



Australian Capital Territory

Environment Protection Regulation 2005

SL2005-38

made under the

Environment Protection Act 1997

Republication No 3

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About this republication

The republished law

This is a republication of the *Environment Protection Regulation 2005*, made under the *Environment Protection Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
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The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

Environment Protection Regulation 2005

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Environment Protection Regulation 2005*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*built-up area*—see the *Emergencies Act 2004*, dictionary.' means that the term 'built-up area' is defined in that dictionary and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

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*).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Emissions into the air

Division 2.1 Application of pt 2

- Note 1* The Act does not apply to a pollutant emitted into the air by—
- (a) a train; or
 - (b) a Commonwealth jurisdiction aircraft; or
 - (c) a person using only his or her body; or
 - (d) an animal; or
 - (e) a motor vehicle being driven on a road, unless it—
 - (i) is being driven on the road to conduct reliability trials or speed tests; and
 - (ii) has been exempted under the road transport legislation from the provisions of that legislation about attaching silencers to the exhaust pipes of motor vehicles, rules of the road and speed limits during the trials or tests (see the Act, s 8 (1)).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

6 Application of pt 2 to tobacco products

This part does not apply to the lighting or smoking of a cigar, cigarette or pipe.

Division 2.2 Chimney emissions causing environmental harm

7 Meaning of *national emission guidelines* for div 2.2

In this division:

national emission guidelines means the guidelines called the ‘National guidelines for control of emission of air pollutants from new stationary sources 1985’ published by the Australian

Environment Council and the National Health and Medical Research Council, as in force immediately before it was rescinded.

8 Chimney emissions—pollutants taken to cause environmental harm—Act, s 5 (a)

- (1) This section applies to a pollutant mentioned in the national emission guidelines, table 1 or table 2 that is emitted into the air through a chimney.
- (2) The pollutant is taken to cause environmental harm if the amount of the pollutant emitted into the air from a source stated in the guidelines for the pollutant is more than the standard stated in the guidelines for the source.
- (3) Subsection (2) does not apply if the pollutant is emitted in the circumstances mentioned in schedule 1, part 1.1 (Chimney emissions), column 2 in accordance with the conditions (if any) mentioned in schedule 1, part 1.1, column 3 for the activity.

Division 2.3 Open-air fires

9 Open-air fires prohibited except in certain circumstances

- (1) A person commits an offence if the person lights, uses or maintains a fire in the open air.

Maximum penalty: 5 penalty units.

Note The *Emergencies Act 2004* contains an offence about lighting etc fire during total fire ban (see s 116).

- (2) Subsection (1) does not apply to the person if the person lights, uses or maintains the fire for an activity mentioned in schedule 1, part 1.2 (Open-air fires), column 2 in accordance with the conditions (if any) mentioned in schedule 1, part 1.2, column 3 for the activity.

Note The defendant has the evidential burden of establishing the matters mentioned in s (2) (see Criminal Code, s 58).

- (3) Subsection (1) does not apply to a fire to which the Act, schedule 1, section 1.2, table, item 30 relates.

Note Item 30 relates to burning plant matter to reduce a fire hazard, to clear land or to conserve biological diversity or ecological integrity. For offences in relation to these activities, see the Act, pt 8 (Environmental authorisations).

- (4) An offence against this section is a strict liability offence.

Division 2.4 Burning, fires and firewood

10 Burning certain substances requires environmental authorisation

- (1) A person commits an offence if the person—
- (a) burns 1 or more of the following substances:
 - (i) a synthetic plastic or other synthetic polymer;
 - (ii) wood that is painted, chemically treated or contaminated with a chemical;
 - (iii) a chemical other than a chemical recommended by the manufacturer as fuel for a fire; and
 - (b) either—
 - (i) does not have an environmental authorisation for burning the substance; or
 - (ii) has an environmental authorisation for burning the substance, but the burning is not in accordance with the authorisation.

Maximum penalty: 10 penalty units.

Note Environmental authorisations are dealt with in the Act, pt 8.

- (2) Subsection (1) does not apply to anything done in accordance with a direction under the *Animal Diseases Act 2005*, section 27 (Destruction of infected animals etc—endemic disease) or section 29 (Destruction of infected animals etc—exotic disease).
- (3) A person commits an offence if the person—
- (a) burns 1 or more of the following substances:
 - (i) waste;
 - (ii) unseasoned wood; and
 - (b) either—
 - (i) does not have an environmental authorisation for burning the substance; or
 - (ii) has an environmental authorisation for burning the substance, but the burning is not in accordance with the authorisation.

Maximum penalty: 10 penalty units.

- (4) Subsection (3) does not apply—
- (a) to burning paper or cardboard for the purpose of starting a fire; or
 - (b) to anything done in accordance with a direction under the *Animal Diseases Act 2005*, section 27 (Destruction of infected animals etc—endemic disease) or section 29 (Destruction of infected animals etc—exotic disease); or
 - (c) 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 the land if—
 - (i) the waste is waste as a result of the person being the resident of the land; and
 - (ii) the burning happens on that land.

- (5) An offence against this section is a strict liability offence.

11 Fire bans in bad weather

- (1) This section applies if the Minister is satisfied that the existing or forecasted weather conditions mean a fire would—
- (a) cause excessive environmental harm; or
 - (b) unnecessarily increase pollutants in the air.
- (2) The Minister may, in writing, declare that the lighting, using or maintaining of a fire in the open air is prohibited for the period stated in the declaration.
- (3) A declaration may be expressed to apply to all or part of the ACT.
- (4) The declaration must be—
- (a) published in a daily newspaper; or
 - (b) broadcast in the ACT by a national or commercial broadcasting service.
- (5) A person commits an offence if the person contravenes a declaration.

Maximum penalty: 10 penalty units.

- (6) Subsection (5) does not apply if the person had a reasonable excuse.
- (7) This section does not apply to a fire only for cooking or heating food or drink.

Note **Newspaper** means a newspaper published and circulating in the ACT, see the Act, s 4.

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

12 Indoor fires prohibited unless harm minimised

- (1) A person commits an offence if the person lights, uses or maintains a fire in a place other than in the open air.

Maximum penalty: 5 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the person takes all steps that are practicable and reasonable to prevent any environmental harm caused, or likely to be caused, by the emission of pollutants into the air from the fire; or
 - (b) if prevention is not reasonably practicable—the person takes all steps that are practicable and reasonable to minimise any environmental harm caused, or likely to be caused, by the emission of pollutants into the air from the fire.
- (3) An offence against this section is a strict liability offence.

13 Pollutants emitted from fires—exception for certain fires—Act, s 143 and s 166 (5)

A pollutant being emitted into the air from a fire is not taken to cause environmental harm unless burning the substance burned in the fire, or the lighting, using or maintaining of the fire, is an offence against any of the following sections:

- (a) section 9 (Open-air fires prohibited except in certain circumstances);
- (b) section 10 (Burning certain substances requires environmental authorisation);
- (c) section 11 (Fire bans in bad weather);
- (d) section 12 (Indoor fires prohibited unless harm minimised).

14 Conditions of environmental authorisation to sell or supply firewood—Act, s 51 (a) (viii)

A person given an environmental authorisation to sell or supply firewood as mentioned in the Act, schedule 1, section 1.2, item 46 or item 47, must comply with the following standards:

- (a) if practicable, each buyer must be offered a choice of mixed wood loads;
- (b) wood must be offered and supplied by weight, not by volume;
- (c) each buyer must be given a written statement of the weight of the load supplied;
- (d) if the load is a mixed wood load—the buyer must be given a written statement of the approximate weight of hardwood and softwood in the load;
- (e) unseasoned wood must not be supplied;
- (f) each buyer must be given a pamphlet supplied by the environment protection authority that sets out recommended wood burning practices and encourages compliance with those practices;
- (g) each buyer must be given the following information:
 - (i) the common name and species (if known) of the wood or the kind of wood;
 - (ii) the place from which the wood was originally taken;
 - (iii) the type of wood.

Examples of common name of wood or kind of wood for par (g) (i)

box, gum, pine

Examples of place from which wood taken for par (g) (ii)

ACT pine forests, Cowra

Example of type of wood for par (g) (iii)

residue from forestry processing operations of native forest timber

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).

Division 2.5 Air-filtration plants

15 Filters in air-filtration plants

- (1) An occupier of premises commits an offence if—
 - (a) the premises contains an air-filtration plant; and
 - (b) the air-filtration plant vents into the air; and
 - (c) the air-filtration plant is operating; and
 - (d) the occupier removes a filter from the plant.Maximum penalty: 10 penalty units.
- (2) An occupier of premises commits an offence if—
 - (a) the premises contains an air-filtration plant; and
 - (b) the air-filtration plant vents into the air; and
 - (c) the occupier does not adequately maintain a filter in the plant.Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.

Division 2.6 Balloons

16 Release of 20 or more balloons prohibited

- (1) A person commits an offence if—
- (a) the person releases 20 or more balloons at or about the same time; and
 - (b) 20 or more of the balloons are inflated with a gas that causes them to rise.

Maximum penalty: 10 penalty units.

Note A reference to an offence against a territory law includes a reference to a related ancillary offence, eg attempt (see Legislation Act, s 189). This means an offence under this section also covers the offence of inciting the offence or conspiring to commit the offence.

- (2) An offence against this section is a strict liability offence.
- (3) In a prosecution for an offence against this section—
- (a) it is not necessary for the prosecution to establish the exact number of balloons released; and
 - (b) evidence that a balloon rose after being released is, in the absence of any evidence to the contrary, evidence that the balloon was inflated with a gas that caused it to rise.
- (4) This section is subject to the following sections:
- (a) section 17 (Balloons—exception if balloons not outside);
 - (b) section 18 (Balloons—exception for hot-air balloons);
 - (c) section 19 (Balloons—exception for science).

Note A person charged with an offence against s (1) has the evidential burden of proving anything mentioned in s 17, s 18 or s 19 (see Criminal Code, s 58).

17 Balloons—exception if balloons not outside

Section 16 does not apply to the release of balloons if the balloons are released inside a building or structure and do not make their way into the open air.

18 Balloons—exception for hot-air balloons

Section 16 does not apply to the release of balloons if the balloons are hot-air balloons that are recovered after landing.

19 Balloons—exception for science

- (1) Section 16 does not apply to the release of balloons if the balloons are released for—
 - (a) a meteorological purpose; or
 - (b) another scientific purpose approved under subsection (2).
- (2) The environment protection authority may, in writing, approve a scientific purpose for the release of balloons if the authority is satisfied that the purpose to be achieved by the release of the balloons is proportional to the damage likely to be caused to the environment by the release.
- (3) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Division 2.7 Pollutants emitted from motor vehicles

20 Motor vehicle emissions not taken to cause environmental harm

A pollutant being emitted into the air from a motor vehicle to which the Act applies is not taken to cause environmental harm if the motor vehicle complies with the *Road Transport (Vehicle Registration) Act 1999*.

Note 1 The Act applies to a pollutant emitted into the air by a motor vehicle being driven on a road only if the motor vehicle—

- (a) is being driven on the road for the purpose of conducting reliability trials or speed tests; and
- (b) has been exempted under the road transport legislation from the provisions of that legislation about attaching silencers to the exhaust pipes of motor vehicles, rules of the road and speed limits during the trials or tests (see the Act, s 8 (1) (e)).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

Part 3 **Noise**

Note 1 The Act does not apply to noise made by—

- (a) a train; or
- (b) a Commonwealth jurisdiction aircraft; or
- (c) a person using only his or her body; or
- (d) an animal; or
- (e) a motor vehicle being driven on a road, unless it—
 - (i) is being driven on the road to conduct reliability trials or speed tests; and
 - (ii) has been exempted under the road transport legislation from the provisions of that legislation about attaching silencers to the exhaust pipes of motor vehicles, rules of the road and speed limits during the trials or tests (see the Act, s 8 (1)).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

Division 3.1 **Interpretation for pt 3**

21 **Definitions for pt 3**

In this part:

adjoining, for noise zones, means noise zones that—

- (a) have a common boundary; or
- (b) would have a common boundary apart from a road separating them.

affected person, for an affected place, means an occupier of the affected place, and includes a person who is lawfully in an affected place that is on—

- (a) unleased land; or

(b) public land under the *Crown Lands Act 1989* (NSW), section 153, as in force from time to time.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

affected place—see section 22.

as near as practicable, to a boundary, for the measurement of noise level at a compliance point, means as near as practicable for taking the measurement.

compliance point—see section 32 to section 38.

noise standard—see section 24.

noise zone—see section 23.

territory lease means a lease granted under the *Land (Planning and Environment) Act 1991*.

unit—see the *Unit Titles Act 2001*, section 9.

units plan means a units plan under the *Unit Titles Act 2001*, section 7.

22 Meaning of ***affected place***

(1) In this regulation:

affected place, for noise being emitted from a place in the ACT, means a place (other than a road or road related area), whether inside or outside the ACT, where a person is affected by the noise.

(2) However, a parcel of land held under a territory lease is an affected place for noise emitted from the parcel of land only if—

(a) the lease does not allow use of the land for both residential and commercial purposes; and

(b) either—

(i) the noise is emitted from a unit and the affected place is another unit on the same units plan; or

- (ii) the part of the parcel from which the noise is emitted consists of a sublease of the territory lease in relation to which a person has a right of occupation under a tenancy agreement and the affected place is part of the parcel of land consisting of another sublease of the territory lease.
- (3) For subsection (1), a person is not affected by noise unless the person complains about the noise to an authorised officer.

23 *Meaning of noise zone*

In this regulation:

noise zone means—

- (a) for a place in the ACT on land mentioned in schedule 2, table 2.1, column 3—the noise zone mentioned in column 2 for the land; or
- (b) for a place in New South Wales on land mentioned in schedule 2, table 2.1, column 4—the noise zone mentioned in column 2 for the land.

24 *Meaning of noise standard*

- (1) In this regulation:

noise standard, for a noise zone, means the noise standard mentioned in schedule 2, part 2.2, column 3 or column 4 for the noise zone for the relevant time.

- (2) However, the *noise standard* on the boundary between 2 or more noise zones is the average of the noise standards for the noise zones for the time when the noise is emitted, rounded up to the nearest dB(A).

Division 3.2 Noise causing environmental harm

25 Noise taken to cause environmental harm—Act, s 5 (a)

- (1) For the Act, noise emitted from a place in the ACT is taken to cause environmental harm in an affected place if the noise level is louder than the noise standard for the compliance point for the place from which the noise is emitted.
- (2) This section is subject to this division.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

26 Noise—exception for protecting life or property

Under section 25 (1), noise is not taken to cause environmental harm in an affected place if the noise is emitted in the course of protecting life or property.

Example

a fire or other emergency

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).

27 Noise—exception for reducing environmental harm

Under section 25 (1), noise is not taken to cause environmental harm in an affected place if the noise is emitted in the course of preventing, minimising or remedying another environmental harm.

Example

noise from pumps cleaning a spill

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).

28 Noise—exception if allowed by approval

Under section 25 (1), noise is not taken to cause environmental harm in an affected place if the noise is emitted in the course of conducting an activity for which an approval is in force.

Example

using an amplifier in accordance with an approval

Note 1 **Approval** is defined in the dictionary.

Note 2 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).

29 Noise—other exceptions

Under section 25 (1), noise is not taken to cause environmental harm in an affected place if it is noise mentioned in schedule 2, table 2.3, column 2 and the conditions (if any) mentioned in column 3 for the noise are met.

Division 3.3 Measuring noise

30 Measurements to be taken at compliance point

For the Act, for measuring noise being emitted from a place, the noise level must be measured at the compliance point for the place.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

31 Taking measurements of noise

For the Act, for measuring emission of noise—

(a) the noise level measured must be $L_{10,T}$; and

- (b) all measurements must be taken in accordance with the procedures set out in the noise control manual.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

Note 2 *Noise control manual* is defined in the dictionary.

32 Compliance point—general rule for leased land

- (1) The *compliance point* for a parcel of land held under a territory lease is any point as near as practicable to the boundary of the parcel of land.
- (2) This section is subject to the following sections:
- (a) section 34 (Compliance point—exception for environmental protection agreement);
 - (b) section 35 (Compliance point—exception for environmental authorisation);
 - (c) section 36 (Compliance point—exception for public land with approval);
 - (d) section 37 (Compliance point—exception for leased land with boundary with different noise zone);
 - (e) section 38 (Compliance point—exception for units, common wall properties and subleases).

33 Compliance point—general rule for unleased land

- (1) The *compliance point* for unleased land is any point as near as practicable to 5m from the source of the noise.
- (2) This section is subject to the following sections:
- (a) section 34 (Compliance point—exception for environmental protection agreement);

- (b) section 35 (Compliance point—exception for environmental authorisation);
- (c) section 36 (Compliance point—exception for public land with approval).

34 Compliance point—exception for environmental protection agreement

If noise is emitted in the course of conducting an activity for which an environmental protection agreement is in force and the agreement states a compliance point, the stated point is the *compliance point*.

Note Environmental protection agreements are dealt with in the Act, pt 7.

35 Compliance point—exception for environmental authorisation

If noise is emitted in the course of conducting an activity for which an environmental authorisation is in force and the authorisation states a compliance point, the stated point is the *compliance point*.

Note Environmental authorisations are dealt with in the Act, pt 8.

36 Compliance point—exception for public land with approval

If noise is emitted from public land in the course of conducting an activity for which an approval is in force and the approval states a compliance point, the stated point is the *compliance point*.

Note *Approval* is defined in the dictionary.

37 Compliance point—exception for leased land with boundary with different noise zone

If the noise is emitted from leased land with a boundary that is also a noise zone boundary, and the adjoining noise zone has a different noise standard, the *compliance point* is any point as near as practicable to the boundary with the noise zone with the lowest noise standard for the time when the noise is emitted.

Note *Noise standard* is defined in s 24 and detailed in sch 2.
Noise zone is defined in s 23 and detailed in sch 2.

38 Compliance point—exception for units, common wall properties and subleases

- (1) If noise is emitted from a unit, the *compliance point* is—
 - (a) any point in any of the other units in the units plan; or
 - (b) any point as near as practicable to the boundary of the land to which the units plan applies.
- (2) If noise is emitted from premises (the *1st premises*) on a territory lease with a common wall with premises (the *2nd premises*) on another territory lease, the compliance point is—
 - (a) any point in the 2nd premises; or
 - (b) any point as near as practicable to the boundary of the 1st premises.
- (3) If noise is emitted from part of a parcel of land held under a territory lease consisting of a sublease of the territory lease, the *compliance point* is—
 - (a) any point in any other part of the parcel of land consisting of another sublease of the territory lease; or
 - (b) any point as near as practicable to the boundary of the parcel of land.

Division 3.4 Noise offences

39 Offence to make noise louder than noise standard

- (1) A person commits an offence if—
- (a) the person makes noise in the ACT; and
 - (b) the noise causes environmental harm in an affected place.

Maximum penalty: 10 penalty units.

Examples of making noise

- 1 playing a musical instrument
- 2 using portable loudspeakers
- 3 using a leaf blower or vacuum
- 4 using a power tool

Note 1 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).

Note 2 Making noise will only cause environmental harm in an affected place if the noise level is louder than the noise standard for the compliance point for the place from which it is emitted (see s 25). Also, the noise standard for the point may be different at different times of day (see sch 2, table 2.2).

- (2) A person commits an offence if—
- (a) the person is an occupier of a place in the ACT; and
 - (b) noise is emitted from a thing in the place; and
 - (c) the noise causes environmental harm in an affected place.

Maximum penalty: 10 penalty units.

Examples of things that emit noise

- 1 a swimming pool or spa pump
- 2 an airconditioner
- 3 a building intruder alarm
- 4 a motor vehicle intruder alarm

40 Sale and hiring of things

- (1) A person commits an offence if—
- (a) the person sells a thing; and
 - (b) the sale is the first retail sale of the thing; and
 - (c) the sale would, if it took place in NSW, be prohibited under the *Protection of the Environment Operations Act 1997* (NSW).

Example

A person sells, as a first retail sale, an air conditioner without a noise compliance plate. If the NSW Act prohibits its sale without a noise compliance plate, the person commits an offence under this regulation.

Note 1 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).

Note 2 The *Protection of the Environment Operations Act 1997* (NSW), s 136 creates an offence of selling an article of a class prescribed under the regulations if, when in use or operation, the article emits noise in excess of a prescribed level.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if—
- (a) the person hires out a thing; and
 - (b) the sale of the thing would, if it took place in NSW, be prohibited by the *Protection of the Environment Operations Act 1997* (NSW).

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

Part 4 **Water**

Division 4.1 **Environmental values**

41 **Environmental values of waterways for pt 4, sch 3 and sch 4**

For this part, schedule 3 and schedule 4, the *environmental values* of a waterway are the environmental values mentioned in the territory plan, appendix 1, Water Use and Catchment Policies, for the waterway.

Examples

- 1 water-based recreation—swimming (REC/1)
- 2 waterscape (VIEW)
- 3 stock water supply (STOCK)

Note 1 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).

Note 2 The territory plan is available at www.actpla.act.gov.au.

42 **Certain pollutants taken to cause environmental harm—Act, s 5 (b)**

A pollutant mentioned in a part in schedule 3 is taken to cause environmental harm if it enters a waterway with the environmental value for the part.

Example

Schedule 3, part 3.2 prescribes pollutants that are taken to cause environmental harm if they enter a waterway with the environmental value that is used for water-based recreation, for example, Lake Tuggeranong. So under that part, any nitrogen that enters Lake Tuggeranong is taken to cause environmental harm.

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).

43 Ambient environmental standards for waterways

- (1) The ambient environmental standards for a waterway with an environmental value mentioned in a part in schedule 4 are the standards stated for the indicators in the part.

Example

Schedule 4, part 4.5 prescribes the standards for waterways used as stock water supply, for example, the Molonglo River. Under the part, the Molonglo River should have an acidity between pH 6.5 and 9.2. If it does not, the river does not meet the ambient environmental standards.

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).

- (2) Subsection (1) does not apply when the waterway's flow conditions exceed the 10-year 5 percentile high-flow value.

Example

The Cotter River generally meets the ambient environmental standards. Hypothetically, there was excessive rain last spring, which caused the river to flood. The Cotter River rose to the highest level it had been at for 25 years. Under s (2), the ambient environmental standards would not apply during the flood.

Division 4.2 Protection of waterways

44 Substances not to enter waterways

- (1) A person commits an offence if the person allows a prohibited substance to enter a waterway.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if—
- (a) the person leaves a prohibited substance unattended; and
 - (b) the prohibited substance is—
 - (i) within 10m of a drain or other entry to a waterway; and

- (ii) exposed to rain or run-off; and
- (iii) not securely contained in a watertight container.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

prohibited substance means any of the following:

- (a) paint;
- (b) automotive fuel, oil or grease;
- (c) cooking fat or oil;
- (d) degreaser;
- (e) detergent;
- (f) animal waste;
- (g) food waste;
- (h) any other pollutant.

45 Building work waste not to enter stormwater system or waterways

- (1) A person commits an offence if the person places soil, sand, building material or waste from building work—
 - (a) in the stormwater system or a waterway; or
 - (b) where it may enter the stormwater system or a waterway.

Maximum penalty: 10 penalty units.

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

- (3) In this section:

building work means building work for which a building approval under the *Building Act 2004*, division 3.3 is required.

46 Areas near building work to be kept clear

- (1) A person who is in charge of building work commits an offence if the person does not ensure that each footpath, gutter and road adjacent to the building work is clear of soil, sand, building materials and waste.

Maximum penalty: 10 penalty units.

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

- (3) In this section:

building work means building work for which a building approval under the *Building Act 2004*, division 3.3 is required.

47 Entries to and exits from land to be kept stable

- (1) The owner of land commits an offence if the owner does not keep the surface of each vehicle entrance to, or exit from, the land stable by applying concrete, gravel or other solid material to the surface.

Maximum penalty: 10 penalty units.

- (2) A person who is in charge of building work commits an offence if the person does not keep the surface of each vehicle entrance to, or exit from, the land where the building work is being carried out stable by applying concrete, gravel or other solid material to the surface.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

48 Washing vehicles etc—commercial activity

- (1) This section applies to a person who washes a vehicle or other thing in the course of, or incidental to, carrying on a commercial activity.
- (2) The person commits an offence if the person allows run-off from the washing to enter a waterway.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

49 Washing vehicles etc—non-commercial activity

- (1) This section applies to a person who washes a vehicle or other thing on premises where it is ordinarily kept and otherwise than in the course of, or incidental to, carrying on a commercial activity.

- (2) The person commits an offence if—

- (a) there is on the premises—

- (i) a grassed or gravelled area where the vehicle or other thing can be washed and run-off from the area does not flow directly into a waterway; or

- (ii) an area identified as a place where a vehicle or other thing may be washed; and

- (b) the person allows run-off from the washing to enter a waterway.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

50 Discharge of stormwater into receiving waters

- (1) A person commits an offence if—

- (a) the person discharges stormwater from—

- (i) a sediment retention dam; or

- (ii) footings; or
- (iii) another stormwater retention area; and
- (b) the stormwater flows into receiving waters; and
- (c) the suspended solids concentration in the stormwater is higher than 60mg/L.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) In this section:

receiving waters means ground water or a waterway.

Part 5 Polychlorinated biphenyls (PCBs)

51 Definitions for pt 5

In this part:

PCB means a polychlorinated biphenyl with the chemical formula $C_{12}H_{10-n}Cl_n$, where n is a whole number in the range from 1 to 10 (including 1 and 10).

PCB material means a material that contains more than 2mg PCB/kg.

52 PCBs taken to cause environmental harm—Act, s 5 (b)

- (1) A PCB material is taken to cause environmental harm if it enters the environment.
- (2) A thing containing PCB material is taken to cause environmental harm if it enters the environment.

Part 6 Agvet chemical products

53 Agvet chemical products taken to cause environmental harm—Act, s 5 (b)

- (1) An agvet chemical product is taken to cause environmental harm if it enters the environment.
- (2) This section is subject to section 54.

54 Agvet chemical products—exception for registration or permit

- (1) An agvet chemical product is not taken under section 53 (1) to cause environmental harm if it—
 - (a) is registered under the agvet code, part 2; and
 - (b) is being used in accordance with the conditions of registration.
- (2) An agvet chemical product is not taken under section 53 (1) to cause environmental harm if it, or an active constituent of the product, is being used in accordance with a permit under the agvet code, part 7.

55 Storage and use of certain agvet chemical products

- (1) This section applies to—
 - (a) an agvet chemical product that is registered under the agvet code, part 2; or
 - (b) an agvet chemical product for which a person has a permit under the agvet code, part 7.
- (2) A person commits an offence if the person—
 - (a) stores the product other than in a way authorised by the Australian pesticides and veterinary medicines authority; or

(b) uses the product other than in a way authorised by the Australian pesticides and veterinary medicines authority.

Maximum penalty: 10 penalty units.

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

(4) In this section:

Australian pesticides and veterinary medicines authority means the Australian Pesticides and Veterinary Medicines Authority under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cwlth), as in force from time to time.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

Part 7 Controlled waste

Division 7.1 Interpretation

56 Definitions for pt 7

In this part:

agency means the entity nominated by a jurisdiction for the NEPM.

consignment authorisation means an approval allowing the movement of controlled waste into a jurisdiction of destination given by an agency or a facility delegated by the agency in the jurisdiction.

controlled waste means a thing mentioned in the NEPM, schedule A, list 1 (Waste categories) if it has 1 or more of the characteristics mentioned in the NEPM, schedule A, list 2 (Characteristics of controlled wastes).

facility means a place where controlled waste is received.

jurisdiction of destination, for movement of controlled waste, means the jurisdiction where the facility is located that the waste is being moved to.

jurisdiction of origin, for movement of controlled waste, means the jurisdiction where the waste is being moved from.

jurisdiction of transit, for movement of controlled waste, means a jurisdiction through which the waste is moved that is not the jurisdiction of origin or the jurisdiction of destination.

NEPM means the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure, as in force from time to time, made under the national scheme laws.

Note 1 The national scheme laws are the *National Environment Protection Council Act 1994* and the *National Environment Protection Council Act 1994* (Cwlth).

Note 2 The NEPM is available at www.ephc.gov.au.

Note 3 See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

producer means a person who produces controlled waste.

transporter means a person who moves controlled waste—

- (a) from a jurisdiction of origin to a jurisdiction of destination; or
- (b) through a jurisdiction of transit.

waste means a thing, whether valuable or not, that is—

- (a) discarded; or
- (b) rejected; or
- (c) unwanted; or
- (d) surplus; or
- (e) abandoned; or
- (f) intended for recycling, reprocessing, recovery, reuse, or purification.

Division 7.2 **Movement of controlled waste between states**

57 **Application of div 7.2**

This division does not apply to the following:

- (a) the movement of controlled waste only between places within the ACT;

Note For the movement of regulated waste (including controlled waste) only between places within the ACT, see the Act, sch 1, table 1.2, item 11.

- (b) the movement of controlled waste in accordance with the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (Cwlth), as in force from time to time;

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

- (c) the movement of controlled waste in an emergency to protect life, the environment or property;
- (d) the movement of controlled waste to be used in analysis for waste categorisation;
- (e) the movement of controlled waste to be used in research if the movement is approved by the agency in the jurisdiction of destination;
- (f) the movement of controlled waste by pipeline;
- (g) the movement of containers in which there remains a small amount of residual controlled waste for refilling with the same substance.

58 Consignment authorisation for controlled waste

- (1) A producer commits an offence if the producer—
- (a) moves controlled waste into a jurisdiction of destination; and
 - (b) does not have a consignment authorisation from an agency of the jurisdiction or a facility delegated by the agency to move the controlled waste into the jurisdiction.

Maximum penalty: 10 penalty units.

- (2) A producer commits an offence if—
- (a) the producer consigns controlled waste to a transporter; and
 - (b) the transporter does not hold an environmental authorisation for the consignment.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

59 Information to accompany controlled waste

- (1) A producer commits an offence if—
- (a) the producer consigns controlled waste to a transporter; and
 - (b) the producer does not give the transporter the information mentioned in the NEPM, schedule B, part 1 for the controlled waste in written or electronic form.

Maximum penalty: 10 penalty units.

- (2) A transporter commits an offence if—
- (a) the transporter moves controlled waste; and
 - (b) the transporter does not keep the following information, in written or electronic form, with the controlled waste during the movement:

- (i) information, provided by the producer, mentioned in the NEPM, schedule B, part 1 for the controlled waste;
- (ii) information mentioned in the NEPM, schedule B, part 2 for the controlled waste.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

60 Records of movement of controlled waste

- (1) A producer commits an offence if the producer does not keep a copy of the information mentioned in section 59 (1) (b) for each consignment of controlled waste for at least 1 year after the date of the movement of the controlled waste.

Maximum penalty: 5 penalty units.

- (2) A transporter commits an offence if the transporter does not keep a copy of the information mentioned in section 59 (2) (b) (i) and (ii) for each consignment of controlled waste for at least 1 year after the date of the movement of the controlled waste.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

61 Notification of receipt of controlled waste

- (1) A producer commits an offence if the producer—
 - (a) moves controlled waste into a jurisdiction of destination; and
 - (b) does not receive, within 14 days after the day when the controlled waste was due to arrive at the facility, the information mentioned in the NEPM, schedule B, part 1 for the controlled waste from the agency or facility that gave the consignment authorisation for the controlled waste; and

Part 8 Sampling and analysis of pollutants

63 Application of pt 8

This part does not apply to the sampling and analysis of noise.

64 People who may conduct analysis

- (1) The analysis of a pollutant must be conducted by a person employed as an analyst in any of the following organisations:
 - (a) an Australian university;
 - (b) a laboratory operated by or on behalf of the Territory, the Commonwealth or a State;
 - (c) a laboratory approved under subsection (2).
- (2) The Minister may, in writing, approve a laboratory for this section.
- (3) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

65 Procedures and protocols

Sampling and analysis of a pollutant must be conducted in accordance with—

- (a) a national environment protection protocol for the purpose in a national environment protection measure, as in force from time to time, made under the national scheme laws; or

Note 1 The national scheme laws are the *National Environment Protection Council Act 1994* and the *National Environment Protection Council Act 1994 (Cwlth)*.

Note 2 See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

Note 3 National environment protection measures are available at www.ephc.gov.au.

- (b) a procedure for that purpose provided under a law of the Territory, the Commonwealth or a State; or
- (c) a protocol for the purpose in a standard published by or on behalf of Standards Australia; or
- (d) a protocol for the purpose in a standard published by or on behalf of the International Standards Organisation; or

Note ISO standards are available at www.iso.ch.

- (e) a protocol for the purpose published by a recognised entity.

Note The text of an applied, adopted or incorporated instrument, whether applied as in force at a particular time or from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

66 **What is a *recognised entity*?**

- (1) A *recognised entity* is—
 - (a) the Territory, the Commonwealth or a State; or
 - (b) the environment protection authority; or
 - (c) an entity established under a law of the Commonwealth or a State that has functions corresponding, or substantially corresponding, to the functions of the environment protection authority; or
 - (d) the National Environment Protection Council (NEPC) established by the national scheme laws; or

Note The national scheme laws are the *National Environment Protection Council Act 1994* and the *National Environment Protection Council Act 1994 (Cwlth)*.

- (e) the Commonwealth Scientific and Industrial Research Organisation (CSIRO) established by the *Science and Industry Research Act 1949* (Cwlth), as in force from time to time; or
- (f) the Environment Protection and Heritage Council (EPHC); or
- (g) a co-operative research centre established under the Commonwealth Co-operative Research Centre Program; or
- (h) an Australian university; or
- (i) the United States Environmental Protection Agency; or
- (j) the American Public Health Association; or
- (k) an entity approved by the Minister under subsection (2).

Note For information about—

- the NEPC—see www.ephc.gov.au
- the CSIRO—see www.csiro.au
- the Environment Protection and Heritage Council—see www.ephc.gov.au
- the Commonwealth Co-operative Research Centre Program—see www.crc.gov.au
- the United States Environmental Protection Agency—see www.epa.gov
- the American Public Health Association—see www.apha.org.

- (2) The Minister may, in writing, approve an entity as a ***recognised entity***.
- (3) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Part 9 Miscellaneous

67 Displacement of Legislation Act, s 47 (5) and (6)

- (1) The Legislation Act, section 47 (5) does not apply to the following laws and instruments so far as they are applied under this regulation:
- (a) *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth);
 - (b) Australian Standard 2436;
 - (c) *Environmental and Planning Assessment Act 1979* (NSW);
 - (d) *Ozone Protection Act 1989* (NSW).
- Note 1* The text of an applied, adopted or incorporated instrument, whether applied as in force at a particular time or from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disappplied (see s 47 (7)).
- Note 2* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).
- Note 3* Commonwealth Acts and regulations are available at www.comlaw.gov.au. NSW Acts and regulations are available at www.legislation.nsw.gov.au.
- (2) The Legislation Act, section 47 (6) does not apply to the following laws so far as they are applied under this regulation:
- (a) *Agricultural and Veterinary Chemicals (Administration) Act 1992* (Cwlth);
 - (b) *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth);
 - (c) *Civil Aviation Regulations 1988* (Cwlth);
 - (d) *Crown Lands Act 1989* (NSW);

- (e) *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (Cwlth);
- (f) national capital plan;
- (g) *National Environment Protection Council Act 1994* (Cwlth);
- (h) *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cwlth);
- (i) *Protection of the Environment Administration Act 1991* (NSW);
- (j) *Science and Industry Research Act 1949* (Cwlth);
- (k) a national environment protection measure;
- (l) a national environment protection protocol made under the national scheme laws.

68 Inspection of incorporated document

- (1) This section applies to an incorporated document, or an amendment or replacement of an incorporated document.
- (2) The chief executive must ensure that the document, amendment or replacement is made available for inspection free of charge to the public on business days at reasonable times at the office of the administrative unit administered by the chief executive.
- (3) In this section:

amendment, of an incorporated document—see section 69 (6).

incorporated document means Australian standard 2436.

69 Notification of incorporated document

- (1) This section applies to—
- (a) an incorporated document; or
 - (b) an amendment of, or replacement for, an incorporated document.

Example of replacement standard

a new edition of the incorporated document

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).

- (2) The chief executive may prepare a written notice (an *incorporated document notice*) for the incorporated document, amendment or replacement that contains the following information:
- (a) for an incorporated document—details of the document, including its title, author and date of publication;
 - (b) for a replacement of an incorporated document—details of the replacement, including its title, author and date of publication;
 - (c) for an amendment of an incorporated document—the date of publication of the amendment (or of the standard as amended) and a brief summary of the effect of the amendment;
 - (d) for an incorporated document or any amendment or replacement—
 - (i) a date of effect (no earlier than the day after the day of notification of the notice); and
 - (ii) details of how access to inspect the document, amendment or replacement may be obtained under section 68 (Inspection of incorporated documents); and
 - (iii) details of how copies may be obtained, including an indication of whether there is a cost involved.

- (3) An incorporated document notice is a notifiable instrument.
- Note* A notifiable instrument must be notified under the Legislation Act.
- (4) The incorporated document, amendment or replacement has no effect under this Act unless—
- (a) an incorporated document notice is notified in relation to the standard, amendment or replacement; or
 - (b) the document, amendment or replacement is notified under the Legislation Act, section 47 (6).
- (5) The Legislation Act, section 47 (7) does not apply in relation to the incorporated document, amendment or replacement.
- (6) In this section:
- amendment***, of an incorporated document, includes an amendment of a replacement for the incorporated document.
- incorporated document***—see section 68 (3).
- replacement***, for an incorporated document, means—
- (a) a standard that replaces the incorporated document; or
 - (b) a document (an ***initial replacement***) that replaces a document mentioned in paragraph (a); or
 - (c) a document (a ***further replacement***) that replaces an initial replacement or any further replacement.

Schedule 1 Exceptions—chimney emissions and open-air fires

Part 1.1 Chimney emissions

(see s 8 and s 9)

Table 1.1

column 1 item	column 2 source	column 3 conditions
1	smoke from a source stated in the national emission guidelines, table 1 that is emitted into the air through a chimney	(a) the concentration of smoke is higher than the standard stated in the table for the source for 20 minutes or less in a 24-hour period; and (b) the emission is only because of lighting a boiler or incinerator from cold; and (c) all steps that are practicable and reasonable are taken to— (i) prevent the emission; or (ii) if prevention is not reasonably practicable—minimise the emission.

Schedule 1
Part 1.1

Exceptions—chimney emissions and open-air fires
Chimney emissions

column 1 item	column 2 source	column 3 conditions
2	smoke from a source stated in the national emission guidelines, table 1 that is emitted into the air through a chimney	<ul style="list-style-type: none"> (a) the emission is only because of blowing the tubes of a boiler; and (b) all steps that are practicable and reasonable are taken to— <ul style="list-style-type: none"> (i) prevent the emission; or (ii) if prevention is not reasonably practicable—minimise the emission.
3	soot from a source stated in the national emission guidelines, table 1 that is emitted into the air through a chimney	<ul style="list-style-type: none"> (a) the concentration of soot is higher than the standard stated in the table for the source for 20 minutes or less in a 24-hour period; and (b) the emission is only because of lighting a boiler or incinerator from cold; and (c) all steps that are practicable and reasonable are taken to— <ul style="list-style-type: none"> (i) prevent the emission; or (ii) if prevention is not reasonably practicable—minimise the emission.

column 1 item	column 2 source	column 3 conditions
4	soot from a source stated in the national emission guidelines, table 1 that is emitted into the air through a chimney	(a) the emission is only because of blowing the tubes of a boiler; and (b) all steps that are practicable and reasonable are taken to— (i) prevent the emission; or (ii) if prevention is not reasonably practicable—minimise the emission.

Part 1.2 Open-air fires

(see s 8 and s 9)

Table 1.2

column 1 item	column 2 activity	column 3 conditions
1	cooking or heating food or drink	
2	heating	(a) the fire is outside a built-up area; or (b) for a fire in a built-up area—the fire is in a fireplace or container that will contain the fire
3	teaching firefighting methods	the teaching is authorised by the chief officer (fire brigade) or chief officer (rural fire service)
4	burning plant matter in course of primary production	the fire is outside a built-up area

Schedule 1
Part 1.2

Exceptions—chimney emissions and open-air fires
Open-air fires

column 1 item	column 2 activity	column 3 conditions
5	destroying a thing	the destruction is in accordance with a direction to destroy the thing under the <i>Animal Diseases Act 2005</i> , section 27 (Destruction of infected animals etc—endemic disease) or section 29 (Destruction of infected animals etc—exotic disease)
6	celebration or similar activity	the celebration or activity is held— (a) on residential land; and (b) during the period starting on the Saturday 9 days before the Queen’s birthday public holiday and ending on the Sunday 6 days after the public holiday. <i>Note</i> The Queen’s birthday public holiday is the 2nd Monday in June (see <i>Holidays Act 1958</i> , s 3 (1) (a) (viii)).
7	display, ceremony, celebration or similar activity	the display, ceremony, celebration or activity— (a) is authorised by the chief officer (fire brigade) or chief officer (rural fire service); and (b) is conducted in accordance with an approval; and (c) is either— (i) held on unleased land; or (ii) held with the consent of the lessee on leased land that is not residential land. <i>Note</i> Approval is defined in the dictionary.

Schedule 2 Noise zones, noise standards and conditions

(see s 23, s 24 and s 29)

Note Noise emitted from land in the ACT may affect NSW land. Accordingly, this regulation prescribes the noise standard for certain NSW land.

Part 2.1 Noise zones

2.1 Definitions for pt 2.1

In this part:

Central National Area (City) means the area designated as Central National Area (City) in the national capital plan.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

Central National Area (Fairbairn) means the area designated as Central National Area (Fairbairn) in the national capital plan.

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) means the area of that name in the national capital plan.

national capital plan means the national capital plan as in force from time to time.

Note ***National capital plan*** is defined in the Legislation Act, dict, pt 1.

Queanbeyan city business zone means a business zone under the *Queanbeyan Local Environmental Plan 1998*, as in force from time to time, made under the *Environmental and Planning Assessment Act 1979* (NSW).

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

Queanbeyan city industrial zone means an industrial zone under the *Queanbeyan Local Environmental Plan 1998*, as in force from time to time, made under the *Environmental and Planning Assessment Act 1979* (NSW).

Queanbeyan city special uses zone means a special uses zone under the *Queanbeyan Local Environmental Plan 1998*, as in force from time to time, made under the *Environmental and Planning Assessment Act 1979* (NSW).

Table 2.1

column 1 item	column 2 noise zone	column 3 ACT land	column 4 NSW land
1	zone A	land subject to the territory plan land use policy— <ul style="list-style-type: none"> B3 (industrial) 	land in the Queanbeyan city industrial zone
2	zone B	land subject to the territory plan land use policy— <ul style="list-style-type: none"> B2A (commercial—civic centre) B2B (commercial—town centres) land in the Central National Area (City)	land in the Queanbeyan city business zone

column 1 item	column 2 noise zone	column 3 ACT land	column 4 NSW land
3	zone C	<p>land subject to the territory plan land use policy—</p> <ul style="list-style-type: none"> • B2C (commercial—group centres) • B2E (commercial—corridors and office sites) <p>land in the 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)</p>	
4	zone D	<p>land subject to the territory plan land use policy—</p> <ul style="list-style-type: none"> • B2D (commercial—local centres) 	
5	zone E	<p>land subject to the territory plan land use policy—</p> <ul style="list-style-type: none"> • B5 (restricted access recreation) • B10 (broadacre) 	
6	zone F	<p>land subject to the territory plan land use policy—</p> <ul style="list-style-type: none"> • B4 (community facility) • B7 (municipal services) • B8 (entertainment, accommodation and leisure) 	land in the Queanbeyan city special uses zone

Schedule 2 Noise zones, noise standards and conditions
Part 2.2 Noise standards

Section 2.1

column 1 item	column 2 noise zone	column 3 ACT land	column 4 NSW land
7	zone G	all areas other than Central National Area (Fairbairn)	other NSW land

Note The territory plan is available at www.actpla.act.gov.au.

Part 2.2 Noise standards

Table 2.2

column 1 item	column 2	column 3 noise standard (dB(A))	column 4 noise standard (dB(A))
		Monday-Saturday 7am-10pm	Monday-Saturday 10pm-7am
		Sunday and public holiday 8am-10pm	Sunday and public holiday 10pm-8am
1	zone A	65	55
2	zone B	60	50
3	zone C	55	45
4	zone D	50	35
5	zone E	50	40
6	zone F	same as the noise standard for the adjoining noise zone with the loudest noise standard for the time period	
7	zone G	45	35

Part 2.3 Noise conditions

2.2 Interpretation for pt 2.3

(1) In this part:

building intruder alarm means a device that—

- (a) incorporates or connects to a sounding device; and
- (b) on being triggered, causes the sounding device to emit sound.

habitable room means a room other than a garage, storage area, bathroom, laundry, toilet or pantry.

major road—see the territory plan, part D (Definitions of terms).

Note 1 A *major road* under the territory plan is a road identified within the Major Roads Land Use Policy (B16) as shown on the territory plan map. Common terms include arterial road, distributor road, freeway, highway and parkway.

Note 2 The territory plan is available at www.actpla.act.gov.au.

motor vehicle intruder alarm means a device that—

- (a) incorporates or connects to a sounding device; and
- (b) on being triggered, causes the sounding device to emit sound; and
- (c) is attached to, or forms part of, a motor vehicle for use as an intruder alarm (whether or not the device is also designed to deny access to the motor vehicle or to the motor vehicle's steering, fuel or other systems).

reserved area—see the *Nature Conservation Act 1980*, dictionary.

Note **Reserved areas** include wilderness areas, national parks and nature reserves.

territory service—see the *Utilities Act 2000*, section 226.

Note **Territory service** includes stormwater and streetlighting services.

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Part 2.3

Noise zones, noise standards and conditions
Noise conditions

Section 2.2

utility service—see the *Utilities Act 2000*, dictionary.

Note *Utility service* includes electricity, gas, water and sewerage services.

- (2) For this part, an intruder alarm that sounds intermittently is taken to sound continuously for the purpose of measuring the period of time for which it sounds.

Table 2.3

column 1 item	column 2 noise	column 3 conditions
1	noise emitted in the course of primary production	(a) the noise is emitted— (i) between 7 am and 10 pm on Monday to Saturday; or (ii) between 8 am and 10 pm on Sunday or a public holiday; and (b) the equipment used is maintained and operated in accordance with the manufacturer's instructions.
2	noise emitted in the course of managing a reserved area	(a) the noise is emitted— (i) between 7 am and 10 pm on Monday to Saturday; or (ii) between 8 am and 10 pm on Sunday or a public holiday; and (b) the equipment used is maintained and operated in accordance with the manufacturer's instructions.
3	noise emitted in the	(a) the noise is emitted—

column 1 item	column 2 noise	column 3 conditions
	course of maintaining a garden or grounds on residential land	<ul style="list-style-type: none"> (i) between 7 am and 8 pm on Monday to Saturday; or (ii) between 8 am and 8 pm on Sunday or a public holiday; and (b) the equipment used is maintained and operated in accordance with the manufacturer's instructions.
4	noise emitted in the course of maintaining a garden or grounds on land other than residential land	<ul style="list-style-type: none"> (a) the noise is emitted— <ul style="list-style-type: none"> (i) between 7 am and 10 pm on Monday to Saturday; or (ii) between 8 am and 10 pm on Sunday or a public holiday; and (b) the equipment used is maintained and operated in accordance with the manufacturer's instructions.

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column 1 item	column 2 noise	column 3 conditions
5	noise emitted in the course of maintaining or repairing something	(a) the noise is emitted— (i) between 7 am and 8 pm on Monday to Saturday; or (ii) between 8 am and 8 pm on Sunday or a public holiday; and (b) any noise exceeding a zone noise standard is emitted for periods totalling not more than 40 hours in any 8-week period; and (c) the equipment used is maintained and operated in accordance with the manufacturer's instructions.

column 1 item	column 2 noise	column 3 conditions
6	noise emitted in the course of building work for which a building approval under the <i>Building Act 2004</i> , division 3.3 is required	<p>(a) all of the following:</p> <ul style="list-style-type: none"> (i) the noise is emitted from a place in noise zone A or B; and (ii) all relevant noise reduction measures mentioned in Australian Standard 2436, as in force from time to time, are implemented; and (iii) the noise is emitted between 6 am and 8 pm; or <p>(b) all of the following:</p> <ul style="list-style-type: none"> (i) the noise is emitted from a place other than a place in noise zone A or B; and (ii) the building work will be finished within 2 weeks after the day it started; and (iii) all relevant noise reduction measures mentioned in Australian Standard 2436, as in force from time to time, are implemented; and (iv) the noise is emitted— <ul style="list-style-type: none"> (A) between 7 am and 8 pm on Monday to

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Part 2.3

Noise zones, noise standards and conditions
Noise conditions

Section 2.2

column 1 item	column 2 noise	column 3 conditions
		<p>Saturday; or</p> <p>(B) between 8 am and 8 pm on Sunday or a public holiday; or</p> <p>(c) all of the following:</p> <p>(i) the noise is emitted from a place other than a place in noise zone A or B; and</p> <p>(ii) the building work will not be finished within 2 weeks after the day it started; and</p> <p>(iii) all relevant noise reduction measures mentioned in Australian Standard 2436, as in force from time to time, are implemented; and</p> <p>(iv) the noise is emitted between 7 am and 6 pm on Monday to Saturday.</p>
7	<p>noise emitted in the course of—</p> <p>(a) building work for which a building approval under the Building Act 2004, division 3.3 is not required; or</p>	<p>(a) the noise is emitted—</p> <p>(i) between 7 am and 8 pm on Monday to Saturday; or</p> <p>(ii) between 8 am and 8 pm on Sunday or a public holiday; and</p> <p>(b) the noise level at the affected place is only louder than the noise standard for the affected</p>

column 1 item	column 2 noise	column 3 conditions
	<p>(b) internal building work; or</p> <p>(c) maintenance and repair work on a building.</p>	<p>place at the time when the noise is emitted for less than 40 hours in an 8-week period; and</p> <p>(c) the equipment used is maintained and operated in accordance with the manufacturer's instructions.</p>
8	noise emitted by a motor vehicle intruder alarm in a motor vehicle	<p>(a) the alarm is sounded, whether continuously or intermittently—</p> <p>(i) for a motor vehicle manufactured before 1 September 1997—for less than 90 seconds after the alarm first sounds; or</p> <p>(ii) for a motor vehicle manufactured on or after 1 September 1997—for less than 45 seconds after the alarm first sounds; or</p> <p>(b) a window or windscreen in the motor vehicle is broken or removed; or</p> <p>(c) the motor vehicle is involved in an accident; or</p> <p>(d) the motor vehicle is illegally broken into; or</p> <p>(e) there is an illegal attempt to break into the motor vehicle.</p>

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Part 2.3

Noise zones, noise standards and conditions
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Section 2.2

column 1 item	column 2 noise	column 3 conditions
9	noise emitted by a building intruder alarm in premises	<p>(a) for an alarm installed before 1 December 1997—</p> <p>(i) it automatically ceases to sound, whether continuously or intermittently, within 10 minutes after being activated by a detection device; and</p> <p>(ii) it cannot be reactivated (except by a different detection device) until it has been manually or automatically reset; or</p> <p>(b) for an alarm installed on or after 1 December 1997—</p> <p>(i) it automatically ceases to sound, whether continuously or intermittently, within 5 minutes after being activated by a detection device; and</p> <p>(ii) it cannot be reactivated (except by a different detection device) until it has been manually reset; or</p> <p>(c) it cannot be heard in a habitable room in any residential</p>

column 1 item	column 2 noise	column 3 conditions
		premises (whether or not a door or window to the room is open).
10	noise emitted in the course of mobile selling	the noise is emitted in accordance with the noise control manual.
11	noise emitted because of a party from a parcel of land held under a territory lease	<ul style="list-style-type: none"> (a) the noise is music; and (b) the music is only emitted between 6 pm on 31 December in a year and 12.30 am on 1 January the next year; and (c) the music is not louder than 60 dB(A) at any point as near as practicable to the boundary of the parcel of land.
12	noise emitted because of a party from a road or road related area	<ul style="list-style-type: none"> (a) the noise is music; and (b) the music is only emitted between 6 pm on 31 December in a year and 12.30 am on 1 January the next year; and (c) the music is not louder than 60 dB(A) at any point as near as practicable to the boundary of any parcel of land held under a territory lease.
13	noise emitted in the course of warming up a motor vehicle engine	<ul style="list-style-type: none"> (a) the noise is emitted for— <ul style="list-style-type: none"> (i) 5 minutes or less; or (ii) if a longer period is stated in the vehicle's operating manual—the longer period

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Part 2.3

Noise zones, noise standards and conditions
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column 1 item	column 2 noise	column 3 conditions
		<p>or less; and</p> <p>(b) the vehicle complies with the <i>Road Transport (Vehicle Registration) Act 1999</i>.</p>
14	noise emitted in the course of a religious service	<p>(a) the noise is not amplified; and</p> <p>(b) the noise is only emitted—</p> <p>(i) between 7 am and 10 pm on Monday to Saturday; or</p> <p>(ii) between 8 am and 10 pm on Sunday or a public holiday.</p>
15	noise emitted by portable loudspeakers	<p>the noise—</p> <p>(a) is emitted from public land; and</p> <p>(b) is in accordance with an approval; and</p> <p>(c) is emitted—</p> <p>(i) between 7 am and 8 pm on Monday to Saturday; or</p> <p>(ii) between 8 am and 8 pm on Sunday or a public holiday.</p> <p><i>Note</i> Approval is defined in the dictionary.</p>
16	noise emitted in the course of constructing or maintaining a major road	

column 1 item	column 2 noise	column 3 conditions
17	noise emitted in the course of constructing or maintaining a road, other than a major road	the noise is emitted— (a) between 7 am and 8 pm on Monday to Saturday; or (b) between 8 am and 8 pm on Sunday or a public holiday.
18	noise emitted in the course of commercial collection of waste from commercial premises	the collection is in accordance with an accredited code of practice under the Act, part 5.
19	noise emitted in the course of repairing a utility service or territory service	(a) the noise is emitted— (i) between 7 am and 10 pm on Monday to Saturday; or (ii) between 8 am and 10 pm on Sunday or a public holiday; or (b) the repairs are made during an emergency.
20	noise emitted in the course of conducting a test to decide a noise level for the Act	(a) all of the following: (i) the noise is emitted— (A) between 7 am and 8 pm on Monday to Saturday; or (B) between 8 am and 8 pm on Sunday or a public holiday; and (ii) the noise is not emitted for longer than 2 hours in a

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Part 2.3

Noise zones, noise standards and conditions
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Section 2.2

column 1 item	column 2 noise	column 3 conditions
		<p>1-week period; and</p> <p>(iii) the noise is emitted for the minimum time necessary to complete the tests; or</p> <p>(b) all of the following:</p> <p>(i) the noise is emitted at a time other than a time mentioned in subsection (1) (a); and</p> <p>(ii) the environment protection authority is satisfied that it is not reasonably practicable to conduct the test during the times mentioned in subsection (1) (a) because the level of ambient noise during those times is likely to prevent effective testing; and</p> <p>(iii) the noise is not emitted for longer than 2 hours in a 1-week period; and</p> <p>(iv) the noise is emitted for the minimum time necessary to complete the tests.</p>

Example for item 10

selling ice-cream from a van and using music to attract buyers as the van moves around

Note 1 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).

Note 2 The Act does not apply to noise made by a motor vehicle being driven on a road, unless it—

- (a) is being driven on the road to conduct reliability trials or speed tests; and
- (b) has been exempted under the road transport legislation from the provisions of that legislation about attaching silencers to the exhaust pipes of motor vehicles, rules of the road and speed limits during the trials or tests (see the Act, s 8 (1)).

Note 3 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

Schedule 3 **Pollutants entering waterways taken to cause environmental harm**

(see s 42)

Part 3.1 **Domestic water supply quality (DOM1/2/3)**

Table 3.1.1 **Group A—inorganic chemicals**

column 1 item	column 2 pollutant
1	aluminium
2	ammonia
3	antimony
4	arsenic
5	barium
6	boron
7	cadmium
8	chloride
9	chromium
10	copper
11	cyanide
12	fluoride
13	hydrogen sulfide
14	iodide

column 1 item	column 2 pollutant
15	iron
16	lead
17	manganese
18	mercury
19	molybdenum
20	nickel
21	nitrate
22	nitrite
23	selenium
24	silver
25	sodium
26	sulfate
27	zinc

Table 3.1.2 Group B—organic compounds

column 1 item	column 2 pollutant
1	acrylamide
2	benzene
3	carbon tetrachloride
4	chlorobenzene

Schedule 3
Part 3.1

Pollutants entering waterways taken to cause environmental harm
Domestic water supply quality (DOM1/2/3)

column 1 item	column 2 pollutant
5	dichlorobenzenes—
5.1	1,2-dichlorobenzene
5.2	1,3-dichlorobenzene
5.3	1,4-dichlorobenzene
6	dichloroethanes—
6.1	1,2-dichloroethane
7	dichloroethenes—
7.1	1,1-dichloroethene
7.2	1,2-dichloroethene
8	dichloromethane (methylene chloride)
9	ethylbenzene
10	ethylenediamine tetracetic acid (EDTA)
11	hexachlorobutadiene
12	nitrilotriacetic acid
13	organotins—
13.1	tributyltin oxide

column 1 item	column 2 pollutant
14	plasticisers—
14.1	di (2-ethylhexyl) phthalate
14.2	polycyclic aromatic hydrocarbons (PAHs)
14.3	styrene (vinylbenzene)
14.4	tetrachloroethene
14.5	toluene
14.6	trichlorobenzenes (total)
14.7	vinyl chloride
14.8	xylene

Table 3.1.3 Group C—disinfection by-products

column 1 item	column 2 pollutant
1	chloramine (see mono-chloramine)
2	chlorine (free)
3	chlorine dioxide
4	chlorite
5	chloroacetic acids—
5.1	chloroacetic acid
5.2	dichloroacetic acid
5.3	trichloroacetic acid

Schedule 3
Part 3.1

Pollutants entering waterways taken to cause environmental harm
Domestic water supply quality (DOM1/2/3)

column 1 item	column 2 pollutant
6	chlorophenols—
6.1	2-chlorophenol
6.2	2,4-dichlorophenol
6.3	2,4,6-dichlorophenol
7	cyanogen chloride (as cyanide)
8	formaldehyde
9	mono-chloramine
10	trichloroacetaldehyde (chloral hydrate)
11	trihalomethanes (THMs) (total)

Table 3.1.4 Group D—pesticides

column 1 item	column 2 pollutant
1	acephate
2	aldicarb
3	aldrin
4	ametryn
5	amitrole
6	asulam
7	atrazine
8	azinphos-methyl
9	benomyl

column 1 item	column 2 pollutant
10	bentazone
11	bioresmethrin
12	bromacil
13	bromophos-ethyl
14	bromoxynil
15	carbaryl
16	carbendazim
17	carbofuran
18	carbophenthion
19	carboxin
20	chlordane
21	chlorothalonil
22	chloroxuron
23	chlorphenvinphos
24	chlorpyrifos
25	chlorsulfuron
26	cichlorvos
27	clopyralid
28	2,4-D
29	DDT
30	diazinon
31	dicamba

Schedule 3
Part 3.1

Pollutants entering waterways taken to cause environmental harm
Domestic water supply quality (DOM1/2/3)

column 1 item	column 2 pollutant
32	dichlobenil
33	diclofop-methyl
34	dicofol
35	dieldrin
36	difenzoquat
37	dimethoate
38	diphenamid
39	diquat
40	disulfoton
41	diuron
42	DPA (2,2-DPA)
43	EDB
44	endosulfan
45	endothal
46	EPTC
47	ethion
48	ethoprophos
49	etridiazole
50	fenamiphos
51	fenarimol
52	fenchlorphos
53	fenitrothion

column 1 item	column 2 pollutant
54	fenoprop
55	fensulfothion
56	fenvalerate
57	flamprop-methyl
58	fluometuron
59	formothion
60	fosamine ammonium
61	glyphosphate
62	heptachlor (including its epoxide)
63	hexaflurate
64	hexazinone
65	lindane
66	maldison
67	methidathion
68	methiocarb
69	methomyl
70	methoxychlor
71	metolachlor
72	metribuzin
73	metsulfuron-methyl
74	mevinphos
75	molinate

Schedule 3
Part 3.1

Pollutants entering waterways taken to cause environmental harm
Domestic water supply quality (DOM1/2/3)

column 1 item	column 2 pollutant
76	monocrotophos
77	napropamide
78	nitralin
79	norflurazon
80	oryzalin
81	oxamyl
82	paraquat
83	parathion
84	parathion methyl
85	pebulate
86	pendimethalin
87	pentachlorophenol
88	permethrin
89	picloram
90	piperonyl butoxide
91	pirimcarb
92	pirimiphos-ethyl
93	pirimiphos-methyl
94	profenofos
95	promecarb
96	propachlor
97	propanil

column 1 item	column 2 pollutant
98	propargite
99	propiconazole
100	propozine
101	propyzamide
102	pyrazophos
103	quintozene
104	silvex (see fenoprop)
105	simazine
106	sulprofos
107	2,4,5-T
108	temephos
109	terbacil
110	terbufos
111	terbutryn
112	tetrachlorvinphos
113	thiobencarb
114	thiometon
115	thiophenate
116	thiram
117	triadimefon
118	trichlorfon
119	trichlorpyr

Schedule 3
Part 3.2

Pollutants entering waterways taken to cause environmental harm
Water-based recreation—swimming (REC/1) or boating (REC/2)

column 1 item	column 2 pollutant
120	trifluralin
121	vernolate

Part 3.2 **Water-based recreation—
swimming (REC/1) or
boating (REC/2)**

Table 3.2

column 1 item	column 2 pollutant
1	faecal coliforms
2	nitrogen
3	oil and grease
4	phosphorus

Part 3.3 **Waterscape (VIEW)**

Table 3.3

column 1 item	column 2 pollutant
1	nitrogen
2	oil and grease
3	phosphorus

Part 3.4 **Stock water supply (STOCK)**

Table 3.4.1 **Group A—inorganic chemicals**

column 1 item	column 2 pollutant
1	aluminium
2	arsenic
3	barium
4	beryllium
5	boron
6	cadmium
7	calcium
8	chloride
9	chromium
10	cobalt
11	copper
12	cyanide
13	fluoride
14	iron
15	lead
16	mercury
17	molybdenum

Schedule 3
Part 3.5

Pollutants entering waterways taken to cause environmental harm
Irrigation water supply—(IRRIG)

column 1 item	column 2 pollutant
18	nickel
19	nitrate-N
20	nitrite-N
21	selenium
22	sulfate
23	vanadium
24	zinc

Table 3.4.2 Group B—organic chemicals

column 1 item	column 2 pollutant
1	atrazine
2	glyphosate
3	metolachlor
4	simazine

Part 3.5 Irrigation water supply—(IRRIG)

Table 3.5.1 Group A—inorganic chemicals

column 1 item	column 2 pollutant
1	aluminium
2	arsenic
3	beryllium

column 1 item	column 2 pollutant
4	boron
5	cadmium
6	chloride
7	chromium
8	copper
9	fluoride
10	iron
11	lead
12	lithium
13	manganese
14	mercury
15	molybdenum
16	nickel
17	selenium
18	sodium
19	uranium
20	vanadium
21	zinc

Table 3.5.2 Group B—organic chemicals

column 1 item	column 2 pollutant
1	atrazine
2	chlordan
3	dieldrin
4	heptachlor
5	metolachlor
6	simazine

Pollutants entering waterways taken to cause environmental harm
Aquatic habitat—mountain streams (AQUA/1), lowland streams (AQUA/2),
urban lakes and ponds(AQUA/3), urban drains and streams (AQUA/4),
urban wetlands (AQUA/5), or mountain reservoirs (AQUA/6)

Schedule 3
Part 3.6

Part 3.6 **Aquatic habitat—
mountain streams (AQUA/1),
lowland streams (AQUA/2), urban
lakes and ponds(AQUA/3), urban
drains and streams (AQUA/4),
urban wetlands (AQUA/5), or
mountain reservoirs (AQUA/6)**

Table 3.6.1 **Group A—inorganic chemicals**

column 1 item	column 2 pollutant
1	aluminium
2	ammonia
3	antimony
4	arsenic
5	beryllium
6	cadmium
7	chlorine
8	chromium
9	copper
10	cyanide
11	iron
12	lead
13	mercury

Schedule 3
Part 3.6

Pollutants entering waterways taken to cause environmental harm
Aquatic habitat—mountain streams (AQUA/1), lowland streams (AQUA/2),
urban lakes and ponds(AQUA/3), urban drains and streams (AQUA/4),
urban wetlands (AQUA/5), or mountain reservoirs (AQUA/6)

column 1 item	column 2 pollutant
14	nickel
15	nitrite
16	phosphorus
17	selenium
18	silver
19	zinc

Table 3.6.2 Group B—organic chemicals—pesticides

column 1 item	column 2 pollutant
1	aldrin
2	atrazine
3	captan
4	chlordane
5	chlorpyrifos
6	cyanazine
7	2,4-D
8	DDE
9	DDT
10	demeton
11	dieldrin
12	dinoseb

Pollutants entering waterways taken to cause environmental harm
Aquatic habitat—mountain streams (AQUA/1), lowland streams (AQUA/2),
urban lakes and ponds(AQUA/3), urban drains and streams (AQUA/4),
urban wetlands (AQUA/5), or mountain reservoirs (AQUA/6)

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column 1 item	column 2 pollutant
13	endosulfan
14	endrin
15	glyphosate
16	guthion
17	heptachlor
18	lindane
19	malathion
20	methoxychlor
21	metolachlor
22	metribuzin
23	mirex
24	parathion
25	picrolam
26	simazine
27	toxaphene

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Pollutants entering waterways taken to cause environmental harm
Aquatic habitat—mountain streams (AQUA/1), lowland streams (AQUA/2),
urban lakes and ponds(AQUA/3), urban drains and streams (AQUA/4),
urban wetlands (AQUA/5), or mountain reservoirs (AQUA/6)

Table 3.6.3 Group C—organic chemicals—non-pesticide anthropogenic organics

column 1 item	column 2 pollutant
1	acrolein
2	chlorinated benzenes—
2.1	monochlorobenzene
2.2	1,2-dichlorobenzene
2.3	1,3-dichlorobenzene
2.4	1,4-dichlorobenzene
2.5	1,2,3-trichlorobenzene
2.6	1,2,4-trichlorobenzene
2.7	1,3,5-trichlorobenzene
2.8	1,2,3,4-tetrachlorobenzene
2.9	1,2,3,5-tetrachlorobenzene
2.10	1,2,4,5-tetrachlorobenzene
2.11	pentachlorobenzene
2.12	hexachlorobenzene
3	chlorinated ethylenes—
3.1	trichlorethylene
3.2	tetrachloroethylene

Pollutants entering waterways taken to cause environmental harm
 Aquatic habitat—mountain streams (AQUA/1), lowland streams (AQUA/2),
 urban lakes and ponds(AQUA/3), urban drains and streams (AQUA/4),
 urban wetlands (AQUA/5), or mountain reservoirs (AQUA/6)

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column 1 item	column 2 pollutant
4	chlorinated phenols—
4.1	monochlorophenol
4.2	dichlorophenol
4.3	trichlorophenol
4.4	tetrachlorophenol
4.5	pentachlorophenol
5	halogenated aliphatic compounds—
5.1	hexachlorobutadiene
6	halogenated methanes—
6.1	carbon tetrachloride
6.2	chloroform
6.3	dichloromethane (methylene chloride)
6.4	trihalomethanes
7	monocyclic aromatic hydrocarbons—
7.1	benzene
7.2	ethylbenzene
7.3	phenol
7.4	toluene
8	oil and grease
9	phthallate esters
10	polychlorinated biphenyls
11	polycyclic aromatic hydrocarbons

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Part 3.6

Pollutants entering waterways taken to cause environmental harm
Aquatic habitat—mountain streams (AQUA/1), lowland streams (AQUA/2),
urban lakes and ponds(AQUA/3), urban drains and streams (AQUA/4),
urban wetlands (AQUA/5), or mountain reservoirs (AQUA/6)

Table 3.6.4 Group D—organic chemicals—organometallics

column 1 item	column 2 pollutant
1	tributyltin
2	triphenyltin

Schedule 4 Ambient environmental standards

(see s 43)

Part 4.1 Domestic water supply—fully treated (TAP)

Table 4.1.1 Group A—microbiological quality

column 1 item	column 2 indicator	column 3 standard
1	<i>E. coli</i>	0 cfu per 100 mL for 98% of samples

Table 4.1.2 Group B—physical quality

column 1 item	column 2 indicator	column 3 standard
1	acidity (pH)	6.5-8.5
2	colour (HU)	15
3	dissolved oxygen	>85%
4	hardness	200 mg/L
5	taste and odour	acceptable to most people
6	total dissolved solids	500 mg/L
7	turbidity (NTU)	5

Table 4.1.3 Group C—inorganic chemicals

column 1 item	column 2 indicator	column 3 standard (mg/L)
1	aluminium (acid soluble)	0.2
2	ammonia (as NH ₄)	0.5
3	antimony	0.003
4	arsenic	0.007
5	barium	0.7
6	boron	0.3
7	cadmium	0.002
8	chloride	250
9	chromium (as Cr(6))	0.05
10	copper	1
11	cyanide	0.07
12	fluoride	1.5
13	hydrogen sulfide	0.05
14	iodide	0.1
15	iron	0.3
16	lead	0.01
17	manganese	0.1
18	mercury	0.001
19	molybdenum	0.05
20	nickel	0.02
21	nitrate (as nitrate)	50
22	nitrite (as nitrite)	3

column 1 item	column 2 indicator	column 3 standard (mg/L)
23	selenium	0.01
24	silver	0.02
25	sodium	180
26	sulfate	250
27	zinc	3

Table 4.1.4 Group D—organic compounds

column 1 item	column 2 indicator	column 3 standard (mg/L)
1	acrylamide	0.0002
2	benzene	0.001
3	carbon tetrachloride	0.003
4	chlorobenzene	0.01
5	dichlorobenzenes—	
5.1	1,2-dichlorobenzene	0.001
5.2	1,3-dichlorobenzene	0.02
5.3	1,4-dichlorobenzene	0.0003
6	dichloroethanes—	
6.1	1,2-dichloroethane	0.003
7	dichloroethenes—	
7.1	1,1-dichloroethene	0.03
7.2	1,2-dichloroethene	0.06

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Part 4.1

Ambient environmental standards
Domestic water supply—fully treated (TAP)

column 1 item	column 2 indicator	column 3 standard (mg/L)
8	dichloromethane (methylene chloride)	0.02
9	ethylbenzene	0.003
10	ethylenediamine tetracetic acid (EDTA)	0.25
11	hexachlorobutadiene	0.0007
12	nitrilotriacetic acid	0.2
13	organotins—	
13.1	tributyltin oxide	0.001
14	plasticisers—	
14.1	di (2-ethylhexyl) phthalate	0.01
14.2	polycyclic aromatic hydrocarbons (PAHs)	0.00001
14.3	styrene (vinylbenzene)	0.004
14.4	tetrachloroethene	0.05
14.5	toluene	0.025
14.6	trichlorobenzenes (total)	0.005
14.7	vinyl chloride	0.0003
14.8	xylene	0.02

Table 4.1.5 Group E—disinfection by-products

column 1 item	column 2 indicator	column 3 standard (mg/L)
1	chloramine (see mono-chloramine)	
2	chlorine (free)	0.6
3	chlorine dioxide	0.4
4	chlorite	0.3
5	chloroacetic acids—	
5.1	chloroacetic acid	1
5.2	dichloroacetic acid	0.05
5.3	trichloroacetic acid	0.1
6	chlorophenols—	
6.1	2-chlorophenol	0.0001
6.2	2,4-dichlorophenol	0.0003
6.3	2,4,6-dichlorophenol	0.002
7	cyanogen chloride (as cyanide)	0.07
8	formaldehyde	0.5
9	mono-chloramine	0.5
10	trichloroacetaldehyde (chloral hydrate)	0.02
11	trihalomethanes (THMs) (total)	0.25

Table 4.1.6 Group F—pesticides

column 1 item	column 2 indicator	column 3 standard (mg/L)
1	acephate	0.01
2	aldicarb	0.001
3	aldrin	0.0003
4	ametryn	0.05
5	amitrole	0.01
6	asulam	0.05
7	atrazine	0.02
8	azinphos-methyl	0.003
9	benomyl	0.1
10	bentazone	0.03
11	bioresmethrin	0.1
12	bromacil	0.3
13	bromophos-ethyl	0.01
14	bromoxynil	0.03
15	carbaryl	0.03
16	carbendazim	0.1
17	carbofuran	0.01
18	carbophenthion	0.0005
19	carboxin	0.3
20	chlordane	0.001
21	chlorothalonil	0.03
22	chloroxuron	0.01

column 1 item	column 2 indicator	column 3 standard (mg/L)
23	chlorphenvinphos	0.005
24	chlorpyrifos	0.01
25	chlorsulfuron	0.1
26	cichlorvos	0.001
27	clopyralid	1
28	2,4-D	0.03
29	DDT	0.02
30	diazinon	0.003
31	dicamba	0.1
32	dichlobenil	0.01
33	diclofop-methyl	0.005
34	dicofol	0.003
35	dieldrin	0.0003
36	difenzoquat	0.1
37	dimethoate	0.05
38	diphenamid	0.3
39	diquat	0.005
40	disulfoton	0.003
41	diuron	0.03
42	DPA (2,2-DPA)	0.5
43	EDB	0.001
44	endosulfan	0.03

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Ambient environmental standards
Domestic water supply—fully treated (TAP)

column 1 item	column 2 indicator	column 3 standard (mg/L)
45	endothal	0.1
46	EPTC	0.03
47	ethion	0.003
48	ethoprophos	0.001
49	etridiazole	0.1
50	fenamiphos	0.0003
51	fenarimol	0.03
52	fenchlorphos	0.03
53	fenitrothion	0.01
54	fenoprop	0.01
55	fensulfothion	0.01
56	fenvalerate	0.05
57	flamprop-methyl	0.003
58	fluometuron	0.05
59	formothion	0.05
60	fosamine ammonium	0.03
61	glyphosphate	1
62	heptachlor (including its epoxide)	0.0003
63	hexaflurate	0.03
64	hexazinone	0.3
65	lindane	0.02
66	maldison	0.05

column 1 item	column 2 indicator	column 3 standard (mg/L)
67	methidathion	0.03
68	methiocarb	0.005
69	methomyl	0.03
70	methoxychlor	0.3
71	metolachlor	0.3
72	metribuzin	0.05
73	metsulfuron-methyl	0.03
74	mevinphos	0.005
75	molinate	0.005
76	monocrotophos	0.001
77	napropamide	1
78	nitralin	0.5
79	norflurazon	0.05
80	oryzalin	0.3
81	oxamyl	0.1
82	paraquat	0.03
83	parathion	0.01
84	parathion methyl	0.1
85	pebulate	0.03
86	pendimethalin	0.3
87	pentachlorophenol	0.01
88	permethrin	0.1

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Part 4.1

Ambient environmental standards
Domestic water supply—fully treated (TAP)

column 1 item	column 2 indicator	column 3 standard (mg/L)
89	picloram	0.3
90	piperonyl butoxide	0.1
91	pirimcarb	0.005
92	pirimiphos-ethyl	0.0005
93	pirimiphos-methyl	0.05
94	profenofos	0.0003
95	promecarb	0.03
96	propachlor	0.05
97	propanil	0.5
98	propargite	0.05
99	propiconazole	0.1
100	propozine	0.05
101	propyzamide	0.3
102	pyrazophos	0.03
103	quintozene	0.03
104	silvex (see fenoprop)	
105	simazine	0.02
106	sulprofos	0.01
107	2,4,5-T	0.1
108	temephos	0.3
109	terbacil	0.03
110	terbufos	0.0005

column 1 item	column 2 indicator	column 3 standard (mg/L)
111	terbutryn	0.3
112	tetrachlorvinphos	0.1
113	thiobencarb	0.03
114	thiometon	0.003
115	thiophenate	0.005
116	thiram	0.003
117	triadimefon	0.1
118	trichlorfon	0.005
119	trichlorpyr	0.01
120	trifluralin	0.05
121	vernolate	0.03

Part 4.2 Domestic water supply (DOM1/2/3)

4.1 Ambient environmental standards to which table 4.2 applies

Unless otherwise provided by table 4.2, the ambient environmental standards in relation to water quality for a waterway to which the table applies are the same as the standards stated in the tables in part 4.1.

Table 4.2 Domestic water supply

column 1 item	column 2 indicator	column 3 standard DOM1	column 4 standard DOM2	column 5 standard DOM3
1	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
2	<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
3	turbidity (NTU)	5	250	10,000

Part 4.3 **Water-based recreation— swimming (REC/1) or boating (REC/2)**

Table 4.3.1 Microbiology

column 1 item	column 2 indicator	column 3 standard
1	cyanobacteria	≤5 000 cells/mL (absence of scums)
2	pathogenic free-living protozoans	0 organisms/100mL

Table 4.3.2 Chemistry

column 1 item	column 2 indicator	column 3 standard
1	acidity	pH 6.5-8.5
2	chlorophyll <i>a</i>	≤10µg/L
3	nitrogen to phosphorus ratio	≥12:1
4	phosphorus (total)	≤100µg/L

Schedule 4
Part 4.4

Ambient environmental standards
Waterscape (VIEW)

Table 4.3.3 Aesthetics

column 1 item	column 2 indicator	column 3 standard
1	clarity	\geq Secchi depth 1.2 m
2	colour	not objectionable
3	odour	not objectionable
4	oil and grease	not visible

Table 4.3.4 Nuisance

column 1 item	column 2 indicator	column 3 standard
1	aquatic macrophytes (floating)	not objectionable
2	aquatic macrophytes (rooted)	not objectionable
3	flow rates	$<1.5\text{m/s}$

Part 4.4 Waterscape (VIEW)

Table 4.4.1 Microbiology

column 1 item	column 2 indicator	column 3 standard
1	cyanobacteria	$\leq 5\ 000$ cells/mL (absence of scums)

Table 4.4.2 Chemistry

column 1 item	column 2 indicator	column 3 standard
1	chlorophyll <i>a</i>	≤10µg/L
2	nitrogen to phosphorus ratio	≥12:1
3	phosphorus (total)	≤100µg/L

Table 4.4.3 Aesthetics

column 1 item	column 2 indicator	column 3 standard
1	colour	not objectionable
2	oil and grease	not visible

Table 4.4.4 Nuisance

column 1 item	column 2 indicator	column 3 standard
1	algal growth	not objectionable
2	aquatic macrophytes (floating)	not objectionable
3	aquatic macrophytes (rooted)	not objectionable

Part 4.5 Stock water supply (STOCK)

Table 4.5.1 Microbiology

column 1 item	column 2 indicator	column 3 standard
1	algae	<10 000 cells/mL

Table 4.5.2 Chemistry—general

column 1 item	column 2 indicator	column 3 standard
1	acidity	pH 6.5-9.2
2	chlorophyll <i>a</i>	≤0.01mg/L
3	dissolved oxygen	≥5mg/L or 60 % saturation
4	total dissolved solids	≤3 000mg/L

Table 4.5.3 Chemistry—inorganic chemicals

column 1 item	column 2 indicator	column 3 standard
1	aluminium	≤5mg/L
2	arsenic	≤0.2mg/L
3	barium	≤5mg/L
4	beryllium	≤0.1mg/L
5	boron	≤5mg/L
6	cadmium	≤0.01mg/L
7	calcium	≤1 000mg/L
8	chloride	≤2 400mg/L
9	chromium	≤1mg/L
10	cobalt	≤1mg/L
11	copper	≤0.5mg/L
12	fluoride	≤2mg/L
13	iron	≤50mg/L
14	lead	≤0.1mg/L

column 1 item	column 2 indicator	column 3 standard
15	mercury	≤0.002mg/L
16	molybdenum	≤0.01mg/L
17	nickel	≤1mg/L
18	nitrate-N	≤30mg/L
19	nitrite-N	≤10mg/L
20	selenium	≤0.02mg/L
21	sulfate	≤1 000mg/L
22	vanadium	≤0.1mg/L
23	zinc	≤20mg/L

Table 4.5.4 Chemistry—organic chemicals

column 1 item	column 2 indicator	column 3 standard
1	atrazine	≤0.02mg/L
2	glyphosate	≤2mg/L
3	metolachlor	≤0.5mg/L
4	simazine	≤0.02mg/L

Part 4.6 Irrigation water supply (IRRIG)

4.2 Faecal coliforms—IRRIG

- (1) For the indicator faecal coliforms in the table—
 - (a) the median must be 1 000cfu/100mL or less for at least 5 samples taken at regular intervals within 1 month; and
 - (b) no more than 20% of the samples may contain more than 4 000cfu/100mL.
- (2) In this section:
cfu, for faecal coliforms, means colony forming units.

4.3 Sodium absorption ratio

- (1) The sodium absorption rate (**SAR**) is calculated using the following formula:

$$\text{SAR} = \text{Na}^+ \times \frac{\text{Ca}^{2+} + \text{Mg}^{2+}}{2}$$

- (2) In this formula, concentrations of Na^+ , Ca^{2+} and Mg^{2+} are expressed in milli equivalents/L.

Table 4.6.1 Microbiology

column 1 item	column 2 indicator	column 3 standard
1	faecal coliforms	≤1 000/100mL

Table 4.6.2 Chemistry—general

column 1 item	column 2 indicator	column 3 standard
1	acidity	pH 4.5-9.0
2	sodium absorption ratio	≤10mg/L
3	total dissolved solids	≤500mg/L

Table 4.6.3 Chemistry—inorganic chemicals

column 1 item	column 2 indicator	column 3 standard
1	aluminium	≤5mg/L
2	arsenic	≤0.1mg/L
3	beryllium	≤0.1mg/L
4	boron	≤6.0mg/L
5	cadmium	≤0.01mg/L
6	chloride	≤700mg/L
7	chromium	≤0.1mg/L
8	copper	≤1.0mg/L
9	fluoride	≤1.0mg/L
10	iron	≤1.0mg/L
11	lead	≤0.2mg/L
12	lithium	≤2.5mg/L
13	manganese	≤0.2mg/L
14	mercury	≤0.002mg/L
15	molybdenum	≤0.01mg/L

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Part 4.6

Ambient environmental standards
Irrigation water supply (IRRIG)

Section 4.3

column 1 item	column 2 indicator	column 3 standard
16	nickel	≤0.2mg/L
17	selenium	≤0.02mg/L
18	sodium	115-460mg/L
19	uranium	≤0.01mg/L
20	vanadium	≤0.1mg/L
21	zinc—	
21.1	soil pH≤6.5	≤1mg/L
21.2	soil pH>6.5	≤5mg/L

Table 4.6.4 Chemistry—organic chemicals

column 1 item	column 2 indicator	column 3 standard
1	atrazine	≤0.02µg/L
2	chlordane	≤2µg/L
3	dieldrin	≤0.5µg/L
4	heptachlor	≤2µg/L
5	metolachlor	≤0.5µg/L
6	simazine	≤0.02µg/L

Part 4.7 **Aquatic habitat—
mountain streams (AQUA/1)
lowland streams (AQUA/2)
urban lakes & ponds (AQUA/3),
urban drains and streams
(AQUA/4), urban wetland
(AQUA/5), mountain reservoirs
(AQUA/6)**

4.4 **Acidity**

For the indicator acidity (see table 4.7.2, item 1)—

- (a) the acidity must not be more than 2 standard deviations from the long-term mean for the relevant month; and
- (b) total alkalinity must not be less than 25% of the long-term mean for the relevant month.

4.5 **Colour and turbidity**

The combined effects of the indicators colour and turbidity must not reduce the depth of the compensation point for photosynthesis by more than 10% of the long-term mean for the relevant month.

4.6 **Total dissolved solids**

The value for the indicator total dissolved solids must not be more than 2 standard deviations from the long-term mean for the relevant month.

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Part 4.7

Ambient environmental standards
Aquatic habitat—mountain streams (AQUA/1)
lowland streams (AQUA/2)
urban lakes & ponds (AQUA/3), urban drains and streams (AQUA/4), urban
wetland (AQUA/5), mountain reservoirs (AQUA/6)

Section 4.7

4.7 Ammonia levels

The ammonia level for discharge of wastewater must be based on the highest pH and highest ambient temperature likely to happen during the year.

Note The indicator ammonia is dealt with in table 4.7.8.

Table 4.7.1 Indicators other than ammonia microbiology

column 1 item	column 2 indicator	column 3 standard
1	cyanobacteria	≤5 000 cells/mL (absence of scums)

Table 4.7.2 Indicators other than ammonia chemistry—general

column 1 item	column 2 indicator	column 3 standard
1	acidity—	
1.1	AQUA/1, 2 and 6	pH 6.5-9
1.2	AQUA/3, 4 and 5	pH 6-9
2	chlorophyll <i>a</i> —	
2.1	AQUA/1, 3 and 5	≤10µg/L
2.2	AQUA/6	≤2µg/L
3	dissolved oxygen—	
3.1	AQUA/1, 4 and 6	≥6mg/L
3.2	AQUA/2, 3 and 5	≥4mg/L

column 1 item	column 2 indicator	column 3 standard
4	nitrogen to phosphorus ratio	$\geq 12:1$
5	phosphorus (total)—	
5.1	AQUA/1 and 6	$\leq 40\mu\text{g/L}$
5.2	AQUA/2, 3, 4 and 5	$\leq 100\mu\text{g/L}$
6	suspended solids—	
6.1	AQUA/1 and 6	$\leq 12.5\text{mg/L}$
6.2	AQUA/2, 3, 4 and 5	$\leq 25\text{mg/L}$
7	turbidity—	
7.1	AQUA/1, 2, 4 and 6	< 10 nephelometric turbidity units
7.2	AQUA/3 and 5	< 30 nephelometric turbidity units

Table 4.7.3 Indicators other than ammonia chemistry—inorganic chemicals

column 1 item	column 2 indicator	column 3 standard
1	aluminium—	
1.1	pH < 6.5	$\leq 5\mu\text{g/L}$
1.2	pH ≥ 6.5	$\leq 100\mu\text{g/L}$
2	ammonia	see table 4.7.8
3	antimony	$\leq 30\mu\text{g/L}$
4	arsenic	$\leq 50\mu\text{g/L}$
5	beryllium	$\leq 4\mu\text{g/L}$

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Part 4.7

Ambient environmental standards
Aquatic habitat—mountain streams (AQUA/1)
lowland streams (AQUA/2)
urban lakes & ponds (AQUA/3), urban drains and streams (AQUA/4), urban
wetland (AQUA/5), mountain reservoirs (AQUA/6)

Section 4.7

column 1 item	column 2 indicator	column 3 standard
6	cadmium	≤0.2µg/L
7	chlorine	≤2µg/L
8	chromium	≤2µg/L
9	copper	≤2µg/L
10	cyanide	≤5µg/L
11	iron	≤300µg/L
12	lead	≤1µg/L
13	mercury	≤0.1µg/L
14	nickel	≤25µg/L
15	nitrite	≤60µg/L
16	selenium	≤1µg/L
17	silver	≤0.1µg/L
18	zinc	≤5µg/L

**Table 4.7.4 Indicators other than ammonia
chemistry—organic chemicals—pesticides**

column 1 item	column 2 indicator	column 3 standard
1	aldrin	≤10ng/L
2	atrazine	≤2 000ng/L
3	captan	≤2 800ng/L

Ambient environmental standards
 Aquatic habitat—mountain streams (AQUA/1)
 lowland streams (AQUA/2)
 urban lakes & ponds (AQUA/3), urban drains and streams (AQUA/4), urban
 wetland (AQUA/5), mountain reservoirs (AQUA/6)

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Part 4.7

Section 4.7

column 1 item	column 2 indicator	column 3 standard
4	chlordan	≤4ng/L
5	chlorpyrifos	≤1ng/L
6	cyanazine	≤2 000ng/L
7	2,4-D	≤4 000ng/L
8	DDE	≤14ng/L
9	DDT	≤1ng/L
10	demeton	≤100ng/L
11	dieldrin	≤2ng/L
12	dinoseb	≤50ng/L
13	endosulfan	≤10ng/L
14	endrin	≤2.3ng/L
15	glyphosate	≤65 000ng/L
16	guthion	≤10ng/L
17	heptachlor	≤3ng/L
18	lindane	≤3ng/L
19	malathion	≤70ng/L
20	methoxychlor	≤40ng/L
21	metolachlor	≤8 000ng/L
22	metribuzin	≤1 000ng/L
23	mirex	≤1ng/L
24	parathion	≤4ng/L

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Part 4.7

Ambient environmental standards
Aquatic habitat—mountain streams (AQUA/1)
lowland streams (AQUA/2)
urban lakes & ponds (AQUA/3), urban drains and streams (AQUA/4), urban
wetland (AQUA/5), mountain reservoirs (AQUA/6)

Section 4.7

column 1 item	column 2 indicator	column 3 standard
25	picrolam	≤29 000ng/L
26	simazine	≤10 000ng/L
27	toxaphene	≤8ng/L

**Table 4.7.5 Indicators other than ammonia
chemistry—organic chemicals—non-pesticide anthropogenic
organics**

column 1 item	column 2 indicator	column 3 standard
1	acrolein	≤200ng/L
2	chlorinated benzenes—	
2.1	monochlorobenzene	≤15 000ng/L
2.2	1,2-dichlorobenzene	≤2 500ng/L
2.3	1,3-dichlorobenzene	≤2 500ng/L
2.4	1,4-dichlorobenzene	≤4 000ng/L
2.5	1,2,3-trichlorobenzene	≤900ng/L
2.6	1,2,4-trichlorobenzene	≤500ng/L
2.7	1,3,5-trichlorobenzene	≤700ng/L
2.8	1,2,3,4-tetrachlorobenzene	≤100ng/L
2.9	1,2,3,5-tetrachlorobenzene	≤100ng/L
2.10	1,2,4,5-tetrachlorobenzene	≤150ng/L
2.11	pentachlorobenzene	≤30ng/L
2.12	hexachlorobenzene	≤7ng/L

Ambient environmental standards
 Aquatic habitat—mountain streams (AQUA/1)
 lowland streams (AQUA/2)
 urban lakes & ponds (AQUA/3), urban drains and streams (AQUA/4), urban
 wetland (AQUA/5), mountain reservoirs (AQUA/6)

Schedule 4
Part 4.7

Section 4.7

column 1 item	column 2 indicator	column 3 standard
3	chlorinated ethylenes—	
3.1	trichlorethylene	≤20ng/L
3.2	tetrachloroethylene	≤260 000ng/L
4	chlorinated phenols—	
4.1	monochlorophenol	≤7 000ng/L
4.2	dichlorophenol	≤200ng/L
4.3	trichlorophenol	≤18 000ng/L
4.4	tetrachlorophenol	≤1 000ng/L
4.5	pentachlorophenol	≤50ng/L
5	halogenated aliphatic compounds—	
5.1	hexachlorobutadiene	≤100ng/L
6	halogenated methanes—	
6.1	carbon tetrachloride	≤13 000ng/L
6.2	chloroform	≤2 000ng/L
6.3	dichloromethane (methylene chloride)	≤98 000ng/L
6.4	trihalomethanes	≤50 000ng/L

Schedule 4
Part 4.7

Ambient environmental standards
Aquatic habitat—mountain streams (AQUA/1)
lowland streams (AQUA/2)
urban lakes & ponds (AQUA/3), urban drains and streams (AQUA/4), urban
wetland (AQUA/5), mountain reservoirs (AQUA/6)

Section 4.7

column 1 item	column 2 indicator	column 3 standard
7	monocyclic aromatic hydrocarbons—	
7.1	benzene	≤300 000ng/L
7.2	ethylbenzene	≤140 000ng/L
7.3	phenol	≤1 000ng/L
7.4	toluene	≤300 000ng/L
8	phthallate esters—	
8.1	di- <i>n</i> -butylphthallate (DBP)	≤4 000ng/L
8.2	di-(2-ethylhexyl) phthallate (DEHP)	≤600ng/L
8.3	other phthallate esters	≤200ng/L
9	polychlorinated biphenyls	≤1ng/L
10	polycyclic aromatic hydrocarbons	≤3 000ng/L

Table 4.7.6 Indicators other than ammonia chemistry—organic chemicals—organometallics

column 1 item	column 2 indicator	column 3 standard
1	tributyltin	≤8ng/L
2	triphenyltin	≤20ng/L

**Table 4.7.7 Indicators other than ammonia
aesthetics**

column 1 item	column 2 indicator	column 3 standard
1	oil and grease	not visible

Table 4.7.8 Indicator ammonia

column 1 item temperature →	column 2 acidity	column 3 ammonia concentration (mg/L)						
		0°C	5°C	10°C	15°C	20°C	25°C	30°C
1	pH 6.50	<2.5	<2.4	<2.2	<2.2	<1.49	<1.04	<0.73
2	pH 6.75	<2.5	<2.4	<2.2	<2.2	<1.49	<1.04	<0.73
3	pH 7.00	<2.5	<2.4	<2.2	<2.2	<1.49	<1.04	<0.74
4	pH 7.25	<2.5	<2.4	<2.2	<2.2	<1.5	<1.04	<0.74
5	pH 7.50	<2.5	<2.4	<2.2	<2.2	<1.5	<1.05	<0.74
6	pH 7.75	<2.3	<2.2	<2.1	<2.0	<1.4	<0.99	<0.71
7	pH 8.00	<1.53	<1.44	<1.37	<1.33	<0.93	<0.66	<0.47
8	pH 8.25	<0.87	<0.82	<0.78	<0.76	<0.54	<0.39	<0.28
9	pH 8.50	<0.49	<0.47	<0.45	<0.44	<0.32	<0.23	<0.17
10	pH 8.75	<0.28	<0.27	<0.26	<0.27	<0.19	<0.16	<0.11
11	pH 9.00	<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.

Part 4.8 Secondary ambient environmental standards

4.8 Temperature

Temperature changes must not be more than 2 standard deviations from the long-term mean temperature for the relevant month.

4.9 Biological standards

- (1) 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.
- (2) 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.

Table 4.8.1 Indicator—biochemical oxygen demand

column 1 item	column 2 area	column 3 standard
1	Lake Burley Griffin	<51 200kg/y
2	Lake Ginninderra	<8 400kg/y
3	Lake Tuggeranong	<5 600kg/y
4	Murrumbidgee River at ACT border	<110 600kg/y

Table 4.8.2 Indicator—phosphorus (total)

column 1 item	column 2 area	column 3 standard
1	Lake Burley Griffin	<8 600kg/y
2	Lake Ginninderra	<300kg/y
3	Lake Tuggeranong	<600kg/y
4	Murrumbidgee River at ACT border	<83 200kg/y

Table 4.8.3 Indicator—sediment load

column 1 item	column 2 area	column 3 standard
1	Murrumbidgee River—	
1.1	• from Angle Crossing to Gudgenby River junction	<88 000kg/y/river reach
1.2	• from Gudgenby junction to Point Hut Creek junction	<166 000kg/y/reach
1.3	• from Point Hut junction to Kambah Pool	<133 000kg/y/reach
1.4	• from Kambah Pool to Casuarina Sands	<57 000kg/y/reach
1.5	• from Casuarina Sands to Uriarra Crossing	<101 000kg/y/reach
1.6	• from Uriarra Crossing to Cusacks Crossing	<66 000kg/y/reach
1.7	• from Cusacks Crossing to Halls Crossing	<124 000kg/y/reach
1.8	• from Halls Crossing to Taemas Bridge	<228 000kg/y/reach

Schedule 4
Part 4.8

Ambient environmental standards
Secondary ambient environmental standards

Section 4.9

column 1 item	column 2 area	column 3 standard
2	Molonglo River—	
2.1	• from Burbong to Oaks Estate Bridge	<39 000kg/y/reach
2.2	• from Oaks Estate Bridge to Dairy Flat Bridge	<19 000kg/y/reach
2.3	• from Scrivener Dam to Coppins Crossing	<20 000kg/y/reach
2.4	• from Coppins Crossing to Sturt Island	<25 000kg/y/reach
3	Paddy's River—	
3.1	• from Flints Crossing to confluence with Cotter River	<4 800kg/y/reach
4	Ginninderra Creek—	
4.1	• from Ginninderra Dam to Murrumbidgee River	<9 800kg/y/reach

Table 4.8.4 Sediment contaminants

column 1 item	column 2 indicator	column 3 standard
1	pesticides	sediment total pesticide concentrations must not be more than 2 standard deviations higher than the long-term mean
2	heavy metals (arsenic, cadmium, copper, lead, mercury, nickel, selenium and zinc)	sediment heavy metal concentrations must not be more than 2 standard deviations higher than the long-term mean
3	polycyclic aromatic hydrocarbons (PAHs)	sediment PAH concentrations must not be more than 2 standard deviations higher than the long-term mean

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- chief officer (fire brigade)
- chief officer (rural fire service)
- contravene
- environment protection authority
- function
- law (of the Territory)
- may (see s 146)
- must (see s 146)
- national capital plan
- State
- territory plan.

Note 3 Terms used in this regulation have the same meaning that they have in the *Environment Protection Act 1997* (see Legislation Act, s 148). For example, the following terms are defined in the *Environment Protection Act 1997*, dictionary:

- authorised officer
- environment
- environmental authorisation
- environmental harm
- environmental protection agreement
- general environmental duty
- national scheme laws
- pollutant
- pollute.

adjoining, for noise zones, for part 3 (Noise)—see section 21.

affected person, for part 3 (Noise)—see section 21.

affected place, for part 3 (Noise)—see section 22.

agency, for part 7 (Controlled waste)—see section 56.

agvet chemical product means—

- (a) an agricultural chemical product under the agvet code, section 4; or
- (b) a veterinary chemical product under the agvet code, section 5.

agvet code means the Agvet Code of the ACT, under the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth), as in force from time to time.

Note 1 The Agvet Code of the ACT is set out in the *Agricultural and Veterinary Chemicals Code Act 1994* (Cwlth), sch 1 (see that Act, s 5 (1)).

Note 2 See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

approval, for an activity, means a licence, lease, permit or other authority (however described) under a territory law if the authority authorises or allows the conduct of the activity on stated public land.

as near as practicable, for part 3 (Noise)—see section 21.

Australian university means an entity established, recognised or approved as a university under a territory law or the law of the Commonwealth or a State.

building work—see the *Building Act 2004*, section 6 (Meaning of *building work*).

built-up area—see the *Emergencies Act 2004*, dictionary.

Central National Area (City), for schedule 2 (Noise zones, noise standards and conditions)—see schedule 2, part 2.1, section 2.1.

Central National Area (Fairbairn), for schedule 2 (Noise zones, noise standards and conditions)—see schedule 2, part 2.1, section 2.1.

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), for schedule 2 (Noise zones, noise standards and conditions)—see schedule 2, part 2.1, section 2.1.

CFC means a substance mentioned in the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cwlth), schedule 1, part 1, as in force from time to time, whether existing alone or in a mixture.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

chimney means a structure or opening designed to allow the emission of pollutants into the air from premises, whether or not the chimney is structurally part of the premises.

compliance point, for part 3 (Noise)—see section 32 to section 38.

consignment authorisation, for part 7 (Controlled waste)—see section 56.

controlled waste, for part 7 (Controlled waste)—see section 56.

domestic article—

(a) includes—

- (i) a domestic aerosol; and
- (ii) a domestic refrigerator; and
- (iii) domestic airconditioning equipment; but

(b) does not include motor vehicle airconditioning equipment.

environmental values, for part 4, schedule 3 and schedule 4—see section 41.

facility, for part 7 (Controlled waste)—see section 56.

halon means a substance mentioned in the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cwlth), schedule 1, part 2, as in force from time to time, whether existing alone or in a mixture.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

HCFC means a hydrochlorofluorocarbon mentioned in the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cwlth), schedule 1, part 5, as in force from time to time, whether existing alone or in a mixture.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

jurisdiction of destination, for the movement of waste, for part 7 (Controlled waste)—see section 56.

jurisdiction of origin, for the movement of waste, for part 7 (Controlled waste)—see section 56.

jurisdiction of transit, for the movement of waste, for part 7 (Controlled waste)—see section 56.

national emission guidelines, for division 2.2 (Chimney emissions causing environmental harm)—see section 7.

NEPM, for part 7 (Controlled waste)—see section 56.

noise control manual means the *Environmental Noise Control Manual*, published by the NSW Environment Protection Authority, under the *Protection of the Environment Administration Act 1991* (NSW), as in force from time to time.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

noise standard, for part 3 (Noise)—see section 24.

noise zone, for part 3 (Noise)—see section 23.

owner, of land, includes lessee.

PCB, for part 5—see section 51.

PCB material, for part 5—see section 51.

premises includes vacant land, a vehicle, a vessel or an aircraft.

primary production—see the Act, schedule 1, section 1.1.

Note 1 Under the Act, sch 1, cl 1, **primary production** has the same meaning as in the *Income Tax Assessment Act 1936* (Cwlth). Under the *Income Tax Assessment Act 1936*, s 6 (1), primary production means production resulting directly from:

- (a) the cultivation of land; or
- (b) the maintenance of animals or poultry for the purpose of selling them or their bodily produce, including natural increase; or
- (c) fishing operations; or
- (d) forest operations; or
- (e) horticulture;

and includes the manufacture of dairy produce by the person who produced the raw material used in that manufacture.

Note 2 The *Income Tax Assessment Act 1936* (Cwlth) is available at www.comlaw.gov.au.

producer, for part 7 (Controlled waste)—see section 56.

public holiday—means a day that is a public holiday under the *Holidays Act 1958*.

public land means land identified under the territory plan as public land.

Note The territory plan is available at www.actpla.act.gov.au.

Queanbeyan city business zone, for schedule 2 (Noise zones, noise standards and conditions)—see schedule 2, part 2.1, section 2.1.

Queanbeyan city industrial zone, for schedule 2 (Noise zones, noise standards and conditions)—see schedule 2, part 2.1, section 2.1.

Queanbeyan city special uses zone, for schedule 2 (Noise zones, noise standards and conditions)—see schedule 2, part 2.1, section 2.1.

residential land means land subject to the territory plan land use policy B1 (residential).

Note The territory plan is available at www.actpla.act.gov.au.

road—see the *Road Transport (General) Act 1999*, dictionary.

road related area—see the *Road Transport (General) Act 1999*, dictionary.

sell—see the Act, schedule 2, section 2.1.

Note Under the Act, sch 2, s 2.1, **sell** includes exhibit or offer for sale (whether by wholesale or retail) and supply by way of exchange, lease, hire or credit sale.

stormwater—see the Act, schedule 1, section 1.1.

Note Under the Act, sch 1, s 1.1, **stormwater** means water run-off from an urban area that is normally collected by the stormwater system.

stormwater system—see the Act, schedule 1, section 1.1.

Note Under the Act, sch 1, s 1.1, **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.

territory lease, for part 3 (Noise)—see section 21.

transporter, for part 7 (Controlled waste)—see section 56.

unit, for part 3 (Noise)—see the *Unit Titles Act 2001*, section 9.

units plan, for part 3 (Noise), means a units plan under the *Unit Titles Act 2001*, section 7.

unseasoned wood means wood containing more than 20% moisture.

waste—

(a) see the Act, schedule 1, section 1.1; but

(b) for part 7 (Controlled waste)—see section 56.

Note Under the Act, sch 1, s 1.1, **waste** means a solid, liquid or gas, or a combination of them, that is a surplus product or unwanted by-product of an activity, whether the product or by-product is of value or not.

waterway—see the Act, schedule 1, section 1.1.

Note Under the Act, sch 1, s 1.1, **waterway** means—

- (a) a river, creek, stream or other natural channel in which water flows (whether permanently or intermittently); or
- (b) a channel formed (whether in whole or part) by altering or relocating a waterway described in paragraph (a), and includes the stormwater system; or
- (c) a lake, pond, lagoon or marsh (whether formed by geomorphic processes or by works) in which water collects (whether continuously or intermittently);

and includes the bed that the water in the waterway normally flows over or is covered by and the banks that the water in the waterway normally flows between or is contained by, but does not include land normally not part of the waterway that may be covered from time to time by floodwaters from the waterway.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Environment Protection Regulation 2005 SL2005-38

notified LR 17 November 2005

s 1, s 2 commenced 17 November 2005 (LA s 75 (1))

remainder commenced 18 November 2005 (LA s 73 (3))

as amended by

Environment Protection Amendment Regulation 2006 (No 1) SL2006-27

notified LR 2 June 2006

s 1, s 2 commenced 2 June 2006 (LA s 75 (1))

remainder commenced 3 June 2006 (s 2)

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.38

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.38 commenced 12 April 2007 (s 2 (1))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Repeal of Environment Protection Regulation 1997

s 70 om LA s 89 (3)

Noise zones, noise standards and conditions

sch 2 am SL2006-27 s 4

Dictionary

dict am A2007-3 amdt 3.202

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 18 Nov 2005	18 Nov 2005– 2 June 2006	not amended	new regulation
R2 3 June 2006	3 June 2006– 11 Apr 2007	SL2006-27	amendments by SL2006-27

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