source for a period that does not exceed 20 minutes in any period of 24 hours if—

- (i) the emission is due solely to the lighting of a boiler or incinerator from cold;
  - (ii) the concentration does not exceed the concentration that appears as a blackening index of Shade 5 when tested by the Bacharach filter paper method; and
  - (iii) such steps as are practicable and reasonable are taken to prevent or minimise the emission; and
- (b) may exceed the concentration that appears as a blackening index of Shade 5 when tested by the Bacharach filter paper method for a period that does not exceed 5 minutes in any period of 8 hours if—
- (i) the emission is due solely to the blowing of tubes of a boiler; and
  - (ii) such steps as are practicable and reasonable are taken to prevent or minimise the emission.

### **Fires**

7. Despite anything in this Division, a pollutant being emitted into the air shall not be taken to cause environmental harm if the source of that pollutant is a fire that is permitted under Division 3.

### **Motor vehicles**

8. Despite anything in this Division, a pollutant being emitted into the air shall not be taken to cause environmental harm if—

- (a) the source of that pollutant is a motor vehicle to which the Act applies; and
- (b) the motor vehicle complies with the requirements of the *Motor Traffic Act 1936* and any regulations in force for the time being under that Act.

### **Sulfur content of fuel oil**

9. (1) For the purposes of clause 3 of Schedule 2 to the Act, sulfur is a prescribed constituent of fuel oil and the proportion of sulfur that may be present in fuel oil shall not exceed—

- (a) in the case of fuel oil used on premises on which there is erected equipment capable of consuming fuel oil, either alone or with another substance, at a rate of not more than 200 kilograms an hour—0.5% by weight; or

- (b) in the case of fuel oil used on premises on which there is erected equipment capable of consuming fuel oil, either alone or with another substance, at a rate of more than 200 kilograms an hour—1.0% by weight.

(2) Notwithstanding subregulation (1), fuel oil containing a higher proportion of sulfur than that referred to in paragraph (1) (a) or (b) may be used on premises if the equipment in which the oil is used is fitted with control equipment of such a kind that the emission from the equipment is not greater than the emission that would be emitted from the equipment if fuel oil with a sulfur content of not more than 0.5% or 1.0%, as the case requires, were used.

### ***Division 3—Lighting of fires***

#### **Minor environmental offences**

- 10.** For the purposes of Division 1 of Part XIII of the Act—
- (a) an offence against this Division is a minor environmental offence; and
  - (b) if the offender is a natural person—the on-the-spot fine is \$120.

#### **Burning of certain substances prohibited**

- 11. (1)** A person shall not cause to be burnt—
- (a) synthetic plastics or other synthetic polymers;
  - (b) wood that is painted, chemically treated or contaminated with chemicals; or
  - (c) chemicals (except those recommended by the manufacturer as fuels for fire);

other than in accordance with an environmental authorisation that authorises the burning of such substances in an incinerator.

Penalty for contravention of subregulation (1):

- (a) if the offender is a natural person—10 penalty units;
  - (b) if the offender is a body corporate—50 penalty units.
- (2)** A person shall not cause to be burnt—
- (a) waste (including garden waste, but not including paper or cardboard being burnt for the purpose of starting a fire); or
  - (b) unseasoned wood;

other than in accordance with an environmental authorisation that authorises the burning of such substances in an incinerator.

Penalty for contravention of subregulation (2):

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

(3) Subregulation (2) does not apply in relation to the burning of waste on land in an area that is not in the built-up area by a person who is ordinarily resident on that land if—

- (a) the waste is waste as a result of his or her being the resident of the land; and
- (b) the burning occurs on that land.

### **Open air fires**

**12. (1)** A person shall not—

- (a) cause combustible material to be burnt; or
- (b) cause a fire to be lit, used or maintained;

in the open air.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

(2) Nothing in subregulation (1) applies in relation to conduct—

- (a) that is for the purposes of an activity specified in Schedule 1 being conducted in accordance with the conditions (if any) specified in that Schedule opposite that activity; or
- (b) that is otherwise authorised by or under the Act or these Regulations;

and is, apart from the Act and these Regulations, lawful.

### **Unfavourable weather conditions**

**13. (1)** Where the Minister is satisfied that meteorological conditions are, or are likely to become, such that fire related activities would—

- (a) cause excessive environmental harm; or
- (b) unduly increase the measure of pollutants in the air;

the Minister may, by notice, prohibit fire related activities.

- (2) A notice under subregulation (1)—
- (a) shall be—
    - (i) published in a daily newspaper printed and circulating in the Territory;
    - (ii) broadcast from a radio broadcasting station in the Territory; or
    - (iii) televised from a television station in the Territory;
  - (b) shall specify the times of the day and the periods during which the prohibition applies; and
  - (c) shall specify that—
    - (i) the prohibition applies to the Territory as a whole; or
    - (ii) if it applies to part only of the Territory—the part to which it applies.

(3) A person shall not contravene a notice under subregulation (1).

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

(4) In subregulation (1)—

“fire related activities” means—

- (a) the burning of combustible material; or
- (b) the lighting, using or maintaining of a fire (other than a fire solely for the purpose of cooking food or heating a potable liquid);

in the open air.

### **Indoor fires**

**14.** A person shall not light, use or maintain a fire inside a building unless the person takes such steps as are practicable and reasonable to prevent or minimise the environmental harm caused, or likely to be caused, by the emission of pollutants into the air from the fire.

Penalty:

- (a) if the offender is a natural person—5 penalty units;
- (b) if the offender is a body corporate—25 penalty units.

### **PART III—HAZARDOUS MATERIALS**

#### ***Division 1—Agvet chemical products***

##### **Entry of products into the environment**

**15. (1)** For the purposes of paragraph 5 (a) of the Act, a registered or permitted agvet chemical product shall be taken to cause environmental harm if the measure of the product entering the environment exceeds the measure authorised by the NRA.

**(2)** For the purposes of paragraph 5 (b) of the Act, an agvet chemical product (other than a registered or permitted agvet chemical product) shall be taken to cause environmental harm if it enters the environment.

#### ***Division 2—Ozone depleting substances***

##### **Interpretation**

**16.** In this Division—

“discarded domestic article” includes a domestic aerosol, domestic refrigerator or domestic air conditioning equipment, but does not include discarded motor vehicle air conditioner equipment.

##### **Application**

**17.** This Division does not apply to—

(a) the sale, purchase, storage, supply, use or disposal of—

(i) a substance; or

(ii) a thing that contains a substance;

merely because the substance includes an insignificant quantity or proportion of an ozone depleting substance; or

(b) the sale or supply of an ozone depleting substance as part of a transaction that is ancillary to the servicing of a thing which uses an ozone depleting substance.

##### **Entry of substances into the atmosphere**

**18.** For the purposes of paragraph 5 (b) of the Act, an ozone depleting substance shall be taken to cause environmental harm if it enters the atmosphere.

**Registered or permitted under the Agvet Code**

19. Despite regulation 18, an ozone depleting substance entering the atmosphere shall not be taken to cause environmental harm if the substance—

- (a) is registered under the Agvet Code and is being used in accordance with the conditions of registration; or
- (b) is being used in accordance with a permit under the Agvet Code.

**Other permitted discharges**

20. Despite regulation 18, an ozone depleting substance entering the atmosphere shall not be taken to cause environmental harm if the substance—

- (a) is discharged as part of an aerosol product the manufacture or import of which is not prohibited under the *Ozone Protection Act 1989* of the Commonwealth;
- (b) is a halon or an HCFC and is discharged in an emergency for the purposes of extinguishing a fire;
- (c) is a residual CFC or HCFC discharged from a discarded domestic article;
- (d) is discharged from a steriliser being used to sterilise medical devices or equipment where—
  - (i) the steriliser was purchased and was being used for sterilising medical devices or equipment before January 1993;
  - (ii) there is no acceptable alternative to using the substance in the steriliser; and
  - (iii) such steps as are practicable and reasonable are taken to minimise the discharge;
- (e) is discharged during the operation of dry cleaning equipment where such steps as are practicable and reasonable are taken to minimise the discharge; or
- (f) is discharged as a solvent for cleaning or degreasing where—
  - (i) the cleaning or degreasing is necessary for the continued operation of a business;

- (ii) there is no acceptable alternative to using the substance for that cleaning or degreasing; and
- (iii) such steps as are practicable and reasonable are taken to minimise the discharge.

**Class A activities**

**21. (1)** For the purposes of paragraph 2 (a) of Schedule 1 to the Act, the following are Class A activities:

- (a) the sale, purchase, storage, supply, use, reclaiming or disposal of halons;
- (b) the manufacture, sale, purchase, storage, supply, use, servicing or disposal of a thing that uses halons in its operation;
- (c) the sale, purchase, supply, reclaiming or disposal of CFCs or HCFCs;
- (d) the manufacture or servicing of a thing that uses CFCs or HCFCs in its operation;
- (e) the disposal of a thing containing CFCs or HCFCs, other than a discarded domestic article.

**(2)** Paragraphs (1) (a) and (b) do not apply to the storage or use of halons in an aircraft in the Territory if—

- (a) the halons are used in an emergency to extinguish a fire;
- (b) the owner of the aircraft, within 20 working days after the date of the discharge of the halons, gives written notice of the fact to—
  - (i) an authorised halon supplier; or
  - (ii) the Authority; and
- (c) the notice specifies—
  - (i) the name of the registered owner of the aircraft;
  - (ii) the aircraft registration number;
  - (iii) the type and quantity of the halon released; and
  - (iv) the date of, and reason for, the release of the halon.

**(3)** In subregulation (1)—

“servicing”, in relation to a thing using an ozone depleting substance in its operation, means carrying out an activity for the purposes of



repairing, maintaining or adjusting the thing, being an activity that risks release into the atmosphere of an ozone depleting substance.

**Sale or hire of articles**

**22. (1)** This regulation applies in relation to—

- (a) the first retail sale of a new article or other thing that uses an ozone depleting substance in its operation; or
- (b) the hiring out of an article or other thing that uses an ozone depleting substance in its operation.

**(2)** A person shall not sell or hire out an article or other thing unless the sale or hiring out is authorised under this regulation.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

**(3)** The sale or hiring out of an article or other thing is authorised under this regulation if, had the article or other thing been sold in the State of New South Wales instead of being sold or hired out in the Territory, the sale would have been permitted under the relevant NSW Ozone Protection legislation.

**(4)** In subregulation (3)—

“relevant NSW Ozone Protection legislation” means—

- (a) in the case of the sale of an article or other thing in the Territory—
  - (i) the *Ozone Protection Act 1989* of the State of New South Wales; and
  - (ii) the Ozone Protection Regulations 1997 of the State of New South Wales; or
- (b) in the case of the hiring out of an article or other thing in the Territory—
  - (i) the *Ozone Protection Act 1989* of the State of New South Wales as in force at the time the article or other thing was first hired out in the Territory; and
  - (ii) the Ozone Protection Regulations 1997 of the State of New South Wales as in force under that Act.

***Division 3—Polychlorinated biphenyls (PCBs)***

**Entry of PCBs into the environment**

**23.** For the purposes of paragraph 5 (b) of the Act, PCB material or a thing containing PCB material shall be taken to cause environmental harm if the material or thing enters the environment.

**PART IV—NOISE**

***Division 1—Measuring noise levels***

**Procedures for taking measurements**

**24.** For the purpose of determining whether noise being emitted from a parcel of land is in compliance with the Act or these Regulations—

- (a) the noise level measured shall be  $L_{10,T}$ ; and
- (b) all measurements shall be taken and all adjustments for the nature of the noise shall be determined using the procedures set out in the NSW Noise Control Manual.

**Measurements to be taken at compliance location**

**25. (1)** For the purpose of determining whether noise being emitted from a parcel of land is in compliance with the Act or these Regulations, the noise level shall be measured at the compliance location for that parcel of land.

**(2)** The compliance location is—

- (a) if the noise is being emitted during the course of conducting an activity in respect of which an environmental authorisation or an environmental protection agreement is in effect; and
- (b) if the authorisation or agreement specifies the compliance location;

the location so specified.

**(3)** The compliance location for public land to which subregulation (2) does not apply is, if—

- (a) the noise is being emitted during the course of conducting an activity in respect of which an approval is in force; and
- (b) the approval specifies the compliance location;

that location.

(4) The compliance location for leased land to which subregulation (2) does not apply is—

- (a) if the boundary of the leased land is formed by a road separating 2 noise zones; and
- (b) if those noise zones have different zone noise standards in respect of the period during which the noise is emitted;

any point on or as near as practicable to the boundary of the noise zone with the lowest of those zone noise standards.

(5) The compliance location for leased land to which neither subregulation (2) or (4) applies is—

- (a) if the noise is being emitted from 1 of 2 or more sole occupancy units on the leased land—
  - (i) any point within any of those other units; and
  - (ii) any point on or as near as practicable to the boundary of the leased land; or
- (b) in any other case—any point on or as near as practicable to the boundary of the leased land.

(6) The compliance location for unleased land to which neither subregulation (2) nor (3) applies is any point as near as practicable to 5 metres from the source of the noise.

### **Adjoining noise zones**

26. For the purposes of these Regulations, noise zones are adjoining if the zones—

- (a) have a common boundary; or
- (b) would have a common boundary but for a road separating the zones.

### ***Division 2—Excessive noise levels***

#### **Noise levels exceeding zone noise standards**

27. (1) For the purposes of paragraph 5 (a) of the Act, subject to this regulation, noise being emitted from a parcel of land in a noise zone shall be taken to cause environmental harm if the noise level exceeds the zone noise standard in respect of the period during which the noise is emitted.

(2) Noise being emitted from a sole occupancy unit on a parcel of leased land in a noise zone shall be taken to cause environmental harm in

another sole occupancy unit on the leased land if the noise level at any point within that other unit exceeds 5 dB(A) below the zone noise standard in respect of the period during which the noise is emitted.

(3) Where the boundary of a parcel of leased land is also the boundary of a noise zone that adjoins another noise zone or other noise zones, the zone noise standard at that boundary for that parcel of land is the average of the zone noise standards for the adjoining noise zones in respect of the period during which the noise is emitted, rounded up to the nearest dB(A).

#### **Noise from certain activities**

28. Despite regulation 27, noise being emitted from a parcel of land shall not be taken to cause environmental harm if—

- (a) the noise is emitted during the course of conducting an activity for the purpose of—
  - (i) protecting life or property; or
  - (ii) preventing, minimising or remedying environmental harm;
- (b) the noise is emitted during the course of conducting an activity for the purpose of maintaining an essential service; or
- (c) the noise is emitted during the course of constructing or maintaining an arterial road.

#### **Noise complying with certain conditions**

29. (1) Despite regulation 27, noise being emitted during the conduct of an activity specified in Table 2 in Schedule 2 shall not be taken to cause environmental harm if the activity is conducted in accordance with the conditions specified in that table opposite that activity.

(2) A reference in Table 2 in Schedule 2 to a zone followed by a letter is a reference to the noise zone so lettered in Table 1 in Schedule 2.

(3) A reference in Table 2 in Schedule 2 to a period followed by a number is—

- (a) if the period is during a Sunday or a public holiday—the period specified in column 3 of Table 3 in Schedule 2 opposite the same number specified in column 1 of that table; or
- (b) if the period is during any other day—the period specified in column 2 of Table 3 in Schedule 2 opposite the same number specified in column 1 of that table.

**Approval prevails**

**30.** In the event of an inconsistency between an approval and this Part, the approval prevails.

**Complaint must be made by affected person**

**31.** A person who conducts an activity that emits excessive noise shall not be taken to have committed an offence against the Act or these Regulations in respect of that emission unless—

- (a) an affected occupier makes a complaint to an authorised officer;
- (b) in the case of noise being emitted from a sole occupancy unit on a parcel of leased land—if the noise level in another sole occupancy unit on the leased land exceeds 5 dB(A) below the zone noise standard for the noise zone that the leased land is in; and
- (c) in any other case—the noise level at the affected land exceeds the zone noise standard for the noise zone that the affected land is in.

*Division 3—Sale and hire of articles*

**Sale or hire of articles**

**32. (1)** This regulation applies in relation to—

- (a) the first retail sale of a new article or other thing; or
- (b) the hiring out of an article or other thing.

**(2)** A person shall not sell or hire out an article or other thing unless the sale or hiring out is authorised under this regulation.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

**(3)** The sale or hiring out of an article or other thing is authorised under this regulation if, had the article or other thing been sold in the State of New South Wales instead of being sold or hired out in the Territory, the sale would have been permitted under the relevant NSW Noise Control legislation.

**(4)** In subregulation (3)—

“relevant NSW Noise Control legislation” means—

- (a) in the case of the sale of an article or other thing in the Territory—

- (i) the *Noise Control Act 1975* of the State of New South Wales; and
  - (ii) any regulations in force for the time being under that Act; and
- (b) in the case of an article or other thing hired out in the Territory—
- (i) the *Noise Control Act 1975* of the State of New South Wales as in force at the time the article or other thing was first hired out in the Territory; and
  - (ii) any regulations in force under that Act.

## **PART V—PETROLEUM PRODUCTS**

### **Construction and marking of petrol pumps**

**33. (1)** For the purposes of clause 10 of Schedule 2 to the Act, a petrol pump used to dispense unleaded petrol into motor vehicles shall—

- (a) have a hose that is equipped with a nozzle that has an external diameter of not more than 21.34 millimetres; and
- (b) have the word “UNLEADED” marked on the pump—
  - (i) in letters not less than 20 millimetres in height; and
  - (ii) in a position that is clearly visible to a driver of a motor vehicle intending to obtain petrol from the pump.

**(2)** For the purposes of clause 10 of Schedule 2 to the Act, a petrol pump used to dispense leaded petrol into motor vehicles shall—

- (a) have a hose that is equipped with a nozzle that has an external diameter of not less than 23.6 millimetres; and
- (b) have the words “CONTAINS LEAD” marked on the pump—
  - (i) in letters not less than 20 millimetres in height; and
  - (ii) in a position that is clearly visible to a driver of a motor vehicle intending to obtain petrol from the pump.

## **PART VI—WATER**

### **Environmental values**

**34. (1)** For the purposes of this Part and Schedules 3 and 4, the environmental values of a waterway are the environmental values specified

in Part C2, Water Use and Catchment Policies, of the Territory Plan in respect of the waterway.

(2) The following are examples of those environmental values:

- (a) Domestic Water Quality (DOM1/2/3);
- (b) Primary and Secondary Contact Recreation (REC/1 & REC/2);
- (c) Waterscape (VIEW);
- (d) Agricultural Uses (STOCK).

### **Entry of certain pollutants into waterways**

35. For the purposes of paragraph 5 (b) of the Act, a pollutant specified in a table in Schedule 3 shall be taken to cause environmental harm if it enters a waterway that has as 1 of its environmental values the value specified in that table.

### **Water quality standards**

36. The ambient environmental standards in relation to water quality for a waterway that has as 1 of its environmental values the value specified in a table in Schedule 4, in flow conditions not exceeding the long term 5 percentile high flow value, are the standards specified in that table opposite that value.

### **Compliance with standards**

37. (1) An indicator specified in a table in Schedule 4 (other than dissolved oxygen and light penetration) shall be taken to comply with the standard value specified in that table opposite that indicator if—

- (a) where the standard value is expressed as a range—the measure of the indicator is within the range; or
- (b) in any other case—the measure of the indicator does not exceed the standard value.

(2) Dissolved oxygen or light penetration specified in a table in Schedule 4 shall be taken to comply with the standard value specified in that table opposite that indicator if the indicator is equal to or exceeds the standard value.

## **PART VII—MINOR ENVIRONMENTAL OFFENCES**

### **Offences specified in Schedule 5**

**38. (1)** An offence specified in column 2 of an item in Schedule 5 is punishable, on conviction, by a penalty not exceeding—

- (a) if the offender is a natural person—the penalty specified in column 3 of that item; or
- (b) if the offender is a body corporate—5 times that penalty.

**(2)** For the purposes of Division 1 of Part XIII of the Act—

- (a) an offence specified in column 2 of an item in Schedule 5 is a minor environmental offence; and
- (b) if the offender is a natural person—the on-the-spot fine for an offence specified in column 2 of an item in Schedule 5 is the amount specified in column 4 of that item.

### **No offence committed**

**39.** A person does not commit a minor environmental offence within the meaning of Division 1 of Part XIII of the Act if—

- (a) the act or omission that would but for this provision have constituted the offence or an element of the offence was authorised by or under the Act or these Regulations; or
- (b) in any other case—
  - (i) the act or omission that would but for this provision have constituted the offence or an element of the offence occurred during the conduct of an activity that was, apart from the Act or these Regulations, lawful; and
  - (ii) in conducting the activity, the person was complying with the general environmental duty.

## **PART VIII—OTHER MATTERS TO BE PRESCRIBED**

### **Sampling and analysis of pollutants other than noise**

**40. (1)** The sampling and analysis of a pollutant other than noise shall be conducted in accordance with—

- (a) a procedure for that purpose specified by or under another law of the Territory or a law of the Commonwealth, a State or another Territory;



- (b) a protocol recommended for that purpose in a standard published by or on behalf of the Standards Association of Australia;
  - (c) a protocol recommended for that purpose in a standard published by or on behalf of the International Standards Organisation, Geneva; or
  - (d) a protocol published by a recognised entity.
- (2) The analysis of a pollutant other than noise shall be conducted by a person employed as an analyst in any of the following organisations:
- (a) a laboratory operated by or on behalf of the Territory, the Commonwealth, a State or another Territory;
  - (b) an Australian university;
  - (c) a laboratory accredited by the National Association of Testing Authorities;
  - (d) a laboratory notified by the Minister in the *Gazette* as a laboratory for the purposes of this subregulation.
- (3) A notice under paragraph (2) (d) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.
- (4) In this regulation—
- “Australian university” means a university established by a law of the Territory, the Commonwealth, a State or another Territory;
- “recognised entity” means—
- (a) the Territory, the Commonwealth, a State or another Territory;
  - (b) the Authority or a body established by or under a law of the Commonwealth, a State or another Territory having functions corresponding to those of the Authority;
  - (c) the Commonwealth Scientific and Industrial Research Organisation (CSIRO);
  - (d) the Australia and New Zealand Environment and Conservation Council;
  - (e) the National Environment Protection Council established by the national scheme laws;
  - (f) the Agricultural and Resource Management Council of Australia and New Zealand;

- (g) the United States Environment Protection Authority;
- (h) the American Public Health Association;
- (j) a Co-operative Research Centre established under the Commonwealth's Co-operative Research Centre Program; and
- (k) an Australian university.

## **PART IX—MISCELLANEOUS**

### **Review of decisions**

**41. (1)** Application may be made to the Administrative Appeals Tribunal for review of a decision of the Authority—

- (a) under paragraph 40 (2) (d) approving a laboratory; or
- (b) under paragraph 40 (2) (d) refusing to approve a laboratory.

**(2)** Where a decision of a kind referred to in paragraph (1) (a) or (b) is made, the Authority shall give notice in writing of the decision to the applicant.

**(3)** A notice under subregulation (2) shall be in accordance with the requirements of the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

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**SCHEDULE 1**

Subregulation 12 (2)

**OPEN AIR FIRES: PURPOSES AND CONDITIONS**

<b>Item</b>	<b>Activity</b>	<b>Conditions</b>
1	Cooking food or heating a potable liquid	
2	Heating	The activity is conducted— (a) in a built-up area using a brazier or constructed fireplace; or (b) in an area that is not a built-up area.
3	A display, ceremony, celebration or similar activity	The activity— (a) if on leased land to which the land use policy of residential applies—is conducted during the period commencing on the Saturday that is 9 days before the public holiday observed as the Sovereign’s birthday and ending on the Sunday that is 6 days after that public holiday; (b) if on any other leased land—is authorised by the Chief Fire Control Officer or the Fire Commissioner, and is conducted with the consent of the lessee and in accordance with an approval; or (c) if on unleased land—is authorised by the Chief Fire Control Officer or the Fire Commissioner, and is conducted in accordance with an approval.
4	Providing instruction in fire fighting methods	The activity is authorised by— (a) the Chief Fire Control Officer; or (b) the Fire Commissioner.
5	Burning plant matter in the course of primary production	The activity is conducted in an area that is not a built-up area.

**SCHEDULE 2**  
**NOISE: STANDARDS AND CONDITIONS**

**Table 1**  
**Zone Noise Standards**

Column 1	Column 2	Column 3	Column 4			
Noise Zone	ACT Areas	NSW Zones	Zone Noise Standard (dB(A))			
			A	B	C	D
			Mon.-Sat. 7 am-10 pm	Mon.-Sat. 10 pm-7 am	Sun. & Public Holidays 8 am-10 pm	Sun. & Public Holidays 10 pm-8 am
Zone A	3 Industry	Queanbeyan City Industrial Zones	65	55	65	55
Zone B	2A Commercial —Civic Centre 2B Commercial —Town Centre Designated Area A*	Queanbeyan City Business Zones	60	50	60	50
Zone C	2C Commercial —Group Centre 2E Commercial —Corridors and Office Sites Designated Area B*		55	45	55	45
Zone D	2D Commercial —Local Centre		50	35	50	35
Zone E	5 Restricted Access Recreation 10 Broadacre		50	40	50	40
Zone F	4 Community Facility 7 Municipal Services 8 Entertainment, Accommodation and Leisure	Queanbeyan City Special Uses Zones	The zone noise standard in respect of a period specified in column 3A, 3B, 3C or 3D is the same as the zone noise standard for the adjoining noise zone that has the highest noise zone standard for that period.			
Zone G	All other areas, other than Designated Area C*	All other zones	45	35	45	35

**SCHEDULE 2—continued**

\* In column 2 of Table 1—

- (a) “Designated Area A” means the area specified pursuant to section 10 of the Commonwealth Act as Central National Area (City);  
“Designated Area B” means the area specified pursuant to section 10 of the Commonwealth Act as Central National Area (The Parliamentary Zone; Barton; Sections 39, 40 and 41 of Yarralumla; Acton; Anzac Parade and Constitution Avenue; Russell; Duntroon, ADFA and Campbell Park; Development Nodes and Clubs of Lake Burley Griffin and Foreshores);  
“Designated Area C” means the area specified pursuant to section 10 of the Commonwealth Act as Central National Area (Fairbairn);  
“Commonwealth Act” means the *Australian Capital Territory (Planning and Land Management) Act 1988* of the Commonwealth;  
“Queanbeyan City Industrial Zones”, “Queanbeyan City Business Zones” and “Queanbeyan City Special Uses Zones” have the same respective meanings as in the Queanbeyan Draft Local Environmental Plan 1996; and
- (b) other areas are land use policies under the Territory Plan.

**SCHEDULE 2—continued**

**Table 2  
Noise Conditions**

<b>Item</b>	<b>Activity</b>	<b>Conditions</b>
1	Primary production or management of reserved areas (within the meaning of the <i>Nature Conservation Act 1980</i> )	(1) The activity is conducted during Period 1. (2) Any equipment being used is maintained and operated in accordance with the manufacturer's specifications (if any).
2	Garden maintenance or improvement	(1) The activity is conducted— (a) if on land to which the land use policy of residential applies—during Period 2; or (b) if on any other land—during Period 1. (2) Any equipment being used is maintained and operated in accordance with the manufacturer's specifications (if any).
3	Maintenance or repair work	(1) The activity is conducted during Period 2. (2) Any noise exceeding a zone noise standard is emitted for periods totalling not more than 40 hours in any 8 week period. (3) Any equipment being used is maintained and operated in accordance with the manufacturer's specifications (if any).
4	Sounding of security alarms for motor vehicles or premises	The activity is conducted in accordance with the NSW Noise Control Act.
5	Building work	(1) The activity is conducted— (a) if in Zone A or B—during Period 4; or (b) if in any other noise zone and— (i) the activity will be completed within 2 weeks—during Period 2; or (ii) the activity will not be completed within 2 weeks—during Period 3. (2) Any relevant noise reduction measures specified in Australian Standard 2436 are implemented.
6	Mobile vending	The activity is conducted in accordance with Chapter 166 of the NSW Noise Control Manual.

**SCHEDULE 2**—continued

**Table 2**—continued

Item	Activity	Conditions
7	Playing music for the purposes of a party being held on leased land or a street party	<p>(1) The activity is conducted during the period commencing at 6 pm on 31 December in any year and ending at 12:30 am on 1 January in the following year.</p> <p>(2) Any noise being emitted does not exceed 60 dB(A) at—</p> <p>(a) if the party is on leased land—any point on the boundary of the leased land; or</p> <p>(b) if the party is a street party—any point on the boundary of any leased land.</p>
8	Conducting tests, other than a test in relation to a prescribed activity, to determine whether noise levels are in compliance with the Act or these Regulations	<p>(1) The activity is conducted during Period 2, unless the Authority is satisfied that it is not practicable to conduct the test during that period because the level of ambient noise is likely to prevent effective testing.</p> <p>(2) Subject to clause (3), any noise exceeding a zone noise standard is emitted only for the minimum time necessary to complete the tests.</p> <p>(3) Any noise exceeding a zone noise standard is emitted for periods totalling not more than 2 hours in any 1 week period.</p>
9	Warming up of motor vehicle engines	<p>(1) Any noise exceeding a zone noise standard is emitted only for—</p> <p>(a) a period not exceeding 5 minutes; or</p> <p>(b) if a longer period is specified in the vehicle's operating manual—that longer period.</p> <p>(2) The vehicle complies with the <i>Motor Traffic Act 1936</i>.</p>
10	Motorsport activities conducted at Fairbairn Park	<p>(1) The activity is conducted between 10 am and 5 pm.</p> <p>(2) Any noise being emitted does not exceed 50 dB(A) at latitude 35° 19' 59".57 S and longitude 149° 15' 02".07 E.</p>
11	Emitting non-amplified noise from bells or other equipment for the purposes of religious services	The activity is conducted during Period 1.

**SCHEDULE 2—continued**

**Table 2—continued**

<b>Item</b>	<b>Activity</b>	<b>Conditions</b>
12	Emitting noise from portable loud speakers	(1) The activity is conducted on public land during Period 2. (2) The activity is conducted in accordance with an approval.
13	Constructing or maintaining non-arterial roads	The activity is conducted during Period 2.
14	Commercial collection of waste from commercial premises	The activity is conducted in accordance with an accredited code of practice under Part V of the Act.

**Table 3  
Time Periods**

<b>Column 1 Period No.</b>	<b>Column 2 Monday to Saturday</b>	<b>Column 3 Sunday and Public Holidays</b>
1	7 am to 10 pm	8 am to 10 pm
2	7 am to 8 pm	8 am to 8 pm
3	7 am to 6 pm	No period specified
4	6 am to 8 pm	6 am to 8 pm



**SCHEDULE 3**  
**POLLUTANTS ENTERING WATERWAYS**

Regulation 35

**Table 1**  
**Domestic Water Quality (DOM1/2/3)**

<b>Group A</b> <b>(Inorganic chemicals)</b>			
Aluminium	Chloride	Iron	Nitrite
Ammonia	Chromium	Lead	Selenium
Antimony	Copper	Manganese	Silver
Arsenic	Cyanide	Mercury	Sodium
Barium	Fluoride	Molybdenum	Sulfate
Boron	Hydrogen sulfide	Nickel	Zinc
Cadmium	Iodide	Nitrate	

<b>Group B</b> <b>(Organic compounds)</b>
Acrylamide
Benzene
Carbon tetrachloride
Chlorobenzene
Dichlorobenzenes
1,2-dichlorobenzene
1,3-dichlorobenzene
1,4-dichlorobenzene
Dichloroethanes
1,2-dichloroethane
Dichloroethenes
1,1-dichloroethene
1,2-dichloroethene
Dichloromethane (methylene chloride)
Ethylbenzene
Ethylenediamine tetracetic acid (EDTA)

**SCHEDULE 3**—continued

**SCHEDULE 3—continued**

<b>Group B—continued</b>
Hexachlorobutadiene
Nitrilotriacetic acid
Organotins
tributyltin oxide
Plasticisers
di(2-ethylhexyl)phthalate
polycyclic aromatic hydrocarbons (PAHs)
styrene (vinylbenzene)
tetrachloroethene
toluene
trichlorobenzenes (total)
vinyl chloride
xylene

<b>Group C (Disinfection by-products)</b>
Chloramine (see Mono-chloramine)
Chlorine (free)
Chlorine dioxide
Chlorite
Chloroacetic acids
chloroacetic acid
dichloroacetic acid
trichloroacetic acid
Chlorophenols
2-chlorophenol
2,4-dichlorophenol
2,4,6-dichlorophenol
Cyanogen chloride (as cyanide)
Formaldehyde
Mono-chloramine
Trichloroacetaldehyde (chloral hydrate)
Trihalomethanes (THMs) (total)

**SCHEDULE 3—continued**

<b>Group D (Pesticides)</b>		
Acephate	2,4-D	Fensulfothion
Aldicarb	DDT	Fenvalerate
Aldrin	Diazinon	Flamprop-methyl
Ametryn	Dicamba	Fluometuron
Amitrole	Dichlobenil	Formothion
Asulam	Diclofop-methyl	Fosamine ammonium
Atrazine	Dicofol	Glyphosphate
Azinphos-methyl	Dieldrin	Heptachlor (including its epoxide)
Benomyl	Difenzoquat	Hexaflurate
Bentazone	Dimethoate	Hexazinone
Bioresmethrin	Diphenamid	Lindane
Bromacil	Diquat	Maldison
Bromophos-ethyl	Disulfoton	Methidathion
Bromoxynil	Diuron	Methiocarb
Carbaryl	DPA (2,2-DPA)	Methomyl
Carbendazim	EDB	Methoxychlor
Carbofuran	Endosulfan	Metolachlor
Carbophenthion	Endothal	Metribuzin
Carboxin	EPTC	Metsulfuron-methyl
Chlordane	Ethion	Mevinphos
Chlorothalonil	Ethoprophos	Molinate
Chloroxuron	Etridiazole	Monocrotophos
Chlorphenvinphos	Fenamiphos	Napropamide
Chlorpyrifos	Fenarimol	Nitralin
Chlorsulfuron	Fenchlorphos	Norflurazon
Cichlorvos	Fenitrothion	Oryzalin
Clopyralid	Fenoprop	Oxamyl

**SCHEDULE 3—continued**

<b>Group D—continued</b>		
Paraquat	Propachlor	Terbufos
Parathion	Propanil	Terbutryn
Parathion methyl	Propargite	Tetrachlorvinphos
Pebulate	Propozine	Thiobencarb
Pendimethalin	Propiconazole	Thiometon
Pentachlorophenol	Propyzamide	Thiophenate
Permethrin	Pyrazophos	Thiram
Picloram	Quintozene	Triadimefon
Piperonyl butoxide	Silvex (see Fenepropr)	Trichlorfon
Pirimcarb	Simazine	Trichlorpyr
Pirimiphos-ethyl	Sulprofos	Trifluralin
Pirimiphos-methyl	2,4,5-T	Vernolate
Profenofos	Temephos	
Promecarb	Terbacil	

**Table 2**  
**Primary and Secondary Contact Recreation**  
**(REC/1 & REC/2)**

Faecal coliforms
Nitrogen
Oil and grease
Phosphorus

**Table 3**  
**Waterscape (VIEW)**

Nitrogen
Oil and grease
Phosphorus

**SCHEDULE 3**—continued

**Table 4**  
**Agricultural Uses (STOCK)**

<b>Group A</b> <b>(Inorganic chemicals)</b>			
Aluminium	Calcium	Fluoride	Nitrate-N
Arsenic	Chloride	Iron	Nitrite-N
Barium	Chromium	Lead	Selenium
Beryllium	Cobalt	Mercury	Sulfate
Boron	Copper	Molybdenum	Vanadium
Cadmium	Cyanide	Nickel	Zinc

<b>Group B</b> <b>(Organic compounds)</b>
Atrazine
Glyphosate
Metolachlor
Simazine

**Table 5**  
**Agricultural Uses (IRRIG)**

<b>Group A</b> <b>(Inorganic chemicals)</b>			
Aluminium	Chromium	Manganese	Vanadium
Arsenic	Copper	Mercury	Uranium
Beryllium	Fluoride	Molybdenum	Zinc
Boron	Iron	Nickel	
Cadmium	Lead	Selenium	
Chloride	Lithium	Sodium	

**SCHEDULE 3—continued**

**Table 5—continued**

<b>Group B (Organic compounds)</b>
Atrazine
Chlordane
Dieldrin
Heptachlor
Metolachlor
Simazine

**Table 6  
Ecosystem Maintenance  
(AQUA/1 to AQUA/7)**

<b>Group A (Inorganic chemicals)</b>			
Aluminium	Cadmium	Iron	Phosphorus
Ammonia	Chlorine	Lead	Selenium
Antimony	Chromium	Mercury	Silver
Arsenic	Copper	Nickel	Zinc
Beryllium	Cyanide	Nitrite	

<b>Group B (Organic chemicals: pesticides)</b>			
Aldrin	DDE	Glyphosate	Metribuzin
Atrazine	DDT	Guthion	Mirex
Captan	Demeton	Heptachlor	Parathion
Chlordane	Dieldrin	Lindane	Picrolam
Chlorpyrifos	Dinoseb	Malathion	Simazine
Cyanazine	Endosulfan	Methoxychlor	Toxaphene
2,4-D	Endrin	Metolachlor	

**SCHEDULE 3**—continued

**Table 6**—continued

<b>Group C (Organic chemicals: non-pesticide anthropogenic organics)</b>
Acrolein
Chlorinated benzenes
monochlorobenzene
1,2-dichlorobenzene
1,3-dichlorobenzene
1,4-dichlorobenzene
1,2,3-trichlorobenzene
1,2,4-trichlorobenzene
1,3,5-trichlorobenzene
1,2,3,4-tetrachlorobenzene
1,2,3,5-tetrachlorobenzene
1,2,4,5-tetrachlorobenzene
pentachlorobenzene
hexachlorobenzene
Chlorinated ethylenes
tetrachloroethylene
trichlorethylene
Chlorinated phenols
monochlorophenol
dichlorophenol
trichlorophenol
tetrachlorophenol
pentachlorophenol
Halogenated aliphatic compounds
hexachlorobutadiene
Halogenated methanes
carbon tetrachloride
chloroform
dichloromethane (methylene chloride)
trihalomethanes
Monocyclic aromatic hydrocarbons
benzene
ethylbenzene
phenol
toluene



**SCHEDULE 3—continued**

<b>Group C—continued</b>
Oil and grease Phthallate esters Polychlorinated biphenyls Polycyclic aromatic hydrocarbons

  

<b>Group D (Organic chemicals: organometallics)</b>
Tributyltin Triphenyltin

**SCHEDULE 4**  
**WATER QUALITY STANDARDS**

Regulations 36 and 37

**Table 1**  
**Domestic Water Quality**  
**(TAP)**

<b>Group A</b> <b>(Microbiological quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
<i>E. coli</i>	0 cfu per 100 mL for 98% of samples

<b>Group B</b> <b>(Physical quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Acidity (pH)	6.5-8.5
Colour (HU)	15
Dissolved oxygen	> 85%
Hardness	200 mg/L
Taste and odour	Acceptable to most people
Total dissolved solids	500 mg/L
Turbidity (NTU)	5

<b>Group C</b> <b>(Inorganic chemicals)</b>			
<b>Indicator</b>	<b>Standard value (mg/L)</b>	<b>Indicator</b>	<b>Standard value (mg/L)</b>
Aluminium (acid soluble)	0.2	Chloride	250
Ammonia (as NH <sub>4</sub> )	0.5	Chromium (as Cr(VI))	0.05
Antimony	0.003	Copper	1
Arsenic	0.007	Cyanide	0.07
Barium	0.7	Fluoride	1.5
Boron	0.3	Hydrogen sulfide	0.05

**SCHEDULE 4**—continued

Cadmium	0.002	Iodide	0.1
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**SCHEDULE 4—continued**

<b>Group C—continued</b>			
<b>Indicator</b>	<b>Standard value (mg/L)</b>	<b>Indicator</b>	<b>Standard value (mg/L)</b>
Iron	0.3	Nitrite (as nitrite)	3
Lead	0.01	Selenium	0.01
Manganese	0.1	Silver	0.02
Mercury	0.001	Sodium	180
Molybdenum	0.05	Sulfate	250
Nickel	0.02	Zinc	3
Nitrate (as nitrate)	50		

<b>Group D (Organic compounds)</b>	
<b>Indicator</b>	<b>Standard value (mg/L)</b>
Acrylamide	0.0002
Benzene	0.001
Carbon tetrachloride	0.003
Chlorobenzene	0.01
Dichlorobenzenes	
1,2-dichlorobenzene	0.001
1,3-dichlorobenzene	0.02
1,4-dichlorobenzene	0.0003
Dichloroethanes	
1,2-dichloroethane	0.003
Dichloroethenes	
1,1-dichloroethene	0.03
1,2-dichloroethene	0.06
Dichloromethane (methylene chloride)	0.02
Ethylbenzene	0.003
Ethylenediamine tetracetic acid (EDTA)	0.25
Hexachlorobutadiene	0.0007

**SCHEDULE 4—continued**

<b>Group D—continued</b>	
<b>Indicator</b>	<b>Standard value (mg/L)</b>
Nitrilotriacetic acid	0.2
Organotins	
tributyltin oxide	0.001
Plasticisers	
di(2-ethylhexyl)phthalate	0.01
polycyclic aromatic hydrocarbons (PAHs)	0.00001
styrene (vinylbenzene)	0.004
tetrachloroethene	0.05
toluene	0.025
trichlorobenzenes (total)	0.005
vinyl chloride	0.0003
xylene	0.02

<b>Group E (Disinfection by-products)</b>	
<b>Indicator</b>	<b>Standard value (mg/L)</b>
Chloramine (see Mono-chloramine)	
Chlorine (free)	0.6
Chlorine dioxide	0.4
Chlorite	0.3
Chloroacetic acids	
chloroacetic acid	1
dichloroacetic acid	0.05
trichloroacetic acid	0.1
Chlorophenols	
2-chlorophenol	0.0001
2,4-dichlorophenol	0.0003
2,4,6-dichlorophenol	0.002
Cyanogen chloride (as cyanide)	0.07
Formaldehyde	0.5
Mono-chloramine	0.5

**SCHEDULE 4—continued**

<b>Group E—continued</b>	
Trichloroacetaldehyde (chloral hydrate)	0.02
Trihalomethanes (THMs) (total)	0.25

<b>Group F (Pesticides)</b>			
<b>Indicator</b>	<b>Standard value (mg/L)</b>	<b>Indicator</b>	<b>Standard value (mg/L)</b>
Acephate	0.01	Chlorphenvinphos	0.005
Aldicarb	0.001	Chlorpyrifos	0.01
Aldrin	0.0003	Chlorsulfuron	0.1
Ametryn	0.05	Cichlorvos	0.001
Amitrole	0.01	Clopyralid	1
Asulam	0.05	2,4-D	0.03
Atrazine	0.02	DDT	0.02
Azinphos-methyl	0.003	Diazinon	0.003
Benomyl	0.1	Dicamba	0.1
Bentazone	0.03	Dichlobenil	0.01
Bioresmethrin	0.1	Diclofop-methyl	0.005
Bromacil	0.3	Dicofol	0.003
Bromophos-ethyl	0.01	Dieldrin	0.0003
Bromoxynil	0.03	Difenzoquat	0.1
Carbaryl	0.03	Dimethoate	0.05
Carbendazim	0.1	Diphenamid	0.3
Carbofuran	0.01	Diquat	0.005
Carbophenthion	0.0005	Disulfoton	0.003
Carboxin	0.3	Diuron	0.03
Chlordane	0.001	DPA (2,2-DPA)	0.5
Chlorothalonil	0.03	EDB	0.001
Chloroxuron	0.01	Endosulfan	0.03

**SCHEDULE 4—continued**

<b>Group F—continued</b>			
<b>Indicator</b>	<b>Standard value (mg/L)</b>	<b>Indicator</b>	<b>Standard value (mg/L)</b>
Endothal	0.1	Metolachlor	0.3
EPTC	0.03	Metribuzin	0.05
Ethion	0.003	Metsulfuron-methyl	0.03
Ethoprophos	0.001	Mevinphos	0.005
Etridiazole	0.1	Molinate	0.005
Fenamiphos	0.0003	Monocrotophos	0.001
Fenarimol	0.03	Napropamide	1
Fenchlorphos	0.03	Nitralin	0.5
Fenitrothion	0.01	Norflurazon	0.05
Fenoprop	0.01	Oryzalin	0.3
Fensulfothion	0.01	Oxamyl	0.1
Fenvalerate	0.05	Paraquat	0.03
Flamprop-methyl	0.003	Parathion	0.01
Fluometuron	0.05	Parathion methyl	0.1
Formothion	0.05	Pebulate	0.03
Fosamine ammonium	0.03	Pendimethalin	0.3
Glyphosphate	1	Pentachlorophenol	0.01
Heptachlor (including its epoxide)	0.0003	Permethrin	0.1
Hexaflurate	0.03	Picloram	0.3
Hexazinone	0.3	Piperonyl butoxide	0.1
Lindane	0.02	Pirimcarb	0.005
Maldison	0.05	Pirimiphos-ethyl	0.0005
Methodathion	0.03	Pirimiphos-methyl	0.05
Methiocarb	0.005	Profenofos	0.0003
Methomyl	0.03	Promecarb	0.03
Methoxychlor	0.3	Propachlor	0.05

**SCHEDULE 4—continued**

<b>Group F—continued</b>			
<b>Indicator</b>	<b>Standard value (mg/L)</b>	<b>Indicator</b>	<b>Standard value (mg/L)</b>
Propanil	0.5	Terbufos	0.0005
Propargite	0.05	Terbutryn	0.3
Propiconazole	0.1	Tetrachlorvinphos	0.1
Propazine	0.05	Thiobencarb	0.03
Propyzamide	0.3	Thiometon	0.003
Pyrazophos	0.03	Thiophenate	0.005
Quintozene	0.03	Thiram	0.003
Silvex (see Fenepropr)		Triadimefon	0.1
Simazine	0.02	Trichlorfon	0.005
Sulprofos	0.01	Trichlorpyr	0.01
2,4,5-T	0.1	Trifluralin	0.05
Temephos	0.3	Vernolate	0.03
Terbacil	0.03		

**Table 2  
Domestic Water Quality  
(DOM1/2/3)**

Unless otherwise provided by this table, the ambient environmental standards in relation to water quality for a waterway to which this table applies are the same as the standards specified in Table 1.

<b>Indicator</b>	<b>Standard value</b>		
	<b>DOM1</b>	<b>DOM2</b>	<b>DOM3</b>
Dissolved oxygen	6 mg/L or 75% saturation, whichever is highest	6 mg/L or 75% saturation, whichever is highest	5 mg/L or 60% saturation, whichever is highest
<i>E. coli</i>	10 cfu per 100 mL for 98% of samples	100 cfu per 100 mL for 98% of samples	100 cfu per 100 mL for 98% of samples
Turbidity (NTU)	5	250	10,000



**SCHEDULE 4—continued**

**Table 3  
Primary Contact Recreation  
(REC/1)**

<b>Group A (Microbiological quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Cyanobacteria	5,000 cells per mL (absence of scums)
Faecal coliforms	150 cfu per 100 mL (see note 1)
Pathogenic free-living protozoans	0 organisms per 100 mL

Note 1: The median value must not exceed 150 colony forming units (cfu) per 100 mL for a minimum of 5 samples taken at regular intervals not exceeding 1 month, with 4 out of 5 samples containing less than 600 cfu per 100 mL.

<b>Group B (Physical and chemical quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Acidity (pH)	6.5-8.5
Floating debris (scum)	none visible
Nitrogen to phosphorus ratio	> 12
Phosphorus (total) (µg/L)	100
Temperature (°C)	15-35

<b>Group C (Aesthetic quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Chlorophyll <i>a</i>	10 µg/L
Clarity	Secchi depth 1.2 m
Colour	not objectionable
Odour	not objectionable
Oil and grease	not visible

**SCHEDULE 4—continued**

**Table 3—continued**

<b>Group D (Nuisance)</b>	
<b>Indicator</b>	<b>Standard value</b>
Aquatic macrophytes (floating)	not objectionable
Aquatic macrophytes (rooted)	not objectionable
Flow rates	< 1.5 m/s

**Table 4  
Secondary Contact Recreation  
(REC/2)**

Unless otherwise provided by this table, the ambient environmental standards in relation to water quality for a waterway to which this table applies are the same as the standards specified in Table 3.

<b>Group A (Microbiological quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Faecal coliforms	1,000 cfu per 100 mL (see note 1)

Note 1: The median value must not exceed 1,000 colony forming units (cfu) per 100 mL for a minimum of 5 samples taken at regular intervals not exceeding 1 month, with 4 out of 5 samples containing less than 4,000 cfu per 100 mL.

<b>Group B (Aesthetic quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Floating debris	none

**SCHEDULE 4—continued**

**Table 5  
Waterscape (VIEW)**

<b>Indicator</b>	<b>Standard value</b>
Algal growth	not objectionable
Aquatic macrophytes (floating)	not objectionable
Aquatic macrophytes (rooted)	not objectionable
Chlorophyll <i>a</i>	10 µg/L
Colour	not objectionable
Cyanobacteria	5,000 cells per mL (absence of scums)
Floating debris and scum	none
Nitrogen to phosphorus ratio	> 12
Oil and grease	not visible
Phosphorus (total) (µg/L)	100

**Table 6  
Agricultural Uses (STOCK)**

<b>Group A (Microbiological quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Algae	Up to 10,000 cells per mL
Faecal coliforms	1,000 per 100 mL (see note 1)

Note 1: The geometric (log) mean must not exceed 1,000 colony forming units (cfu) per 100 mL for a minimum of 5 samples taken within 1 month, with no more than 20% of such samples containing more than 5,000 cfu per 100 mL.

**SCHEDULE 4—continued**

<b>Group B (Physical and chemical quality)</b>			
<b>Indicator</b>	<b>Standard value (mg/L)</b>	<b>Indicator</b>	<b>Standard value (mg/L)</b>
Acidity (pH)	6.5-9.2	Fluoride	2
Aluminium	5	Iron	50
Arsenic	0.2	Lead	0.1
Barium	5	Mercury	0.002
Beryllium	0.1	Molybdenum	0.01
Boron	5	Nickel	1
Cadmium	0.01	Nitrate-N	30
Calcium	1,000	Nitrite-N	10
Chloride	2,400	Selenium	0.02
Chromium	1	Sulfate	1,000
Cobalt	1	Total dissolved solids	3,000
Copper	0.5	Vanadium	0.1
Dissolved oxygen	5 mg/L or 60 % saturation	Zinc	20

<b>Group C (Organic quality)</b>	
<b>Indicator</b>	<b>Standard value (mg/L)</b>
Atrazine	0.02
Chlorophyll <i>a</i>	0.01
Glyphosate	2
Metolachlor	0.5
Simazine	0.02

**SCHEDULE 4—continued**

**Table 7  
Agricultural Uses (IRRIG)**

<b>Group A (Microbiological quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Faecal coliforms	1,000 per 100 mL (see note 1)

Note 1: The geometric (log) mean must not exceed 1,000 colony forming units (cfu) per 100 mL for a minimum of 5 samples taken within 1 month, with no more than 20% of such samples containing more than 4,000 cfu per 100 mL.

<b>Group B (Physical and chemical quality)</b>			
<b>Indicator</b>	<b>Standard value (mg/L)</b>	<b>Indicator</b>	<b>Standard value (mg/L)</b>
Acidity (pH)	4.5-9.0	Lithium	2.5
Aluminium	5	Manganese	0.2
Arsenic	0.1	Mercury	0.002
Beryllium	0.1	Molybdenum	0.01
Boron	6.0	Nickel	0.2
Cadmium	0.01	Selenium	0.02
Chloride	700	Sodium	115-460
Chromium	0.1	Sodium absorption ratio	< 10 (see note 1)
Copper	1.0	Total dissolved solids	500
Fluoride	1.0	Vanadium	0.1
Iron	1.0	Uranium	0.01
Lead	0.2	Zinc (soil pH < 6.5)	1
		Zinc (soil pH > 6.5)	5

Note 1: The sodium absorption ratio (SAR) is  $SAR = Na^+ / [(Ca^{2+} + Mg^{2+}) / 2]$ , where concentrations of  $Na^+$ ,  $Ca^{2+}$  and  $Mg^{2+}$  are expressed in milli equivalents per litre.

**SCHEDULE 4—continued**

**Table 7—continued**

<b>Group C (Organic quality)</b>	
<b>Indicator</b>	<b>Standard value (µg/L)</b>
Atrazine	0.02
Chlordane	2
Dieldrin	0.5
Heptachlor	2
Metolachlor	0.5
Simazine	0.02

**Table 8  
Ecosystem Maintenance (AQUA/1)**

<b>Group A (Physical quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Acidity (pH)	6.5-9 (see note 1)
Colour	(see note 2)
Suspended solids (mg/L)	12.5
Turbidity (NTU)	< 10

Note 1: Changes must not be greater than 2 standard deviations outside the long-term mean value for the month in question, and total alkalinity must not drop below 25% of the long-term mean.

Note 2: The combined effects of turbidity and colour must not reduce the depth of the compensation point for photosynthesis by more than 10% of the long-term mean levels for the month in question.

<b>Group B (Biological quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Chlorophyll <i>a</i>	10 µg/L
Cyanobacteria (floating)	5,000 cells per mL (absence of scums)

**SCHEDULE 4—continued**

**Table 8—continued**

<b>Group C (Inorganic chemicals)</b>			
<b>Indicator</b>	<b>Standard value (µg/L)</b>	<b>Indicator</b>	<b>Standard value (µg/L)</b>
Aluminium (pH < 6.5)	5	Iron	300
Aluminium (pH > 6.5)	100		
Ammonia	See table 10	Lead	1
Antimony	30	Mercury	0.1
Arsenic	50	Nitrogen to phosphorus ratio	> 12
Beryllium	4	Nickel	25
Cadmium	0.2	Nitrite	60
Chlorine	2	Phosphorus (total)	40
Chromium	2	Selenium	1
Copper	2	Silver	0.1
Cyanide	5	Total dissolved solids	(see note 1)
Dissolved oxygen	> 6,000	Zinc	5

Note 1: Total dissolved solids must not vary more than 2 standard deviations from the long-term mean.

<b>Group D (Organic chemicals: pesticides)</b>			
<b>Indicator</b>	<b>Standard value (ng/L)</b>	<b>Indicator</b>	<b>Standard value (ng/L)</b>
Aldrin	10	DDE	14
Atrazine	2,000	DDT	1
Captan	2,800	Demeton	100
Chlordane	4	Dieldrin	2
Chlorpyrifos	1	Dinoseb	50
Cyanazine	2,000	Endosulfan	10
2,4-D	4,000	Endrin	2.3

**SCHEDULE 4—continued**

<b>Group D—continued</b>			
<b>Indicator</b>	<b>Standard value (ng/L)</b>	<b>Indicator</b>	<b>Standard value (ng/L)</b>
Glyphosate	65,000	Metribuzin	1,000
Guthion	10	Mirex	1
Heptachlor	3	Parathion	4
Lindane	3	Picrolam	29,000
Malathion	70	Simazine	10,000
Methoxychlor	40	Toxaphene	8
Metolachlor	8,000		

<b>Group E (Organic chemicals: non-pesticide anthropogenic organics)</b>	
<b>Indicator</b>	<b>Standard value (ng/L)</b>
Acrolein	200
Chlorinated benzenes	
monochlorobenzene	15,000
1,2-dichlorobenzene	2,500
1,3-dichlorobenzene	2,500
1,4-dichlorobenzene	4,000
1,2,3,4-tetrachlorobenzene	100
1,2,3,5-tetrachlorobenzene	100
1,2,4,5-tetrachlorobenzene	150
1,2,3-trichlorobenzene	900
1,2,4-trichlorobenzene	500
1,3,5-trichlorobenzene	700
pentachlorobenzene	30
hexachlorobenzene	7
Chlorinated ethylenes	
tetrachloroethylene	260,000
trichlorethylene	20



**SCHEDULE 4—continued**

<b>Group E—continued</b>	
<b>Indicator</b>	<b>Standard value (ng/L)</b>
Chlorinated phenols	
monochlorophenol	7,000
dichlorophenol	200
tetrachlorophenol	1,000
trichlorophenol	18,000
pentachlorophenol	50
Halogenated aliphatic compounds	
hexachlorobutadiene	100
Halogenated methanes	
carbon tetrachloride	13,000
chloroform	2,000
dichloromethane (methylene chloride)	98,000
trihalomethanes	50,000
Monocyclic aromatic hydrocarbons	
benzene	300,000
ethylbenzene	140,000
phenol	1,000
toluene	300,000
Oil and grease	not visible
Phthallate esters	
di- <i>n</i> -butylphthallate (DBP)	4,000
di-(2-ethylhexyl)phthallate (DEHP)	600
Other phthallate esters (not including DBP and DEHP)	200
Polychlorinated biphenyls	1
Polycyclic aromatic hydrocarbons	3,000

<b>Group F (Organic chemicals: organometallics)</b>	
<b>Indicator</b>	<b>Standard value (ng/L)</b>
Tributyltin	8
Triphenyltin	20

**SCHEDULE 4—continued**

**Table 9**  
**Ecosystem Maintenance (AQUA/2 to AQUA/7)**

Unless otherwise provided by this table, the ambient environmental standards in relation to water quality for a waterway to which this table applies are the same as the standards specified in Table 8.

Indicator	Standard value					
	AQUA/2 Rural streams and rivers	AQUA/3 Urban lakes and ponds	AQUA/4 Urban drains and streams	AQUA/5 Urban wetlands	AQUA/6 Forested mountain reservoirs	AQUA/7 Rural reservoirs
Acidity (pH)	6.5-9	6-9	6-9	6-9	6.5-9	6-9
Chlorophyll (µg/L)	No standard	< 10	No standard	< 10	< 2	< 5
Dissolved oxygen (mg/L)	> 4	> 4	> 6	> 4	> 6	> 4
Phosphorus (total) (µg/L)	100	100	100	100	40	100
Suspended solids (mg/L)	25	25	25	25	12.5	25
Turbidity (NTU)	< 10	< 30	< 10	< 30	< 10	< 30

**Table 10**  
**Standard values for total ammonia related to ambient temperature and water acidity (table 8 refers)**

Temperature (°C)	0	5	10	15	20	25	30
Acidity (pH units)	Ammonia concentrations (mg/L)						
<b>6.50</b>	2.5	2.4	2.2	2.2	1.49	1.04	0.73
<b>6.75</b>	2.5	2.4	2.2	2.2	1.49	1.04	0.73
<b>7.00</b>	2.5	2.4	2.2	2.2	1.49	1.04	0.74
<b>7.25</b>	2.5	2.4	2.2	2.2	1.5	1.04	0.74
<b>7.50</b>	2.5	2.4	2.2	2.2	1.5	1.05	0.74
<b>7.75</b>	2.3	2.2	2.1	2.0	1.4	0.99	0.71

**SCHEDULE 4—continued**

**Table 10—continued**

Temperature (°C)	0	5	10	15	20	25	30
Acidity (pH units)	<b>Ammonia concentrations (mg/L)</b>						
<b>8.00</b>	1.53	1.44	1.37	1.33	0.93	0.66	0.47
<b>8.25</b>	0.87	0.82	0.78	0.76	0.54	0.39	0.28
<b>8.50</b>	0.49	0.47	0.45	0.44	0.32	0.23	0.17
<b>8.75</b>	0.28	0.27	0.26	0.27	0.19	0.16	0.11
<b>9.00</b>	0.16	0.16	0.16	0.16	0.13	0.10	0.08

Note: Available un-ionised or uncomplexed ammonia present is toxic to a wide range of aquatic organisms and varies with acidity (pH) and water temperature. Standard values for maximum total ammonia are detailed in the table. Levels for discharge of wastewaters containing ammonia must be based on the highest pH and highest ambient temperatures likely to be encountered throughout the year. Seasonal or other factors may be taken into account.

**Table 11**  
**Secondary Water Quality Standards For**  
**Ecosystem Maintenance (AQUA/1 to AQUA/7)**

<b>Group A</b> <b>(Physical quality)</b>	
<b>Indicator</b>	<b>Standard value</b>
Temperature (°C)	Temperature changes must not be more than 2 standard deviations from the long-term mean temperature for the relevant month

<b>Group B</b> <b>(Loading criteria)</b>	
<b>Indicator</b>	<b>Standard value</b>
Sediment load (kg/y/river reach)	Murrumbidgee R., from Angle Crossing to Gudgenby R. junction 88,000
	Murrumbidgee R., from Gudgenby junction to Point Hut Ck junction 166,000

**SCHEDULE 4—continued**

<b>Group B—continued</b>		
	Murrumbidgee R., from Point Hut junction to Kambah Pool	133,000
	Murrumbidgee R., from Kambah Pool to Casuarina Sands	57,000
	Murrumbidgee R., from Casuarina Sands to Uriarra Crossing	101,000
	Murrumbidgee R., from Uriarra Crossing to Cusacks Crossing	66,000
	Murrumbidgee R., from Cusacks Crossing to Halls Crossing	124,000
	Murrumbidgee R., from Halls Crossing to Taemas Bridge	228,000
	Molonglo R., from Burbong to Oaks Estate Bridge	39,000
	Molonglo R., from Oaks Estate Bridge to Dairy Flat Bridge	19,000
	Molonglo R., from Scrivener Dam to Coppins Crossing	20,000
	Molonglo R., from Coppins Crossing to Sturt Island	25,000
	Paddy's R., from Flints Crossing to confluence with Cotter R.	4,800
	Ginninderra Ck., from Ginninderra Dam to Murrumbidgee R.	9,800
Phosphorus (total) (kg/y)	Lake Burley Griffin	8,600
	Lake Ginninderra	300
	Lake Tuggeranong	600
	Murrumbidgee R. at ACT border (proxy for Murrumbidgee Arm of Lake Burrinjuck)	83,200

**SCHEDULE 4—continued**

<b>Group B—continued</b>		
Biochemical oxygen demand (kg/y)	Lake Burley Griffin	51,200
	Lake Ginninderra	8,400
	Lake Tuggeranong	5,600
	Murrumbidgee R. at ACT border (proxy for Murrumbidgee Arm of Lake Burrinjuck)	110,600

<b>Group C (Biological standards)</b>
Water quality at a site will be considered to be impaired if species richness is more than 20% lower than at an appropriate reference site.
Water quality at a site will be considered to be impaired if there is a significant difference in ecosystem community structure from that at an appropriate reference site, as judged by Hocutt's procedure or another appropriate statistical technique.

<b>Group D (Sediment contaminants)</b>	
<b>Indicator</b>	<b>Standard value</b>
Pesticides	Sediment total pesticide concentrations must not be more than 2 standard deviations higher than the long term mean.
Heavy metals (Cd, Cu, Pb, As, Ni, Hg, Se and Zn)	Sediment heavy metal concentrations must not be more than 2 standard deviations higher than the long term mean.
Polycyclic aromatic hydrocarbons (PAHs)	Sediment PAH concentrations must not be more than 2 standard deviations higher than the long term mean.

**SCHEDULE 5**

Regulation 38

**MINOR ENVIRONMENTAL OFFENCES**

**FURTHER OFFENCES**

**MAXIMUM PENALTIES AND ON-THE-SPOT FINES**

**Interpretation**

In this Schedule—

“stormwater” means water run-off from an urban area that is normally collected by the stormwater system;

“stormwater system” means a system of pipes, gutters, drains, floodways and channels, being public works constructed to collect or transport stormwater in or through an urban area.

Column 1 Item	Column 2 Offence	Column 3 Maximum Penalty Penalty units	Column 4 On-The- Spot Fine \$
<b>Stormwater protection</b>			
1	A person shall not cause the discharge of stormwater from a sediment retention dam, footings or other stormwater retention area to receiving waters if the suspended solids concentration in that stormwater exceeds 60 mg/litre.	10	250
2	The lessee of leased land or the owner of unleased land shall cause the surface of any vehicle entrance or exit to or from the land to be kept in a stable condition by the application of concrete, gravel or other solid material to the surface of that entrance or exit.	10	175
3	A person who has substantial control over building work shall cause the footpaths, gutters and roadways adjacent to the building site to be kept clear of soil, sand, building materials and waste.	10	100
4	A person shall not place soil, sand, building materials or waste from a building site in the stormwater system or waterway.	10	100

**SCHEDULE 5—continued**

Column 1 Item	Column 2 Offence	Column 3 Maximum Penalty Penalty units	Column 4 On-The- Spot Fine \$
5	A person shall not cause run-off from the washing of a vehicle, equipment or other thing to enter the stormwater system, if the washing of the vehicle, equipment or other thing is in the course of, or incidental to, the carrying on of a commercial activity.	10	100
6	A person shall not cause run-off from the washing of a vehicle, equipment or other thing on premises at which the vehicle, equipment or other thing is ordinarily kept to enter the stormwater system, if the washing is not in the course of, or incidental to, the carrying on of a commercial activity and there is, on those premises— (a) access to a grassed or gravelled area on which to wash the vehicle, equipment or other thing from which the run-off does not flow directly into the stormwater system; or (b) an area identified as one in which a vehicle, equipment or other thing may be washed.	10	100
7	A person shall not cause any of the following substances to enter the stormwater system: (a) paint; (b) automotive fuels, oils or greases; (c) cooking fats or oils; (d) degreasers; (e) detergents; (f) animal wastes; (g) food wastes; (h) other waste.	10	175

**SCHEDULE 5—continued**

Column 1 Item	Column 2 Offence	Column 3 Maximum Penalty Penalty units	Column 4 On-The- Spot Fine \$
8	<p>A person shall not leave unattended any of the following substances within 10 metres of a drain or other point of entry of the stormwater system, if the substance is exposed to rain or run-off, unless the substance is contained in a watertight container:</p> <p>(a) paint;</p> <p>(b) automotive fuels, oils or greases;</p> <p>(c) cooking fats or oils;</p> <p>(d) degreasers;</p> <p>(e) detergents;</p> <p>(f) animal wastes;</p> <p>(g) food wastes;</p> <p>(h) other waste.</p> <p style="text-align: center;"><b>Hazardous materials</b></p>	10	100
9	<p>A person shall not store or use a registered or permitted agvet chemical product other than in a manner authorised by the NRA.</p> <p style="text-align: center;"><b>Noise</b></p>	10	100
10	<p>A person shall not cause to be emitted from a parcel of land in a noise zone noise at a level that exceeds that permitted under the Act.</p>	10	100

**NOTES**

**Notification**

1. Notified in the ACT Gazette on 2 December 1997.

**Penalty units**

See section 33AA of the *Interpretation Act 1967* and section 9 of the *Subordinate Laws Act 1989*.