



New South Wales

Protection of the Environment Operations (General) Regulation 1998

under the

Protection of the Environment Operations Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

PAM ALLAN, M.P.,
Minister for the Environment

Explanatory note

The object of this Regulation is to make provision with respect to the following matters in connection with the commencement of the *Protection of the Environment Operations Act 1997*:

- (a) matters relating to environment protection licences, including provisions for the payment of licence fees under a pollution load-based licensing scheme (see Chapter 2),
- (b) matters relating to water pollution, including a continuation of provisions relating to the definition of water pollution and of existing exemptions relating to the offence of polluting waters (see Chapter 3),
- (c) matters of a general nature, including provisions relating to forms for police warrants of entry concerning noise, the appeal period for certain animal noise control notices, fees relating to environment protection notices and restrictions on requirements for financial assurances by licensees (see Chapter 4).

This Regulation adopts by reference publications of the EPA (see clauses 3 and 18).

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Explanatory note

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 321 and Schedule 2, and the various provisions of that Act mentioned in the Regulation.

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Protection of the Environment Operations (General) Regulation 1998

Chapter 1 Preliminary

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Regulation 1998*.

2 Commencement

This Regulation commences on the commencement of the Act.

3 Definitions

In this Regulation:

the Act means the *Protection of the Environment Operations Act 1997*.

the Approved Methods Publication means:

- (a) in relation to air pollutants—the document entitled “Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales” prepared by the EPA and published in the Gazette, as in force from time to time, or
- (b) in relation to water pollutants—the document entitled “Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales” prepared by the EPA and published in the Gazette, as in force from time to time.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Chapter 2 Licensing

Part 2.1 Licence fees

Division 1 Preliminary

5 Definitions

(1) In this Part and Schedule 1.

actual load of an assessable pollutant means the actual load calculated as referred to in clause 18 (2).

administrative fee means the fee calculated in accordance with Division 3 and Schedule 1.

agreed load means a load agreed to pursuant to a load reduction agreement with the EPA in accordance with Division 5.

air pollutant means a pollutant specified as an air pollutant in the Table to clause 20.

assessable pollutant means an air pollutant or water pollutant specified in relation to an activity in Schedule 1.

fee rate threshold means the amount of an assessable pollutant that may be discharged in any licence fee period before the fee rate for any further discharge of the assessable pollutant increases.

fee unit—see clause 6.

licence fee period—see clause 7.

load means the mass or quantity of a pollutant.

load-based fee means the fee calculated in accordance with clause 23.

water pollutant means a pollutant specified as a water pollutant in the Table to clause 20.

weighted load of an assessable pollutant means the actual load, adjusted, if appropriate, for load weighting measures specified in a load calculation protocol for an activity as referred to in clause 18 (3).

- (2) In this Part, a reference to the EPA is a reference to the EPA in its capacity as the appropriate regulatory authority. If some other authority is the appropriate regulatory authority in respect of a particular activity, a reference to the EPA in relation to that activity is to be construed as a reference to that regulatory authority.

Note. Section 6 of the Act provides that the EPA is the appropriate regulatory authority for the purposes of the Act, with certain exceptions. In respect of the matters to which this Part applies, the EPA is the appropriate regulatory authority unless some other regulatory authority is declared by the regulations to be the appropriate regulatory authority for the activity concerned. At the commencement of the Act, no other regulatory authority had been so declared by the regulations.

6 Fee units

- (1) There are 2 types of fee unit for the purposes of this Part:
- (a) an administrative fee unit, and
 - (b) a pollutant fee unit.
- (2) The amount of a fee unit is to be determined for any licence fee period in accordance with the following Table:

Table

Date when licence fee period for licence begins	Administrative fee unit amount	Pollutant fee unit amount
1 July 1999 to 30 June 2000	\$50	\$0
1 July 2000 to 30 June 2001	\$95	\$24
1 July 2001 to 30 June 2002	\$95	\$29
1 July 2002 or subsequently	\$95	\$35

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- (3) For the purposes of subclause (2), the date on which the licence fee period begins in respect of an application for the issue of a licence is the date on which the application is made.
- (4) Despite subclause (2), the administrative fee unit amount is \$95, irrespective of the licence fee period for the licence concerned, for those classifications of activities relating to waste for which that fee unit amount is prescribed by Schedule 1.

7 Licence fee period

- (1) For the purposes of this Part, the *licence fee period* for a licence is the period of 12 months after the issue of the licence and each subsequent period of 12 months, subject to this clause.
- (2) The licence fee period is not affected by any transfer of the licence.
- (3) A licence fee period comes to an end if the licence ceases to be in force (but not if the licence is suspended).
- (4) In the case of a licence issued under a repealed Act (or provision) and continued in force at the commencement of the Act, the first licence fee period is the period of 12 months commencing on:
 - (a) the first anniversary, after the commencement of the Act, of the date of the issue of the licence, or
 - (b) if the licence was renewed, the first anniversary, after the commencement of the Act, of the date of last renewal of the licence before that commencement.
- (5) The EPA may determine that the first licence fee period for a licence (including an existing licence referred to in subclause (4)) is to be a specified period other than the period otherwise provided by this clause. The EPA may make such a determination for the purpose of providing a common licence fee period for different licences held by a person or for other good cause.
- (6) If the first licence fee period is so determined by the EPA after the payment of a licence fee in respect of that period, the licence

fee for that period is to be re-calculated, and the appropriate amount is to be refunded or becomes payable for that period having regard to the period so determined.

Division 2 Licence fees generally

8 Types of licence fees

This Part applies to the following 2 types of licence fees payable under the Act:

- (a) fees required to accompany applications for the issue of licences, and
- (b) annual licence fees to be paid by the holders of licences.

Note. Section 53 (2) (c) of the Act provides for application fees for the issue of licences and section 57 of the Act provides for annual licence fees. See Clause 48 for fee payable on application for transfer of licence.

9 Initial basis for determining licence fees

As a first step, the fee for a licence is to be determined according to the activity carried out or proposed to be carried out by the holder of the licence. The classification of activities for the purpose of determining licence fees is found in Schedule 1.

10 The main elements of licence fees

For all licences there is payable:

- (a) an administrative fee determined according to the activity carried out or proposed to be carried out by the holder of the licence in accordance with Division 3 and Schedule 1, and
- (b) in respect of a licence relating to an activity listed in Schedule 1 for which one or more assessable pollutants are identified in that Schedule, a load-based fee determined in accordance with clause 23.

11 Licence fees prescribed for purposes of Act

- (1) The licence fees prescribed for the purposes of the Act are as follows:
 - (a) in the case of the fee to accompany an application for the issue of a licence (section 53 (2) (c))—the relevant administrative fee for the licence,

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- (b) in the case of the annual licence fee payable by the holder of the licence (section 57(1))—the relevant administrative fee for the licence and, if applicable, the additional component of the relevant load-based fee for the licence.
- (2) Despite subclause (1) (b), an administrative fee is not payable as part of the annual licence fee in respect of the first licence fee period of a licence first issued after the commencement of the Act.
- (3) Despite subclause (1) (b), a load-based fee is not payable for a supervisory licence referred to in section 87 of the Act.

Note. The annual licence fee is payable, in respect of the administrative fee component, within 60 days after the beginning of the licence fee period and, in respect of the load-based fee component, within 60 days after the end of the licence fee period (see Division 6). An additional amount of annual licence fees is payable for special licences as a transitional measure (see Division 9).

Division 3 Administrative fees

12 Administrative fees generally

The administrative fee for a licence is the number of administrative fee units for the activity authorised or controlled by the licence determined in accordance with this Division and Schedule 1.

13 Licences relating to more than one activity

If a licence relates to more than one of the activities listed in Schedule 1, the administrative fee payable is the higher or highest of the administrative fees for those activities determined in accordance with this Division and Schedule 1.

14 Refunds—application fees

- (1) The EPA may refund the payment of all or any part of an administrative fee that accompanies an application for the issue of a licence if the EPA refuses the application. The EPA is to have regard to the administrative costs incurred by the EPA in connection with the application.

- (2) An application for any such refund may only be made within 90 days after the applicant is notified of the refusal of the application.
- (3) The EPA may extend the time for making an application for any such refund if it is satisfied there is good cause for doing so.

15 Refunds—annual licence fees

- (1) The EPA may refund the payment of all or any part of an administrative fee that is an annual licence fee if the EPA considers that it is appropriate to do so having regard to the administrative costs incurred by the EPA in connection with the licence.
- (2) Without limiting subclause (1), the EPA may make any such refund of the difference between the administrative fee paid and any lesser amount that would have been payable if the administrative fee had been calculated on the actual level of the activity during the licence fee period to which the fee relates.
- (3) An application for any such refund may only be made within 90 days after the end of the licence fee period to which the fee relates.
- (4) The EPA may extend the time for making an application for any such refund if it is satisfied there is good cause for doing so.

Note. Section 80 (3) of the Act provides that no fees are refundable on the surrender of a licence.

Division 4 Load-based fees

16 Object of this Division

- (1) The object of this Division is to give effect to a Load-Based Licensing Scheme to provide continuing incentives that will encourage persons licensed under the Act to reduce pollution in a cost effective and timely manner.

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(2) The objects of the Scheme are as follows:

- (a) to provide incentives to reduce emissions of pollutants based on the polluter pays principle and to apply them within an equitable framework.
- (b) to give industry incentives for ongoing improvements in environmental performance and the adoption of cleaner technologies,
- (c) to provide incentives that are complementary to existing regulation and education programs for environment protection.

17 Factors relevant to determination of load-based fee

Note. There are three broad steps to calculating the load-based fee for a licence:

- 1 calculating the fee for each assessable pollutant, and
- 2 totalling those assessable pollutant fees, and
- 3 subtracting the amount of the correct administrative fee (payable under clause 29 after the beginning of the licence fee period).

The factors relevant to the determination of the load-based fee for a licence include the following:

- (a) the kind of activity (determined in accordance with Schedule 1),
- (b) the kinds of pollutants discharged (the assessable pollutants being those listed in Schedule 1),
- (c) the assessable load of each assessable pollutant discharged (determined in accordance with clause 18),
- (d) the appropriate pollutant weightings (determined in accordance with clause 20),
- (e) the appropriate pollutant critical zone weightings (determined in accordance with clause 21),
- (f) the appropriate fee rate thresholds (determined in accordance with clause 22),
- (g) the terms of any load reduction agreement entered into with the EPA by the applicant (under Division 5).

18 Determination of assessable loads of assessable pollutants**(1) Licensee must calculate actual load**

A licensee must calculate the actual load for each assessable pollutant discharged under the licensee's licence during the licence fee period (whether or not the pollutant was discharged in accordance with the licence). For that purpose, the licensee must carry out all necessary monitoring and other steps to enable the calculation to be made for the relevant period.

(2) Actual load calculated using methods in protocols

The actual load must be calculated using any of the methods provided in the load calculation protocol for the relevant activity issued by the EPA and in force. If there is no such protocol, the actual load for each assessable pollutant is taken to be zero.

(3) Issue of load calculation protocols

For the purpose of this Division, the EPA may from time to time issue, or vary, load calculation protocols by notice published in the Gazette. Without limiting the matters that may be dealt with in a protocol, such a protocol may:

- (a) set out the means for calculating actual loads and weighted loads, including by the use of monitoring programs, emission factors and other methods, and

Note. An emission factor may be used to estimate the level of emissions generated by an activity. The factor relates the level of emissions expected to be generated relative *to* another characteristic of the activity, such as user-specified control technologies or techniques or the area of land disturbed. For example, an emission factor for the discharge of phosphorous from a small sewage treatment plant where chemical dosing and tertiary filters are installed might be 1mg for every litre of wastewater treated.

- (b) provide for load weighting measures, such as:
 - (i) ceasing or reducing discharges during particularly unfavourable conditions, and
 - (ii) reusing waste water (whether by the licensee or another person), and

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- (c) provide for a reduction in the actual load of a licensee:
 - (i) where any assessable pollutants are transferred, without being discharged, from the premises of a licensee to the premises of another person with the consent of the other person, or
 - (ii) where a licensee receives onto the licensee's premises naturally occurring loads of assessable pollutants, and
- (d) provide for any such reduction in the actual load of a licensee arising from the transfer of assessable pollutants to another person's premises to be subject to arrangements for the payment by that other person to the EPA of the amount of any reduction in the load-based fee payable by the licensee as a result of the transfer,
- (e) provide for a reduction in the actual load of a licensee by permitting a notional reduction of the amount of an assessable pollutant discharged in the relevant period by reference to a reduction in the discharge of that pollutant (elsewhere than at the premises where the activity is carried on) as a result of action taken by the licensee in connection with that activity.

Note. An example of such a protocol could be the emission of VOCs by an oil refinery. In addition to action to reduce those emissions from the refinery, action can be taken to produce fuel that will emit less VOCs when in use off the premises of the refinery.

- (4) A protocol takes effect in relation to an activity from the date specified in the protocol and from that date any previous protocol in relation to the activity ceases to have effect.
- (5) **Licensee must calculate weighted load according to appropriate protocol**
A licensee who calculates a weighted load must use the methods provided in the load calculation protocol for the activity.
- (6) **Assessable load used for load-based fee calculation**
The assessable load to be used for the load-based fee calculation for each assessable pollutant is the least of the actual load or weighted load calculated in accordance with this clause or an agreed load calculated in accordance with Division 5 for that pollutant.

(7) Availability of protocols

A copy of any protocol in force under this clause must be available for inspection and purchase by members of the public at the principal office of the EPA. The purchase price may be any reasonable amount that the EPA determines.

19 Determination of load-based fee where insufficient information provided by licensee

- (1) If insufficient information is given to the EPA by a licensee to enable the EPA to confirm the correct amount of a load-based fee within 60 days after the final date for payment of the fee, the EPA may determine the amount of the load-based fee having regard to such information, if any, as is available to it.
- (2) The amount so determined is taken to be the correct amount of the fee unless the contrary is established by the person liable to pay the fee in any proceedings for the recovery of the fee or other relevant proceedings relating to the fee.

20 Pollutant weightings

- (1) The pollutant weightings for air pollutants and water pollutants (as defined in the following Table) are the weightings (per unit mass) specified in the Table.

Table

Air pollutants		
Pollutant	Definition	Pollutant weighting
Arsenic	Total arsenic calculated using the method prescribed in the Approved Methods Publication	36,000
Benzene	Benzene	510

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Pollutant	Definition	Pollutant weighting
Benzo[a]pyrene (equivalent)	Benzo[a]pyrene plus 0.1 times the mass of benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene and ideno[1,2,3-c,d]pyrene plus 0.4 times the mass of dibenz[a,h]anthracene	20,000
Coarse particulates	All solid particulates entrained in air but not including fine particulates as defined in this Table	12
Fine particulates	The fraction of all solid particulates entrained in air with an aerodynamic diameter smaller than 10 micrometres	86
Fluoride	Fluorine, hydrogen fluoride and all other inorganic fluoride compounds expressed as hydrogen fluoride equivalent	58
Hydrogen sulfide	Hydrogen sulfide	220
Lead	Total lead calculated using the method prescribed in the Approved Methods Publication	7,500
Mercury	Total mercury calculated using the method prescribed in the Approved Methods Publication	77,000

Table—continued

Air pollutants

Pollutant	Definition	Pollutant weighting
Nitrogen oxides	The sum of nitrogen oxide and nitrogen dioxide expressed as nitrogen dioxide equivalent	6
Sulfur oxides	Sulfur dioxide and (where specified in the load calculation protocol for the activity or in the pollution control licence for the premises) sulfur trioxide and sulfuric acid mist	1.5
VOCs	Volatile compounds of hydrogen and carbon that may or may not contain other elements but not including methane or benzene	4.5

Water pollutants

Pollutant	Definition	Pollutant weighting		
		Open coastal waters	Estuarine waters	Enclosed waters
Arsenic	Total arsenic calculated using the method prescribed in the Approved Methods Publication	2,500	2,500	2,500
BOD ₅	Biochemical oxygen demand calculated using the method prescribed in the Approved Methods Publication	0	0.5	1

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Table—continued**Water pollutants**

Pollutant	Definition	Pollutant weighting		
		Open coastal waters	Estuarine waters	Enclosed waters
Cadmium	Total cadmium calculated using the method prescribed in the Approved Methods Publication	67,000	67,000	67,000
Chromium	All trivalent chromium plus ten times hexavalent chromium, whether present in elemental form or contained in compounds or complexes	840	4,200	4,200
Copper	Total copper calculated using the methods prescribed in the Approved Methods Publication	1,700	1,700	1,700
Lead	Total lead calculated using the method prescribed in the Approved Methods Publication	6,400	6,400	6,400
Mercury	Total mercury calculated using the method prescribed in the Approved Methods Publication	180,000	180,000	180,000

Table-continued**Water pollutants**

Pollutant	Definition	Pollutant weighting		
		Open coastal waters	Estuarine waters	Enclosed waters
Oil and grease	Oil and grease calculated using the method prescribed in the Approved Methods Publication	13	30	74
Pesticides and PCBs	The sum of aldrin, chlordane, DDE, DDT, dieldrin, endosulphan (a,b), heptachlor, lindane, PCBs, chlorpyrifos, diazinon, malathion and parathion	930,000	930,000	930,000
Salt Note: The pollutant weighting for salt is zero where the salt is discharged into naturally salty surface waters with an electrical conductivity of more than 10,000 micro siemens per centimetre	Total dissolved solids calculated using the conductivity method prescribed in the Approved Methods Publication, or using a method provided in a load calculation protocol for the activity published by the EPA	0	0	8.4
Selenium	Total selenium calculated using the methods prescribed in the Approved Methods Publication	710	10,000	10,000

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Part 2.1

Table-continued

water pollutants

Pollutant	Definition	Pollutant weighting		
		Open coastal waters	Estuarine waters	Enclosed waters
Total nitrogen	Total nitrogen calculated using the method prescribed in the Approved Methods Publication	6	12	23
Total PAHs	The total of polyaromatic hydrocarbons	3,800	3,800	3,800
Total phenolics	Total phenolic compounds calculated using the method prescribed in the Approved Methods Publication	4,900	4,900	4,900
Total phosphorous	Total phosphorous calculated using the method prescribed in the Approved Methods Publication	0	120	680
Total suspended solids	Non-filterable solids calculated using the method prescribed in the Approved Methods Publication	9.5	9.5	78
Zinc	Total zinc calculated using the method prescribed in the Approved Methods Publication	7	7	7

(2) In this clause:

enclosed waters means all waters other than open coastal waters or estuarine waters.

estuarine waters means waters (other than open coastal waters):

- (a) that are ordinarily subject to tidal influence, and
- (b) that have a mean tidal range greater than 800 mm (being the average difference between the mean high water mark and the mean low water mark, expressed in millimetres, over the course of a year).

open coastal waters has the meaning given by Schedule 5.

21 Pollutant critical zone weightings

- (1) The pollutant critical zone weightings for air pollutants and water pollutants discharged into a critical zone set out opposite the pollutants in the following Table are the weightings specified in the Table.

Table

Critical zones for air pollutants

Pollutant	Local government areas in zone	Weighting
Nitrogen oxides and VOCs	Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany, Burwood, Camden, Campbelltown, Canterbury, Concord, Drummoyne, Fairfield, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kiama, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Shellharbour, South Sydney, Strathfield, Sutherland Shire, Sydney, Warringah, Waverley, Willoughby, Wollongong, Woollahra	7

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Table—continued

Critical zones for air pollutants

Pollutant	Local government areas in zone	Weighting
Nitrogen oxides and VOCs	Cessnock, Gosford, Lake Macquarie, Maitland, Muswellbrook, Newcastle, Port Stephens, Singleton, Wollondilly, Wyong	2

Critical zones for water pollutants

Pollutant	Catchments in zone	Weighting
Salt	Benanee, Bulloo River, Castlereagh, Condamine/Culgoa, Cooper Creek, Darling, Lachlan, Lake Bancannia, Lake Frome, Macquarie River, Moonie, Murray Riverina, Murray (Lower), Murray (Upper), Murrumbidgee, Paroo, Warrego	3
Total phosphorous and total nitrogen	Benanee, Border Rivers, Bulloo River, Castlereagh, Condamine/Culgoa, Cooper Creek, Darling, Gwydir, Hawkesbury-Nepean, Lachlan, Lake Bancannia, Lake Frome, Macquarie River, Moonie, Murray Riverina, Murray (Lower), Murray (Upper), Murrumbidgee, Namoi, Paroo, Warrego	3

- (2) The pollutant critical zone weighting for all pollutants other than those given a weighting by the Table is 1.
- (3) If a licence authorises or controls the discharge of pollutants into more than one critical zone, the critical zone weighting factor for those pollutants is the factor applicable to the zone into which the majority of the load is discharged. This subclause applies separately to air pollutants and to water pollutants.
- (4) The catchments referred to in the Table are the catchments as shown on the maps marked “Catchments of NSW displayed for the purpose of Load-Based Licensing” deposited in the office of the EPA.

22 Calculation of fee rate thresholds for assessable pollutants

- (1) The steps to be taken to determine the fee rate threshold for the licence fee period for each assessable pollutant for an activity are as follows:

Step 1

Select the applicable fee rate threshold factor for the pollutant for the activity from Schedule 1.

Note. Fee rate threshold factors are expressed in units of kilograms of pollutants per the applicable unit of quantity of activity.

Step 2

Determine the actual quantity of activity during the licence fee period, calculated using the units of measure for the activity specified in respect of the activity in Schedule 1.

Step 3

Multiply the fee rate threshold factor selected in Step 1 by the quantity of activity determined in Step 2.

- (2) If more than one classification in Schedule 1 applies, the fee rate threshold for each assessable pollutant is the sum of the fee rate thresholds for each applicable classification of activity calculated in accordance with this clause.

23 Calculation of load-based fee

The steps to determine the load-based fee in relation to a licence are as follows:

Step 1

Determine the classification or classifications of the activity.

Note. Refer to the activity classifications in Schedule 1.

Step 2

Determine if there are any assessable pollutants for the activity classification. If more than one activity classification is applicable, the assessable pollutants are those applying to each classification.

Note. Refer to the list of assessable pollutants under each activity classification in Schedule 1. If there are no assessable pollutants, no load-based fee is payable in relation to the activity.

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Step 3

Determine the assessable load of each assessable pollutant. The assessable load is the least of the actual load or the weighted load (determined in accordance with clause 18) or the agreed load (determined in accordance with Division 5).

If more than one classification in Schedule 1 applies, the assessable load for each assessable pollutant is the sum of the assessable loads of that assessable pollutant for each applicable classification of activity calculated in accordance with this clause.

Step 4

Calculate the fee rate thresholds for each assessable pollutant.

Note. The method for calculating the fee rate thresholds is set out in clause 22.

Step 5

Calculate the fee for each pollutant. The fee for each pollutant is calculated using one of the formulas shown below. If the assessable load determined in Step 3 is greater than the fee rate threshold calculated in Step 4, use Formula 1. In all other cases, use Formula 2.

Formula 1

Fee (if the assessable load is greater than the fee rate threshold) =

$$\frac{(2AL - FRT) \times PFU \times PW \times CZ}{10,000}$$

Formula 2

Fee (in all other cases) =

$$\frac{AL \times PFU \times PW \times CZ}{10,000}$$

where:

AL = assessable load of the assessable pollutant discharged, expressed in kilograms (*see* Step 3 above),

- CZ = pollutant critical zone weighting for the assessable pollutant (*see* clause 21),
- FRT = the applicable fee rate threshold, expressed in kilograms (*see* Step 4 above).
- PFU = the amount equal to one pollutant fee unit specified in clause 6 for the assessable pollutant,
- PW = pollutant weighting for the assessable pollutant (*see* clause 20).

Step 6

Total the fees for each assessable pollutant.

Step 7

Subtract the amount of the administrative fee (excluding the amount of any increase in the administrative fee as a penalty for the late payment of the fee).

Despite anything else in this clause, the amount of the load-based fee can never be negative.

24 Refunds—errors in calculations

A person who, in payment of a load-based fee, pays, because of an error in calculation of the assessable load, an amount that is greater than the load-based fee is entitled to a refund of the amount overpaid.

Division 5 Load reduction agreements and rebates**25 Load reduction agreements and rebates**

- (1) A licensee may, for the purpose of obtaining a rebate of the load-based fee payable by the licensee, apply to the EPA to enter into a load reduction agreement with it.
- (2) An application for a load reduction agreement is to be in or to the effect of a form approved by the EPA.

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- (3) The EPA may enter into or decline to enter into a load reduction agreement.
- (4) Without limiting the circumstances in which the EPA may decline to enter into a load reduction agreement, it may do so if
 - (a) the agreement is unlikely to produce a rebate of \$2,000 or more over the term of the agreement, or
 - (b) the licensee proposes to reduce its discharge at the end of the agreement only because the licensee proposes to close or reduce the scale of operations being conducted at that time.
- (5) The provisions of a load reduction agreement may be amended by consent between the person who has entered into the agreement (or, in the case of a licence that is transferred, the transferee) and the EPA.
- (6) The maximum term of a load reduction agreement is 3 years.

26 Content of load reduction agreements

- (1) A load reduction agreement must specify:
 - (a) the agreed load goal for an assessable pollutant, and
 - (b) the date by which that goal is to be reached, and
 - (c) the program to be undertaken in order to reach that goal.
- (2) If a load reduction agreement has a term exceeding 18 months, the agreement:
 - (a) must specify at least one load milestone for each 12 months of the term of the agreement (being the actual load for the relevant period that indicates progress towards the achievement of the agreed load by the agreed date), and
 - (b) may specify reporting requirements relating to the achievement of those load milestones.

The EPA may determine that a failure to achieve any such load milestone constitutes a failure to comply with the load reduction agreement, and clause 28 applies accordingly.

27 Calculation of rebate

- (1) The rebate in relation to a licence fee period is the difference between the amount payable under the load reduction agreement in respect of an assessable pollutant and the amount that would have been payable for that licence fee period, but for the agreement.
- (2) If, at the end of the agreement, a licensee has closed its operations or has otherwise ceased to operate, the licensee:
 - (a) is taken to have failed to meet the agreed load goal, and
 - (b) must pay to the EPA all amounts rebated under the agreement and the amount of simple interest on each amount calculated weekly at the rate of 20% per annum from the date on which the amount was rebated.

28 Effect of failure to comply with load reduction agreement

- (1) If a licensee who has entered into a load reduction agreement does not comply with the agreement, the licensee must repay to the EPA:
 - (a) the amount of the rebate, and
 - (b) the amount of simple interest on that amount from the date on which the licence fee from which the rebate was granted was payable until the date of repayment calculated weekly at the rate of 20% per annum.
- (2) If:
 - (a) the agreement applies to more than one assessable pollutant, and
 - (b) the licensee fails to achieve one or more of the agreed load goals for those assessable pollutants, and
 - (c) the licensee was able to reduce pollutant loads so that the load-based fee payable for the licensee's activity is equal to or less than the fee that would have been payable in the final year of the agreement if the agreement had been complied with,

the EPA has a discretion to waive the repayment of the rebate and interest in whole or part.

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Clause 28 Protection of the Environment Operations (General) Regulation 1998

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- (3) The EPA may terminate a load reduction agreement if the licensee does not comply with the agreement.

Division 6 Time for payment of licence fees and penalties for late payment

29 Administrative fee—time for payment

- (1) The administrative fee for any licence fee period of a licence must be paid not later than 60 days after the beginning of that licence fee period.
- (2) This clause does not apply to an administrative fee that is required to accompany an application for the issue of a licence.

30 Penalty for late payment of administrative fee

- (1) If an administrative fee is not paid (or not fully paid) by the due date for its payment, the administrative fee is to be increased by the amount of simple interest calculated at the rate of 5% per fortnight on the amount of the fee unpaid for each whole fortnight that elapses after the due date and before the date of payment.
- (2) Any such increased amount for an annual licence fee is prescribed as a penalty for the purposes of section 57 (4) of the Act, and the increased amount becomes payable when notice is given under section 57 (4) of the default in payment and the requirement to pay the increased amount.
- (3) This clause does not apply to an administrative fee that is required to accompany an application for the issue of a licence.

31 Load-based fee—time for payment

The load-based fee for any licence fee period must be paid within 60 days after the end of that licence fee period.

32 Penalty for late payment of load-based fee

- (1) If a load-based fee is not paid (or not fully paid) by the due date for its payment, the load-based fee is to be increased by the amount of simple interest calculated at the rate of 5% per fortnight on the amount of the fee unpaid for each whole fortnight that elapses after the due date and before the date of payment.
- (2) Any such increased amount for an annual licence fee is prescribed as a penalty for the purposes of section 57 (4) of the Act, and the increased amount becomes payable when notice is given under section 57 (4) of the default in payment and the requirement to pay the increased amount.
- (3) The EPA may refund, or waive the payment of, the whole or any part of the amount of any increase of a load-based fee payable under this clause if satisfied that the licensee was unable to calculate and pay the fee by the due date because of circumstances beyond the control of the licensee. This subclause does not excuse the licensee from calculating and paying the load-based fee in respect of some of the pollutants concerned in so far as that calculation is not beyond the control of the licensee.

**Division 7 Change in activity classification or scale
during licence fee period****33 Application of this Division**

This Division applies if an activity changes to an activity of a different classification or scale under Schedule 1 during the licence fee period.

Note. This clause does not confer authority on a licensee to alter the classification or scale of an activity.

34 Adjustment of administrative fee

- (1) The administrative fee for the licence is (if necessary) to be adjusted proportionately according to the parts of the licence fee period occurring before and after the change in the classification or scale of the activity.

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Clause 34 Protection of the Environment Operations (General) Regulation 1998

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- (2) No adjustment is to be made unless the resultant administrative fee is greater or less by at least \$190 than the fee before adjustment.
- (3) Any additional amount of any fee already paid or due for payment is to be paid by the licensee to the EPA not later than 60 days after the change occurs.
- (4) Any reduction in the amount that is in excess of \$190 is to be offset against any amount owed by the licensee to the EPA or otherwise refunded to the licensee by the EPA.
- (5) The provisions of Division 6 relating to the payment of interest on unpaid administrative fees applies to any additional amount of the fee under this clause.

35 Adjustment of load-based fee

The load-based fee for a licence is to comprise the sum of the load-based fee calculated for the part of the licence fee period occurring before the change in the classification or scale of the activity and the load-based fee calculated for the part of the licence fee period occurring after the change.

Division 8 Economic measures with respect to licence fees

36 Application

- (1) This Division applies to a scheme involving economic measures of the kind referred to in this Division that is developed and implemented by the EPA under Part 9.3 of the Act.
- (2) This Division has effect subject to the terms of that scheme.
- (3) This Division does not limit any other scheme that may be developed and implemented under Part 9.3 of the Act.

37 Aggregation of licences for purpose of payment of licence fees—"bubble licence arrangements"

- (1) The EPA may, under a scheme, approve of licence fees payable under 2 or more licences (whether or not held by the same person) being calculated by aggregating the assessable pollutants discharged in the relevant periods.

- (2) The EPA may terminate any such scheme at any time, whether because of a failure by the licensees to pay the relevant fees or otherwise. In that case, the licence fees for the relevant licence fee period are to be re-calculated and become payable for that period as if the scheme had not been established.

Division 9 Additional fee for special licences for transitional period

38 Application and definition

- (1) This Division applies to special licences.
- (2) In this Division, a *special licence* is a licence:
- (a) that was in force on the commencement of the Act, and
 - (b) for which the licence fee last payable before that commencement under the *Pollution Control Act 1970* was more than \$500,000.

39 Additional fee payable

- (1) Each annual licence fee payable by the holder of a special licence for a licence fee period commencing before 1 July 2003 is to include an additional amount set out in the Table to this clause in respect of any such year.
- (2) Any such additional amount of an annual licence fee must be paid not later than the date set out in the Table to this clause in respect of that additional amount.
- (3) Clause 30 (Penalty for late payment of administrative fee) applies to any such additional amount of an annual licence fee in the same way as it applies to the administrative fee for the licence.

Table

Period within which licence fee period commences	Amount of additional fee	Due date of additional fee
1 July 2000 to 30 June 2001	\$3,850,000	1 June 2000
1 July 2001 to 30 June 2002	\$2,850,000	1 June 2001
1 July 2002 to 30 June 2003	\$2,000,000	1 June 2002

Part 2.2 Load-Based Licensing Technical Review Panel

40 Constitution of Review Panel

There is constituted by this Regulation a body corporate to be called the Load-Based Licensing Technical Review Panel.

41 Members of Review Panel

- (1) The Review Panel is to have 7 members appointed by the Minister.
- (2) Of the members:
 - (a) 2 are to be employees of the EPA nominated by the Director-General of the EPA, and
 - (b) 5 are to be persons having appropriate scientific or technical qualifications or experience:
 - (i) 2 of whom are to be representatives of industry, and
 - (ii) one of whom is to be a representative of environment groups, and
 - (iii) one of whom is to be a representative of the Director-General of the EPA, who is nominated by that Director-General and who is not an employee of the EPA or a representative of industry, environment groups or local government, and
 - (iv) one of whom is to be a representative of local government.

42 Functions of Review Panel

- (1) The Review Panel is to advise the EPA concerning the current or desirable contents of such load calculation protocols as the EPA may refer to the Review Panel.
- (2) The Review Panel may also advise the EPA on such other matters in connection with licences as the EPA may refer to the Review Panel.

- (3) For the purpose of providing any such advice, the Review Panel may seek, receive and consider submissions from interested persons and may gather relevant information from any source.

43 Membership and procedure of Review Panel

Schedule 2 has effect.

Part 2.3 Miscellaneous licensing provisions

44 Commencement of licensing requirement for existing activities not previously required to be licensed: sec 52 (1)

The prescribed period for the purposes of section 52 (1) (a) of the Act is 9 months.

Note. Section 52 (1) of the Act postpones the need for a licence that is required by the enactment or amendment or replacement of Schedule 1 to the Act (Schedule of EPA-licensed activities) in order for a person to continue to carry out any work or activity. The need for the licence is postponed until the end of the prescribed period after the requirement for a licence arises or until a licence application is determined, whichever is the later.

45 Exclusion of Part 5 of EPA Act: sec 52 (2)

The EPA is not a determining authority within the meaning of Part 5 of the *Environmental Planning and Assessment Act 1979* in respect of an approval (within the meaning of that Part) that consists of the issue of an environment protection licence referred to in section 52 (1) of the *Protection of the Environment Operations Act 1997* so long as the licence authorises only the same or substantially the same work or activity, and level of work or activity, as was being carried out immediately before the application for the issue of the licence was made.

46 Matters to be set out in statement of reasons for grant or refusal of licence applications: sec 61 (2) (b)

- (1) A statement provided by a regulatory authority under section 61 of the Act of the reasons for the grant or refusal of a licence

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Clause 46 Protection of the Environment Operations (General) Regulation 1998

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Part 2.3

application must set out the following matters (in addition to any other matters the authority considers appropriate):

- (a) the significant environmental or other issues that the authority took into account in making its decision on the licence application,
 - (b) any significant environmental outcomes, standards or requirements (if relevant) that the authority considered applicable to the activity the subject of the application and that the authority took into account in making its decision on the application.
- (2) A statement of reasons may set out any of the above matters by reference to information set out in a document that is available to the person requesting the statement of reasons or that is otherwise publicly available.

Note. Section 61 of the Act requires a statement of reasons to be provided, on written request by any person, of the reasons for the grant or refusal of any licence application (namely, an application for the issue, transfer or variation of a licence).

47 Offence of providing false information

- (1) A person who, in or in connection with a licence application or an application under this Chapter, provides any information, or makes any statement, that is false or misleading in a material particular is guilty of an offence.

Maximum penalty:

- (a) in the case of a corporation—200 penalty units,
 - (b) in the case of an individual—100 penalty units.
- (2) It is a defence to a prosecution for an offence against this clause if the person establishes that the person had reasonable grounds to believe that the information or statement was true and had no reason to suspect that the information or statement was false or misleading in a material respect.

48 Transfer of licences

For the purposes of section 54 (2) (c) of the Act, the fee to accompany an application for the transfer of a licence is \$190.

Note. See clause 11 for fee payable on application for issue of licence.

49 Refusal of certain licence applications

- (1) An application for the issue, transfer or variation of a licence, or for approval of the surrender a licence, may be refused by the appropriate regulatory authority:
 - (a) if any fee or other amount due and payable under the Act or this regulation in relation to the application or licence is unpaid, or
 - (b) if the applicant has previously defaulted in the payment of any such fee or other amount in respect of that or any other licence and the default continues.
- (2) This clause does not limit any other grounds on which the application may be refused.

50 Application of payments

If a person who makes a payment under this Chapter to the EPA does not identify the nature or purpose of the payment, the EPA may apply the payment towards any liability of the person under this Chapter in such manner as it thinks fit.

51 Preservation of records

- (1) A licensee must retain all records used by the licensee to calculate the amount of a licence fee under Part 2.1 for a period of not less than 4 years from the date on which the fee was paid or payable, whichever is the later.

Maximum penalty:

- (a) in the case of a corporation— 200 penalty units,
 - (b) in the case of an individual— 200 penalty units.
- (2) A licensee is liable to a penalty under subclause (1) in addition to the licence fee.

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Clause 52 Protection of the Environment Operations (General) Regulation 1998

Chapter 3 Water pollution

Chapter 3 Water pollution

52 Prescribed matter for the definition of “water pollution” in Dictionary

The matter described in Schedule 3 is prescribed as matter for the purposes of paragraph (c) of the definition of ***water pollution*** in the Dictionary at the end of the Act.

Note. The definition of ***water pollution*** for the purposes of the Act includes the placing etc into waters of any matter of a nature, description or class prescribed by the regulations or of matter that does not comply with a standard prescribed by the regulations in respect of that matter.

53 Methodology for testing for matter in waters

- (1) This clause applies where a person is required by or under the environment protection legislation, or a licence or notice under that legislation, to test for the presence or concentration of matter in any waters.
- (2) The methodology for testing for the presence or concentration in waters of any matter is to be:
 - (a) the methodology specified in the requirement for testing, or
 - (b) if no such methodology is specified, the methodology prescribed in the Approved Methods Publication in relation to that matter.
- (3) The procedural details of any such methodology may be varied by the person conducting the test so long as the person can establish that the variation is not such as can affect the results of the test.
- (4) This clause does not apply to a person who is acting in the administration or execution of the environment protection legislation.

54 Exemption from water pollution offence for pollutants discharged from Victorian premises into River Murray

- (1) Section 120 of the Act does not apply to a person who, from premises in Victoria, pollutes or causes or permits the pollution of the waters of the River Murray.

- (2) Subclause (1) applies only in relation to conduct that is authorised by a licence in force under the *Environment Protection Act 1970* of Victoria.
- (3) The EPA may, by order in writing served on any such person, declare that the exemption arising under this clause no longer applies to the person in respect of pollution from those premises.
- (4) While such an order is in force, the exemption arising under this clause no longer applies to the person in respect of pollution from those premises.

55 Exemption from water pollution offence for pollutants discharged into sewer

- (1) Section 120 of the Act does not apply to the discharge of pollutants into a sewer.
- (2) The exemption arising under this clause does not apply:
 - (a) in the case of a sewer that is within the area of operations of a sewage authority, unless the discharge of the pollutants into the sewer has the approval of that authority, or
 - (b) in any other case, unless the discharge of the pollutants into the sewer has the lawful approval of the person having the ownership or control of the sewer.
- (3) In this clause, *sewage authority* means:
 - (a) the Sydney Water Corporation Limited or the Hunter Water Corporation Limited, or
 - (b) a water supply authority constituted under the *Water Supply Authorities Act 1987*, being an authority exercising sewerage functions under that Act, or
 - (c) a council or county council exercising sewerage functions under Division 2 of Part 3 of Chapter 6 of the *Local Government Act 1993*.

56 Exemption from water pollution offence for pollutants arising from operation of engines propelling vessels

- (1) Section 120 of the Act does not apply to the operation of an engine propelling a vessel.

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Clause 56 Protection of the Environment Operations (General) Regulation 1998

Chapter 3 Water pollution

- (2) The exemption arising under this clause does not apply:
 - (a) if the engine is operated to dredge sediments, or
 - (b) if the engine has been modified to discharge bilge water as it operates, or
 - (c) if the engine has not been properly maintained so as to minimise pollution.

57 Emergency prohibition or regulation of aquatic activities— safety of drinking water

- (1) The purpose of this clause is to enable the EPA to prohibit or regulate aquatic activities that threaten the safety of drinking water that is part of a public water supply in circumstances in which urgent action is required and other regulatory authorities are not authorised or have not acted to protect the safety of that drinking water.
- (2) For that purpose, the EPA may, by order published in the Gazette, prohibit or regulate specified aquatic activities in a specified area of water.
- (3) An order under this clause has effect for such period (not exceeding 3 months) as is specified in the order, unless the order is sooner revoked by a further order of the EPA published in the Gazette.
- (4) The EPA is to take such measures as it considers appropriate to bring a notice under this clause to the attention of the public, including publication of the notice in newspapers circulating in the area and notices erected near the area of water concerned.
- (5) A person who contravenes an order under this section is guilty of an offence.

Maximum penalty: 5 penalty units.
- (6) In this section, *aquatic activities* include swimming, bathing, boating, waterskiing or fishing.

Chapter 4 General provisions

Part 4.1 Police entry powers regarding noise

58 Warrants relating to noise abatement directions

- (1) For the purposes of section 280 (5) of the Act, the prescribed form of record to be made by a Magistrate when a warrant is granted is Form 1 in Schedule 4.
- (2) For the purposes of section 280 (10) of the Act, the prescribed form of record to be made by a police officer when a warrant is granted is Form 2 in Schedule 4.
- (3) For the purposes of section 280 (11) (a) of the Act, the prescribed statement to be furnished to a resident of premises entered pursuant to a warrant is Form 3 in Schedule 4.

Part 4.2 Appeals

59 Appeals regarding noise: sec 290

For the purposes of section 290 of the Act, the period within which a person may appeal to the Land and Environment Court against a noise control notice relating to the keeping of an animal at premises is 7 days (instead of 21 days) after service of the notice.

Part 4.3 Fees relating to environment protection notices

60 Fee for administrative costs of preparing and giving clean-up notice: sec 94 (2)

The fee payable under section 94 (2) of the Act to a regulatory authority by a person who is given a clean-up notice by that authority is \$320.

Note. Section 94 of the Act provides that the fee is payable within 30 days. Application may be made under that section to the authority for an extension of time to pay the fee or for the waiving of payment of the fee. A failure to pay the fee within the requisite time constitutes an offence.

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Clause 61 Protection of the Environment Operations (General) Regulation 1998

Chapter 4 General provisions

Part 4.3

61 Fee for administrative costs of preparing and giving prevention notice: sec 100 (2)

The fee payable under section 100 (2) of the Act to a regulatory authority by a person who is given a prevention notice by that authority is \$320.

Note. Section 100 of the Act provides that the fee is payable within 30 days (subject to appeal proceedings). Application may be made under that section to the authority for an extension of time to pay the fee or for the waiving of payment of the fee. A failure to pay the fee within the requisite time constitutes an offence.

Part 4.4 Financial assurances

62 Additional restriction on requiring financial assurances: sec 299 (d)

The following matter is prescribed for the purposes of section 299 (d) of the Act:

The adequacy of financial assurances (if any) already provided, or required to be provided, by the same person to a public authority to secure or guarantee funding for or towards the carrying out of the same or substantially the same works or programs for which a financial assurance is contemplated under the Act.

Note. Section 299 of the Act prevents a regulatory authority from imposing a condition on a licence requiring a financial assurance to be provided unless it is satisfied that the condition is justified having regard to a number of specified matters. The above clause specifies additional matters to which the authority must have regard for that purpose.

Part 4.5 Public register

63 Additional matters to be recorded in public register: sec 308

Details of the following additional matters must be recorded in the public register kept by a regulatory authority under section 308 of the Act:

- (a) the application fee for an environment protection licence issued by that authority,
- (b) the annual licence fee paid or payable in respect of an environment protection licence issued by that authority.

Schedule 1 Licensing fees—activities and assessable pollutants

Abbreviations used in this Schedule

Gwh	gigawatts per hour
ha	hectare
km	kilometre
kg	kilogram
kL	kilolitre
m	metre
m ³	cubic metre
ML	megalitre
MT	megatonne
T	tonne
kT	kilotonne

Index of classification of activities

AGRICULTURAL PRODUCE INDUSTRIES

- 1 Milk Processing
- 2 Wine or Spirit Processing
- 3 Other Agricultural Crop Processing

AIRCRAFT FACILITIES

- 4 Aircraft (helicopter) facilities

AQUACULTURE OR MARICULTURE

- 5 Aquaculture or Mariculture (Involving Discharge to Waters)
- 6 Aquaculture or Mariculture (Not Involving Discharge to Waters)

BIOSOLIDS APPLICATION

- 7 Application of Biosolids

BITUMEN PRE-MIX OR HOT-MIX INDUSTRIES

- 8 Bitumen Pre-Mix or Hot-Mix Production

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Schedule 1 Licensing fees—activities and assessable pollutants

BREWERIES AND DISTILLERIES

- 9 Beer or Distilled Alcohol Production

CEMENT WORKS

- 10 Cement or Lime Production
- 11 Cement or Lime Handling

CERAMIC WORKS

- 12 Glass Production
- 13 Ceramics Production (excluding Glass)

CHEMICAL INDUSTRIES OR WORKS

- 14 Agricultural Fertilizer and/or Ammonium Nitrate Production
- 15 Battery Production
- 16 Explosive or Pyrotechnics Production
- 17 Paint Production
- 18 Petrochemical Production
- 19 Pesticides Production
- 20 Pharmaceutical or Veterinary Products Production
- 21 Plastics Production
- 22 Rubber Production
- 23 Soap or Detergent Production
- 24 Other Chemical Processing

CHEMICAL STORAGE FACILITIES

- 25 Chemical Storage

COAL MINES

- 26 Coal Mining

COAL WORKS

- 27 Coke Production
- 28 Coal Loading

COMPOSTING WORKS

- 29 Composting and Related Reprocessing or Treatment

CONCRETE PRODUCTION

- 30 Concrete Batching

CONTAMINATED SOIL TREATMENT

- 31 Contaminated Soil Treatment

CRUSHING, GRINDING OR SEPARATING WORKS

- 32 Crushing, Grinding or Separating Works

DRUM OR CONTAINER RECONDITIONING

- 33 Drum or Container Reconditioning

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- 34 Electricity Generation

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- 35 Dredging
36 Hard-Rock Gravel Quarrying
37 Other Land-Based Extraction

FREEWAY OR TOLLWAY CONSTRUCTION

- 38 Freeway or Tollway Construction

IRRIGATED AGRICULTURE

- 39 Irrigated Agriculture

LIVESTOCK INTENSIVE INDUSTRIES

- 40 Milking Facilities
41 Feedlot Production
42 Pig Production
43 Poultry Production
44 Saleyards

LIVESTOCK PROCESSING INDUSTRIES

- 45 Animal Slaughtering
46 Fish Processing
47 Rendering or Fat Extraction
48 Tanning or Fellmongery
49 Wool Scouring
50 Other Livestock Processing

LOGGING OPERATIONS

- 51 Logging Operations

MARINAS AND BOAT REPAIR FACILITIES

- 52 Mooring and Boat Storage
53 Vessel Construction or Maintenance Using Dry or Floating Docks
54 Other Vessel Construction or Maintenance

MINERAL PROCESSING OR METALLURGICAL WORKS

- 55 Primary Iron and Steel Production
56 Secondary Iron and Steel Production
57 Primary Aluminium Production
58 Secondary Aluminium Production

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Schedule 1 Licensing fees—activities and assessable pollutants

- 59 Primary Non-Ferrous Production (excluding Aluminium)
- 60 Secondary Non-Ferrous Production (excluding Aluminium)
- 61 Metal Plating or Coating Works
- 62 Scrap Metal Recovery
- 63 Other Metals Processing

MINING (OTHER THAN COAL)

- 64 Mining (Other Than Coal)

MUSHROOM SUBSTRATE PRODUCTION

- 65 Mushroom Substrate Production

PAPER, PAPER PULP OR PULP PRODUCTS INDUSTRIES

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- 70 Railway Activities

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- 72 Bulk Cargo Handling

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WASTE FACILITIES

- 74 Biomedical Waste Incineration
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- 76 Used Tyre Processing or Disposal
- 77 Inert Waste Landfilling
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- 86 Wood or Timber Milling
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- 88 Transport of Used, Rejected or Unwanted Tyres
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MISCELLANEOUS WATER ACTIVITIES

- 90 Miscellaneous Licensed Discharge to Waters (wet weather only)
- 91 Miscellaneous Licensed Discharge to Waters (at any time)

MOBILE PLANT ACTIVITIES

- 92 Mobile Waste Processing—Hazardous, Industrial or Group A Waste
- 93 Mobile Plant Activities—Miscellaneous

OTHER ACTIVITIES NOT LISTED ELSEWHERE

- 94 Other Activities

Note. This index does not form part of this Schedule.

AGRICULTURAL PRODUCE INDUSTRIES

- [1] Milk Processing**, being activities that produce evaporated or condensed milk, cream, cheese, butter, ice cream or other similar dairy products.

Units of measure (ML produced)**Licence Administrative Fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–30.. .. .	5
>30–100	15
>100	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

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Schedule 1 Licensing fees—activities and assessable pollutants

- [2] Wine or Spirit Processing**, being activities where grapes or other agricultural produce are processed for the manufacture of wine, spirits, vinegar, acetic acid or similar products and not being Beer or Distilled Alcohol Production.

Units of measure (T processed)

Licence Administrative Fee

Annual production	Number of Administrative Fee units
0-30,000	5
>30,000-100,000	15
>100,000-250,000.....	50
>250,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [3] Other Agricultural Crop Processing**, being activities that process agricultural crop products (including seeds, fruit, vegetables or other plant material) by washing, sorting, coating, juicing, crushing, grinding, milling, rolling, pressing, steam flaking, combing, or similar processing, excluding mobile processing operations on farms. and not being Wine or Spirit Processing.

Units of measure (T processed)

Licence Administrative Fee

Capacity to Process per Annum	Number of Administrative Fee units
0-30,000	5
>30,000-100,000	15
>100,000-250,000	50
>250,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

AIRCRAFT FACILITIES

[4] Aircraft (helicopter) Facilities, being activities for the landing, taking off or parking of helicopters (other than such activities conducted exclusively for emergency aeromedical evacuation, retrieval or rescue) including the use of terminals, buildings for the parking, servicing or maintenance of helicopters and where the activity:

- (a) involves more than 30 flight movements per week (take-off and landing equals 2 flight movements), and
- (b) is conducted within 1 kilometre of a dwelling not associated with the activity.

Units of measure (number of flights)**Licence Administrative Fee**

Flight Movement Capacity per Annum	Number of Administrative Fee units
0-1,500	5
>1,500-5,000	15
>5,000.	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

AQUACULTURE OR MARICULTURE

[5] Aquaculture or Mariculture (Involving Discharge to Waters), being commercial activities that produce (by breeding, hatching, rearing or cultivation), marine, estuarine or freshwater aquatic plants or animals. involving supplemental feeding in tanks or artificial water bodies and where wastes are discharged to waters.

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Units of measure (ha of surface area of waters used)

Licence Administrative Fee

Surface Area of Waters Used	Number of Administrative Fee units
0–2	5
>2–10	15
>10	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [6] Aquaculture or Mariculture (Not Involving Discharge to Waters)**, being activities that produce (by breeding, hatching, rearing or cultivation), marine, estuarine or freshwater aquatic plants or animals, involving supplemental feeding in tanks or artificial water bodies but excluding the production of oysters and where wastes are not discharged to waters.

Licence Administrative Fee

	Number of Administrative Fee units
all	15

Assessable Pollutants and Fee Rate Threshold Factors

nil

BIOSOLIDS APPLICATION

- [7] Application of Biosolids**, being activities that apply biosolid products to land for the purpose of soil improvement anywhere within any one local government area.

Units of measure (T applied)

Licence Administrative Fee

Dry Tonnes Equivalent to be Applied per Annum	Number of Administrative Fee units
0–500.. ..	5
>500–3,000	15
>3,000.. ..	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

BITUMEN PRE-MIX OR HOT-MIX INDUSTRIES

- [8] Bitumen Pre-Mix or Hot-Mix Production**, being activities that produce road building mixtures where crushed or ground rock aggregates are mixed with bituminous or asphaltic materials, (excluding activities of a temporary nature that produce road building mixtures for a construction site and which are conducted at premises on or adjacent to that site for a period of less than 12 months).

Units of measure (T produced)Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-30,000	15
>30,000-100,000	50
>100,000	135

Assessable Pollutants and Fee Rats Threshold Factors

nil

BREWERIES AND DISTILLERIES

- [9] Beer or Distilled Alcohol Production**, being activities that produce beer or distilled alcohol, and not being Wine or Spirit Processing.

Units of measure (T produced)Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-10,000.....	5
>10,000-20,000	50
>20,000	135

Assessable Pollutants and Fee Rats Threshold Factors

nil

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CEMENT WORKS

- [10] Cement or Lime Production**, being activities that produce cement or lime by heating arillaceous or calcareous materials, as well as grinding clinkers or slags and hydrating quicklime.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-30,000	5
>30,000-100,000	65
>100,000-250,000	165
>250,000-500,000..	300
>500,000	420

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 30kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates	0.23	nil	
Fine particulates	0.37		
Nitrogen oxides.....	3.2		
Sulfur oxides	0.16		

- [11] Cement or Lime Handling**, being activities that handle bulk cement, fly ash. powdered lime or any other similar dry products (excluding the handling of cement or lime which is ancillary to Cement or Lime Production).

Units of measure (T handled)

Licence Administrative Fee

Capacity to Handle per Annum	Number of Administrative Fee units
0-30,000	5
>30,000-100,000	8
>100,000-500,000	25

>500,000-2,000,000	65
>2,000,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to handle more than 30kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.23	nil	
Fine particulates	0.37		

CERAMIC WORKS**[12] Glass Production**, being activities that produce glass by melting.**Units of measure (T melted)****Licence Administrative Fee**

Capacity to Melt per Annum	Number of Administrative Fee units
0-30,000.	25
>30,000-100,000	65
>100,000	165

(a) Production of Container Glass

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates..	0.05	nil	
Fine particulates	0.05		
Nitrogen oxides	4.02		
Sulfur oxides	3.12		

(b) Production of Float Glass

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates..	0.11	nil	
Fine particulates	0.11		
Nitrogen oxides	2.0		
Sulfur oxides	3.64		

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(c) Production of Other Glass

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates..	2.75	nil	
Fine particulates	2.75		
Nitrogen oxides	4.29		
Sulfur oxides	4.16		

- [13] Ceramics Production (excluding Glass)**, being activities that produce ceramic bricks, tiles, pipes, pottery or other similar products (excluding glass) using a firing process, and not being Glass Production.

Units of measure (T produced)**Licence Administrative Fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0-30,000	8
>30,000-50,000	25
>50,000-200,000	65
>200,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to handle more than 30kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.....	0.18	nil	
Fine particulates	1.58		
Fluoride	0.8		
Sulfur oxides	18.2		
Nitrogen oxides.	10.5		

CHEMICAL INDUSTRIES OR WORKS

- [14] Agricultural Fertilizer and/or Ammonium Nitrate Production**, being activities that produce inorganic plant fertilizers (including activities that produce ammonium nitrate for any purpose including explosives).

Units of measure (T produced)**Licence Administrative Fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0-50,000	25
>50,000-100,000	65
>100,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 20kT per annum.

(a) Production of Ammonium Nitrate

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.....	0.77	Total nitrogen.	0.11
Fine particulates	0.33		
Nitrogen oxides.	1.5		

(b) Production of Phosphate Fertilizers

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates	0.022	Total phosphorous....	0.002
Fine particulates	0.13		
Fluoride	1.1		

- [15] Battery Production**, being activities that produce or reprocess batteries containing acid or alkali and metal plates.

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Units of measure (T produced and reprocessed)

Licence Administrative Fee

Capacity to Produce and Reprocess per Annum	Number of Administrative Fee units
--	------------------------------------

0–500	15
>500–1,500	50
>1,500	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [16] Explosive or Pyrotechnics Production**, being activities that produce explosives for industrial, extractive industries, mining, ammunition, fireworks, or fuel propellants (excluding those activities that produce ammonium nitrate).

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
-------------------------------	------------------------------------

0–2,000	15
>2,000–10,000	50
>10,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [17] Paint Production**, being activities that produce paints, paint solvents, pigments, dyes, printing inks, industrial polishes, adhesives, sealants or other similar products.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
-------------------------------	------------------------------------

0–5,000	25
>5,000–15,000	65
>15,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to handle more than 5kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzene.....	0.27	nil	
Fine particulates	5.0		
Nitrogen oxides.....	3.0		
VOCs	8.73		

- [18] Petrochemical Production,** being activities that produce petrochemicals or petrochemical products, and not being Petroleum Refining or Waste Oil Recovery.

Units of measure (T produced)**Licence Administrative Fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0-10,000.....	25
>10,000-30,000.....	65
>30,000-100,000.....	165
>100,000-200,000.....	300
>200,000.....	420

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 2kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzene.....	0.25	nil	
Fine particulates	0.02		
Nitrogen oxides.....	0.96		
VOCs	0.5		

- [19] Pesticides Production,** being activities that produce pesticides being production of more than 2,000 tonnes (other than by simple blending) of any pesticide (including fungicides, herbicides,

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rodenticides, nematocides, miticides, fumigants or related products) or any quantity of a pesticide containing a substance classified as poisonous in the Australian Code for the Transport of Dangerous Goods by Road and Rail.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-2,000	15
>2,000-10,000	50
>10,000-30,000	135
>30,000	335

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [20] Pharmaceutical or Veterinary Products Production**, being activities that produce pharmaceutical or veterinary products using any substances or materials classified as poisonous in the Australian Code for the Transport of Dangerous Goods by Road and Rail.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-2,000	15
>2,000-5,000	50
>5,000.	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [21] Plastics Production**, being activities that produce synthetic plastic resins, or reprocess plastic (other than by a simple melting and reforming process).

Units of measure (T produced and reprocessed)**Licence Administrative Fee**

Capacity to Produce and Reprocess per Annum	Number of Administrative Fee units
0-2,000	25
>2,000-10,000	65
>10,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to handle more than 2kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzene..	0.5	nil	
Fine particulates....	5.0		
Nitrogen oxides....	3.0		
VOCs	8.5		

- [22]** Rubber Production, being activities that produce synthetic or natural rubber products or tyres.

Units of measure (T produced)**Licence Administrative Fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0-2,000	15
>2,000-5,000	50
>5,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [23]** Soap or Detergent Production, being activities that produce soaps or detergents being production of more than 5,000 tonnes per annum (other than by simple blending) of any soaps or detergent or any quantity of soap or detergent which contains a substance classified as poisonous in the Australian Code for the Transport of Dangerous Goods by Road and Rail.

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Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-2,500	5
>2,500-5,000	50
>5,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

[24] Other Chemical Processing, being activities that process chemicals (being chemicals classified as dangerous goods in the Australian Code for the Transport of Dangerous Goods by Road and Rail) being activities not otherwise included in classifications 14–23 and which:

- (a) manufacture, blend, recover or use substances classified as explosive, poisonous or radioactive in the Australian Code for the Transport of Dangerous Goods by Road and Rail, or
- (b) manufacture or use more than 1,000 tonnes per annum of substances classified as dangerous goods (but otherwise than as explosive, poisonous or radioactive) in the Australian Code for the Transport of Dangerous Goods by Road and Rail, or
- (c) crush, grind or mill more than 10,000 tonnes per annum of chemical substances.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-10,000	15
>10,000-25,000	50
>25,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

CHEMICAL STORAGE FACILITIES

[25] Chemical Storage, being activities that store or package chemical substances (being chemicals classified in the Australian Code for the Transport of Dangerous Goods by Road and Rail), in containers, bulk storage facilities, stockpiles, or dumps, including chemical storage activities which are ancillary to Petroleum Refining, but not including chemical storage activities which are ancillary to any other activity included in another classification in this Schedule.

For the purposes of this classification:

active storage capacity means the maximum volume of chemical substances that can be stored at any time in tanks or vessels on the premises to which the licence for the activity concerned applies, being tanks or vessels that are in active use for the purpose of storage during most of the licence fee period.

Units of measure (kL of active storage capacity)**Licence Administrative Fee**

Capacity to Store	Number of Administrative Fee units
0-5,000	8
>5,000-100,000	25
>100,000	65

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to store more than 2,000T of petroleum, or 200T of liquefied gases, or 20T pressurised gas.

(a) Storage of Petroleum and/or Petroleum Products

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzene..	0.0005	nil	
VOCs	0.05		

(b) Other Chemical Storage

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
nil		nil	

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COAL MINES

- [26] Coal Mining**, being activities that obtain coal or carbonaceous material by mining, and not being Coke Production or Coal Loading.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce Saleable Material per Annum	Number of Administrative Fee units
---	------------------------------------

0-500,000..	50
>500,000-2,000,000	135
>2,000,000-3,500,000	335
>3,500,000-5,000,000	600
>5,000,000	850

Assessable Pollutants and Fee Rate Threshold Factors

nil

COAL WORKS

- [27] Coke Production**, being activities that produce (including by quenching, cutting, crushing or grading) coke from coal, and not being Coal Mining or Coal Loading.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
-------------------------------	------------------------------------

(0-100,000	65
>100,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 2,000T per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzene	0.072	Oil and grease	0.011

Benzo(a)pyrene (equivalent)	0.00073	Suspended solids.	0.13
Coarse particulates.	0.45	Total PAHs	0.000032
Fine particulates....	0.45	Total phenolics....	0.000032
Hydrogen sulfide...	0.002		
Nitrogen oxides.....	0.03		
Sulfur oxides	0.4		
VOCs	0.83		

- [28] Coal Loading**, being activities that load or handle coal or carbonaceous material not being ancillary to an activity in another classification in this Schedule and not being Coal Mining or Coke Production.

Units of measure (T loaded)

Licence Administrative Fee

Capacity to Load per Annum	Number of Administrative Fee units
0-2,000,000	50
>2,000,000-5,000,000..	135
>5,000,000	335

Assessable Pollutants and Fee Rate Threshold Factors

nil

COMPOSTING WORKS

- [29] Composting and Related Reprocessing or Treatment**, being activities that use biological processes to convert organic wastes into different products or wastes. but not including treatment of soil by way of bioremediation, Contaminated Soil Treatment, Milking Facilities, Feedlot Production, Pig Production, Poultry Production, Saleyards. Animal Slaughtering. Fish Processing, Rendering or Fat Extraction, Tanning or Fellmongering, Other Livestock Processing, Other Agricultural Crop Processing, Sewage Treatment, Paper Production Using Recycled Materials or Mushroom Substrate Production.

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Units of measure (T received)

Licence Administrative Fee

Capacity to Receive Waste per Annum	Number of Administrative Fee units
0-5,000	5
>5,000-50,000	15
>50,000	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

CONCRETE PRODUCTION

- [30] Concrete Batching**, being activities that produce concrete or concrete products by the mixing of sand, rock aggregate, water and cement.

Units of measure (m³ produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-13,000	5
>13,000-25,000	15
>25,000-50,000	50
>50,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

CONTAMINATED SOIL TREATMENT

- [31] Contaminated Soil Treatment**, being activities that handle contaminated soil for the purposes of treatment (including incineration or storage of contaminated soil) and:

- (a) treat by way of incineration more than 1,000 cubic metres per annum of contaminated soil, or

- (b) treat otherwise than by incineration or store more than 30,000 cubic metres of contaminated soil, or
- (c) disturb more than an aggregate surface area of 10 hectares of contaminated soil, or
- (d) handle more than 1,000 cubic metres per annum of contaminated soil not originating from the site at which the activity is conducted.

For the purposes of this classification:

contaminated soil means soil in which any substance is present at a concentration above the concentration at which the substance is normally present in soil in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

Licence Administrative Fee

	Number of Administrative Fee units
all	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

CRUSHING, GRINDING OR SEPARATING WORKS

- [32] Crushing, Grinding or Separating Works**, being activities that process materials (including sand, gravel, rock, minerals, slag, road base, concrete, bricks, tiles, asphaltic material, metal or timber), by crushing, grinding or separating the materials into different sizes, but not including Dredging, Other Land-Based Extraction, Other Agricultural Crop Processing, Scrap Metal Recovery, Other Chemical Processing, Cement or Lime Production, Cement or Lime Handling, Hard-Rock Gravel Quarrying, Coal Mining, Mining (Other Than Coal), or activities ancillary to any of them.

Units of measure (T processed)

Licence Administrative Fee

Capacity to Process per Annum	Number of Administrative Fee units
0-30,000..	5
>30,000-100,000	15

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>100,000-500,000.....	50
>500,000-2,000,000.....	135
>2,000,000.....	335

Assessable Pollutants and Fee Rate Threshold Factors

nil

DRUM OR CONTAINER RECONDITIONING

- [33] Drum or Container Reconditioning**, being activities that recondition or recycle packaging containers (including metal, plastic or glass drums, bottles or cylinders) previously used for the transport or storage of substances classified in the Australian Code for the Transport of Dangerous Goods by Road and Rail.

Licence Administrative Fee

	Number of Administrative Fee units
all	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

ELECTRICITY GENERATION

- [34] Electricity Generation**, being activities that generate electrical power from energy sources (including coal, gas, liquid fuels, bio-material or hydro, but not solar sources).

Units of measure (Gwh generated)

Licence Administrative Fee

Capacity to Generate per Annum	Number of Administrative Fee units
0-450..	25
>450-1,000.	65
>1,000-4,000	165
>4,000..	420

Assessable Pollutants and Fee Rate Threshold Factors

nil

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to generate more than 250 Gwh per annum.

(a) Generation of electrical power from coal

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzo(a)pyrene (equivalent)	0.0036	Salt	3.6
Coarse particulates.	80.0	Selenium	0.14
Fine particulates	54.0	Suspended solids.	0.18
Fluoride	140		
Nitrogen oxides	2,700		
Sulfur oxides	5,300		

(b) Generation of electrical power from gas

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Nitrogen oxides	2,700	Salt	3.6
		Suspended solids	0.18

(c) Generation of electrical power other than from coal or gas

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
nil		nil	

EXTRACTIVE INDUSTRIES

[35] Dredging, being activities that obtain or move extractive materials from the bed, banks or foreshores of any natural or navigable waters by dredging.

In this classification, *extractive materials* means sand, soil, stone, gravel, rock, sandstone or similar substances that are not prescribed minerals within the meaning of the *Mining Act 1992*.

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Units of measure (m³ obtained or moved)

Licence Administrative Fee

Capacity to Obtain or Move per Annum	Number of Administrative Fee units
(0-30,000.....	5
>30,000-50,000	15
>50,000-100,000	50
>100,000-500,000	135
>500,000-2,000,000	335
>2,000,000	600

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [36] Hard-Rock Gravel Quarrying**, being activities that obtain extractive materials other than sand, soil or similar materials by methods including excavating, blasting, tunnelling or quarrying (but not including dredging).

In this classification, *extractive materials* means sand, soil, stone, gravel, rock, sandstone or similar substances that are not prescribed minerals within the meaning of the *Mining Act 1992*.

Units of measure (T obtained)

Licence Administrative Fee

Capacity to Obtain per Annum	Number of Administrative Fee units
0-30,000	5
>30,000-50,000	15
>50,000-100,000	50
>100,000-500,000	135
>500,000-2,000,000	335
>2,000,000	600

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [37] Other Land-Based Extraction**, being activities that obtain sand, clay or other similar materials by methods including excavation, and not being Dredging or Hard-Rock Gravel Quarrying.

Units of measure (T obtained)**Licence Administrative Fee**

Capacity to Obtain per Annum	Number of Administrative Fee units
0-30,000	5
>30,000-50,000	15
>50,000-100,000	50
>100,000-500,000	135
>500,000-2,000,000	335
>2,000,000	600

Assessable Pollutants and Fee Rate Threshold Factors

nil

FREEWAY OR TOLLWAY CONSTRUCTION

[38] Freeway or Tollway Construction, being activities for the construction of new, re-routed or additional carriageways, that as a result will have:

- (a) physically separated carriageways for traffic moving in different directions, and
- (b) at least 4 lanes (other than lanes used for entry and exit), and
- (c) no access for traffic between interchanges,

for at least 1 kilometre of their length in the Metropolitan area or for at least 5 kilometres of their length in any other area.

The Metropolitan area is the area of Sydney, Newcastle, Central Coast and Wollongong bounded by and including the local government areas of Newcastle, Lake Macquarie, Wyong, Gosford, Hawkesbury, Blue Mountains, Penrith, Liverpool, Camden, Campbelltown, Wollongong and Shellharbour.

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Units of measure (km constructed, re-routed or added)

Licence Administrative Fee

Design Length of Freeway or Tollway to be Constructed, Re-routed or added to	Number of Administrative Fee units
--	------------------------------------

0-10	50
>10-30	135
>30	335

Assessable Pollutants and Fee Rate Threshold Factors

nil

IRRIGATED AGRICULTURE

- [39] Irrigated Agriculture**, being the irrigation activities of an irrigation corporation within the meaning of the *Irrigation Corporations Act 1994*, but not including irrigation activities of individual irrigators in areas administered by any such irrigation corporation.

Units of measure (ha of existing area of operations)

Licence Administrative Fee

Total area of Existing Area of Operations of Irrigation Corporation	Number of Administrative Fee units
--	------------------------------------

0-10,000	15
>10,000-100,000	50
>100,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

LIVESTOCK INTENSIVE INDUSTRIES

- [40] Milking Facilities**, being activities that produce milk by milking. For the purpose of calculating live weight capacity for this classification a licensee may use actual live weight or estimate live weight on the basis that, 1 tonne live weight equals 1.6 milking cows, or 13 other dairy animals.

Units of measure (T accommodated)**Licence Administrative Fee****Dairy Animals Live Weight Capacity to Accommodate**

	Number of Administrative Fee units
0-500	5
>500-1,000	15
>1,000	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [41] Feedlot Production**, being activities that produce by way of rearing or fattening cattle, sheep or horses wholly or substantially on prepared or manufactured feed, in a confinement area, but not including such activities carried on for drought or similar emergency relief.

For the purpose of calculating live weight capacity for this classification a licensee may use actual live weight or estimate live weight on the basis that, 1 tonne equals 2 cattle, 13 goats, 2 horses, or 22 sheep.

Units of measure (T accommodated)**Licence Administrative Fee****Live Weight Capacity to Accommodate in Feedlot**

	Number of Administrative Fee units
0-500	5
>500–2,500	15
>2,500..	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [42] Pig Production**, being activities that produce pigs, by way of rearing or fattening.

For the purpose of calculating live weight capacity for this classification a licensee may use actual live weight or estimate live weight on the basis that, 1 tonne equals 5 breeding sows, 62 weaner pigs, 31 grower pigs, 17 porker or finisher pigs, or 11 bacon pigs.

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Units of measure (T accommodated)

Licence Administrative Fee

Pig Live Weight Capacity to Accommodate	Number of Administrative Fee units
0–250..	5
>250–500	15
>500	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [43] Poultry Production**, being activities that produce poultry birds (such as chickens, domestic fowls, turkeys, ducks, geese, game birds or emus), whether as meat birds, layers or breeders, and whether as free range or shedded birds, or activities that produce poultry eggs. For the purpose of calculating live weight capacity for this classification a licensee may use actual live weight or estimate live weight on the basis that, 1 tonne equals 555 layer chickens, or 1,100 broiler chickens, 17 emus, 310 ducks, 165 geese, or 110 turkeys.

Units of measure (T accommodated)

Licence Administrative Fee

Poultry Live Weight Capacity to Accommodate	Number of Administrative Fee units
0–375	5
>375–1,000	15
>1,000	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [44] Saleyards**, being activities that accommodate animals such as cattle, sheep, pigs, horses or goats for the purposes of their sale, auction or exchange, or for transportation by road, rail or ship. For the purpose of calculating live weight capacity for this classification a licensee may use actual live weight or estimate live weight on the basis that, 1 tonne equals 2 cattle, 13 goats, 22 sheep, 2 horses, 5 deer, 17 emus, 13 kangaroos, 5 breeding sows, 17 porker or finisher pigs, or 11 bacon pigs.

Units of measure (T accommodated)**Licence Administrative Fee**

Live Weight Capacity to Accommodate	Number of Administrative Fee units
0-25,000..	5
>25,000-60,000	15
>60,000	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

LIVESTOCK PROCESSING INDUSTRIES

- [45] Animal Slaughtering**, being activities that slaughter animals and/or process slaughtered material.

Units of measure (T processed)**Licence Administrative Fee**

Live Weight Capacity to Process per Annum	Number of Administrative Fee units
0-30,000..	5
>30,000	15

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [46] Fish Processing**, being activities that process fish to produce frozen or canned fish products or fish meal or to recover fish oil.

Units of measure (T processed)**Licence Administrative Fee**

	Number of Administrative Fee units
all	5

Assessable Pollutants and Fee Rate Threshold Factors

nil

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- [47] Rendering or Fat Extraction**, being activities that produce products derived from the slaughter of animals by processing of the material by rendering such as tallow, fat, their derivatives or proteinaceous matter.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-4,000	5
>4,000	15

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [48] Tanning or Fellmongery**, being activities that process animal skins or other animal products to produce leather or other similar products.

Units of measure (T processed)

Licence Administrative Fee

Capacity to Process per Annum	Number of Administrative Fee units
0-10,000	5
>10,000	15

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [49] Wool Scouring**, being activities that process greasy wool or fleeces by methods including scouring, topping or carbonising.

Units of measure (T processed)

Licence Administrative Fee

	Number of Administrative Fee units
all	5

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [50] Other Livestock Processing**, being activities that produce any other products derived from the slaughter of animals (such as adhesives, gelatine, fertilisers or pet food), and not being Animal Slaughtering, Tanning or Fellmongery. Rendering or Fat Extraction, Wool Scouring or Fish Processing.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-100,000	5
>100,000	15

Assessable Pollutants and Fee Rate Threshold Factors

nil

LOGGING OPERATIONS

- [51] Logging Operations**, being logging activities carried out by or on behalf of the Forestry Commission of New South Wales in State forests or on Crown timber lands.

Licence Administrative Fee

	Number of Administrative Fee units
all	5,500

Assessable Pollutants and Fee Rate Threshold Factors

nil

MARINAS AND BOAT REPAIR FACILITIES

- [52] Mooring and Boat Storage**, being activities that use or provide pontoons, jetties, piers or other structures (whether water based or land based) for the dry storage of vessels, with a capacity to store more than 80 vessels.

Licence Administrative Fee

	Number of Administrative Fee units
all	15

Assessable Pollutants and Fee Rate Threshold Factors

nil

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- [53] Vessel Construction or Maintenance Using Dry or Floating Docks**, being activities that use dry or floating docks for the purposes of construction, repair or maintenance of vessels with a capacity to construct, repair or maintain vessels longer than 25 metres.

Licence Administrative Fee

Number of Administrative Fee units

all 135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [54] Other Vessel Construction or Maintenance**, being activities that construct, repair or maintain vessels involving the use of slipways, hoists or similar facilities with a capacity to construct, repair or maintain 5 or more vessels (excluding rowing boats, dinghies or other vessels less than 5 metres in length) or any vessel longer than 25 metres, and not being Vessel Construction or Maintenance Using Dry or Floating Docks.

Licence Administrative Fee

Number of Administrative Fee units

all 50

Assessable Pollutants and Fee Rate Threshold Factors

nil

MINERAL PROCESSING OR METALLURGICAL WORKS

- [55] Primary Iron and Steel Production**, being activities that produce iron and steel products mainly from iron ore.

Units of measure (T produced)

Licence Administrative Fee

Number of Administrative Fee units

all 2,650

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to process more than 10kT per annum.

Air Pollutants	Fee Rate ThresholdFactor	Water Pollutants	Fee Rate ThresholdFactor
Benzene	0.0011	Arsenic	0.0091
Benzo(a)pyrene (equivalent)	0.003	Cadmium	0.0018
Coarse particulates.	0.47	Chromium	0.0054
Fine particulates....	0.38	Copper	0.0036
Hydrogen sulfide...	0.018	Lead	0.0018
Nitrogen oxides.....	3.81	Mercury	0.000091
Sulfur oxides	6.6	Oil and Grease ...	0.015
VOCs..	7	Selenium.....	0.00091
		Suspended solids.	0.24
		Zinc	0.0091

- [56] Secondary Iron and Steel Production**, being activities that produce iron and steel mainly from scrap metal.

Units of measure (T produced)**Licence Administrative Fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0-10,000.....	65
>10,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to process more than 10kt per annum.

Air Pollutants	Fee Rate ThresholdFactor	Water Pollutants	Fee Rate ThresholdFactor
Coarse particulates.	0.085	nil	
Fine particulates	0.77		
Nitrogen oxides.....	1.95		
Sulfur oxides	3.38		
VOCs..	0.09		

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- [57] Primary Aluminium Production**, being activities that produce aluminium mainly from alumina.

Units of measure (T produced)**Licence Administrative Fee**

	Number of Administrative Fee units
all	420

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to process more than 10kt per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	5	nil	
Fine particulates	12		
Fluoride	1		
Nitrogen oxides.....	0.2		
Sulfur oxides	20		

- [58] Secondary Aluminium Production**, being activities that produce aluminium mainly from scrap metal and/or slag.

Units of measure (T produced)**Licence Administrative Fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0-10,000	65
>10,000.	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to process more than 10kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.048	nil	
Fine particulates	0.066		
Fluoride	1		
Nitrogen oxides.....	4		
Sulfur oxides	9.6		
VOCs	0.68		

- [59] Primary Non-Ferrous Production (excluding Aluminium),** being activities that produce non-ferrous metals including lead, copper or zinc, but excluding aluminium, mainly from concentrates.

Units of measure (T produced)

Licence Administrative Fee

	Number of Administrative Fee units
all	660

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to process more than 10kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Arsenic	0.03	Arsenic	0.0003
Coarse particulates.	0.33	Cadmium.....	0.0003
Fine particulates	0.49	Chromium	0.0003
Lead	0.06	Copper	0.0026
Mercury..	0.03	Lead	0.03
Sulfur oxides	230	Mercury	0.0003
		Selenium	0.0003
		Suspended solids.	0.78
		Zinc	0.02

- [60] Secondary Non-Ferrous Production (excluding Aluminium),** being activities that produce lead, zinc, copper or other non-ferrous metals or their alloys. mainly from scrap metal and/or slag.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-10,000...	65
>10,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 10kT per annum.

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Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.011	nil	
Fine particulates....	0.033		
Lead..	0.002		
Nitrogen oxides.....	0.57		
Sulfur oxides	0.99		
VOCs	2.28		

- [61] Metal Plating or Coating Works**, being activities that coat metal by methods including spray painting, powder coating, enamelling, electroplating, anodising, galvanising, and not including such coating comprising the coating of metal on vehicles or vessels.

Units of measure (T coated)

Licence Administrative Fee

Capacity to Coat Metal per Annum	Number of Administrative Fee units
0-100,000	15
>100,000-1,000,000	50
>1,000,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [62] Scrap Metal Recovery**, being activities that process scrap metal by way of crushing, grinding, shredding or sorting.

Units of measure (T processed)

Licence Administrative Fee

Capacity to Process per Annum	Number of Administrative Fee units
0-100,000	15
>100,00-500,00.....	50
>500,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [63] Other Metals Processing**, being activities involving the processing of metals by heating, rolling, melting, or casting metal, and not being Primary or Secondary Iron and Steel Production, Primary or Secondary Aluminium Production, Primary or Secondary Non-Ferrous Production (excluding Aluminium), or Metal Plating or Coating Works.

Units of measure (T processed)

Licence Administrative Fee

Capacity to Process per Annum	Number of Administrative Fee units
0-100,000	15
>100,000-500,000	50
>500,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

MINING (OTHER THAN COAL)

- [64] Mining (Other Than Coal)**, being activities that obtain minerals by mining (being minerals within the meaning of the *Mining Act 1992* other than coal) and which have disturbed or will disturb a total surface area of more than 4 hectares (or in the case of gold, 1 hectare) of land being land associated with a mining lease or mineral claim or subject to a section 8 notice issued pursuant to the *Mining Act 1992*) and which involve:

- (a) clearing or excavating, or
- (b) constructing dams, ponds, drains, roads, railways or conveyors, or
- (c) storing or depositing overburden, ore or its products or tailings.

Units of measure (T obtained)

Licence Administrative Fee

Capacity to Obtain per Annum	Number of Administrative Fee units
0-30,000	5
>30,000-50,000	15

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>50,000-100,000	50
>100,000-500,000.....	135
>500,000-2,000,000	335
>2,000,000-5,000,000	600
>5,000,000	850

Assessable Pollutants and Fee Rate Threshold Factors

nil

MUSHROOM SUBSTRATE PRODUCTION

- [65] Mushroom Substrate Production**, being activities that prepare a medium containing a micro flora base suitable for growing mushrooms by mulching or fermenting organic and other materials.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce Substrate per Annum	Number of Administrative Fee units
0-2,500	5
>2,500-25,000	15
>25,000	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

PAPER, PAPER PULP OR PULP PRODUCTS INDUSTRIES

- [66] Paper Production using Recycled Materials**, being activities that produce paper, paper pulp or pulp products, where recycled material comprises more than 90% of the raw material consumed and no bleaching or de-inking is undertaken.

Units of measure (T produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-150,000	65
>150,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 70kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.39	BOD.....	5.55
Fine particulates	1.49	Salt.. ..	3.0
Nitrogen oxides	3.51	Suspended solids.	8.35
		Total nitrogen	0.1
		Total phosphorous	0.001
		Zinc	0.13

- [67] Other Paper Production**, being activities that produce paper, paper pulp or pulp products, where recycled material comprises up to 90% of the raw material consumed or where bleaching or de-inking is undertaken.

Units of measure (T produced)**Licence Administrative Fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0-150,000	65
>150,000	165

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 30kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.39	BOD	5.55
Fine particulates	1.49	Salt	3.0
Nitrogen oxides	3.51	Suspended solids.	8.35
		Total nitrogen	0.1
		Total phosphorous	0.001
		Zinc	0.13

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PETROLEUM WORKS

- [68] Petroleum Refining**, being activities that refine crude petroleum, shale oil or natural gas, or manufacture more than 100 tonnes per year of petroleum products (including aviation fuel, petrol, kerosene, mineral turpentine, fuel oils, lubricants, wax, asphalt, liquefied gas and the precursors to petrochemicals, such as acetylene, ethylene, toluene and xylene), and not being Chemical Storage or Waste Oil Recovery.

Units of measure (T refined and manufactured)

Licence Administrative Fee

Total of Capacity to Refine and Manufacture per Annum	Number of Administrative Fee units
0-10,000	25
>10,000-200,000	65
>200,000-500,000.....	165
>500,000	660

Assessable Pollutants and Fee Rate Threshold Factors

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzene	0.004	BOD.....	0.14
Benzo(a)pyrene (equivalent).....	0.005	Oil and grease....	0.12
Fine particulates	0.2	Suspended solids.	0.36
Hydrogen sulfide.. .	0.031	Total PAHs.....	0.07
Nitrogen oxides.....	0.5	Total phenolics...	0.27
Sulfur oxides	0.6		
VOCs	0.4		

- [69] Waste Oil Recovery**, being activities that recover or recycle mainly waste oil or petroleum based materials.

Units of measure (T recovered or recycled)**Licence Administrative Fee**

Total of Capacity to Recover or Recycle per Annum	Number of Administrative Fee units
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0-1,000	25
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>1,000	65
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Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to process more than 20kT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Lead	0.2	Oil and grease	4.8
VOCs	0.05		

RAILWAY SYSTEMS

- [70] Railway Activities**, being activities that construct, maintain or operate railway systems (including track, maintenance facilities, workshops or rolling stock), comprising more than 30km of track and excluding systems operated for heritage value.

Licence Administrative Fee

	Number of Administrative Fee units
all	50

Assessable Pollutants and Fee Rate Threshold Factors

nil

SEWAGE TREATMENT SYSTEMS

- [71] Sewage Treatment**, being activities that transport or treat sewage (including by way of filtering sewage) by the use of a sewerage system (including treatment works, pumping stations, sewer overflow structures and reticulation facilities).

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For the purposes of this classification: “discharge” means the release, re-use or transfer of liquid wastes to surface or ground waters, land or other users as authorised by the licence.

Units of measure (ML discharged)

Licence Administrative Fee

Maximum Volume of Discharge per Annum	Number of Administrative Fee units
0–20.....	5
>20–100.....	8
>100–1,000	25
>1,000–5,000.....	65
>5,000–10,000.....	165
>10,000–20,000.....	300
>20,000–30,000.....	420
>30,000.....	2,650

Assessable Pollutants and Fee Rate Threshold Factors

The following assessable pollutants are only identified for this classification if the maximum annualised volume of discharge authorised by the licence in relation to the activity is more than 219 ML.

(a) Processing by Small Plants (<10,000 ML per year)

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
nil		BOD.....	10
		Oil and grease....	2
		Total nitrogen.....	10
		Total phosphorous	0.3
		Suspended solids.	15

(b) Processing by Large Plants (>10,000 ML per year)

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
nil		BOD.....	10
		Cadmium.....	0.00005
		Chromium	0.0025
		Copper	0.01
		Lead	0.0005

Mercury	0.00005
Oil and grease	2
Selenium	0.0025
Suspended solids.	15
Total nitrogen	10
Pesticides and PCBs	0.00012
Total phosphorous	0.3
Zinc.	0.012

SHIPPING FACILITIES (BULK)

- [72] Bulk Cargo Handling**, being activities that load and/or unload cargo (including agricultural crop products, rock, ores, minerals or chemicals or products similar to any of them) from vessels at wharves or associated facilities, but not including activities with a capacity to store more than 2,000 tonnes of any petroleum product, and not being Chemical Storage or Coal Loading.

Units of measure (T loaded and unloaded)**Licence Administrative Fee**

Total of Capacity to Load and Unload per Annum	Number of Administrative Fee units
0-100,000	15
>100,000-500,000.....	50
>500,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

WASTE ACTIVITIES

- [73] Hazardous, Industrial or Group A Waste Generation or Storage**, being activities that generate or store hazardous waste, industrial

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waste or Group A waste (or any combination of those types of waste) being activities carried out for business or other commercial purposes.

Units of measure (T)

Licence Administrative Fee

Waste Generated or Stored per Annum	Number of Administrative Fee units
0–10	4
>10—100.....	8
>100–500.....	16
>500	32

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

WASTE FACILITIES

[74] **Biomedical Waste Incineration**, being activities that incinerate:

- (a) any cytotoxic waste, or
- (b) more than 25 tonnes per year of clinical or quarantine waste.

Units of measure (T incinerated)

Licence Administrative Fee

Capacity to Incinerate per Annum	Number of Administrative Fee units
0–1,000	25
>1,000.	65

Assessable Pollutants and Fee Rate Threshold Factors

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Arsenic.	0.00005	nil	
Benzene..	0.0000011		
Benzo(a)pyrene.....	0.00002		

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Fine particulates....	0.7
Lead	0.035
Mercury.....	0.003
Nitrogen oxides	2.5
Sulfur oxides	0.07

- [75] Hazardous, Industrial, Group A or Group B Waste Processing,** being activities that treat, process or reprocess hazardous waste, industrial waste, Group A waste or Group B waste (or any combination of those types of waste) at a waste facility but not being Contaminated Soil Treatment or Mobile Waste Processing—Hazardous, Industrial or Group A Waste or Biomedical Waste Incineration.

Licence Administrative Fee**Number of Administrative Fee units**

All.....	32
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Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

- [76] Used Tyre Processing or Disposal,** being activities that:
- (a) treat, process or dispose of more than 5,000 tonnes per year of used, rejected or unwanted tyres, or
 - (b) store such tyres at any one time in quantities of more than 50 tonnes.

Licence Administrative Fee**Number of Administrative Fee units**

All.....	12
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Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

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- [77] Inert Waste Landfilling**, being activities that receive more than 20,000 tonnes per year of inert waste or stabilised asbestos waste in bonded matrix (or both) at a landfill site but not being Coal Washery Reject or Slag Landfilling.

Licence Administrative Fee

Number of Administrative Fee units

All..... 20

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

- [78] Coal Washery Reject or Slag Landfilling**, being activities that receive more than 20,000 tonnes per year of Coal Washery Rejects or Slag (or both) and no other type of waste at a landfill site.

Licence Administrative Fee

Number of Administrative Fee units

All 16

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

- [79] Solid Waste Landfilling**, being activities that receive more than 5,000 tonnes per year of solid waste or any type of asbestos waste at a landfill site, but not being Coal Washery Reject or Slag Landfilling.

Units of measure (T)**Licence Administrative Fee**

	Number of Administrative Fee units
>5,000-20,000	28
>20,000-100,000	36
>100,000	44

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

[80] Landfilling in Designated Areas, being activities that receive any type of waste at a landfill site:

- (a) anywhere in the Sydney metropolitan area, or
- (b) in the Cessnock, Gosford, Kiama, Lake Macquarie, Maitland, Newcastle, Port Stephens, Shellharbour, Shoalhaven, Wingecarribee, Wollongong or Wyong local government areas, but not including Used Tyre Processing or Disposal, Inert Waste Landfilling, Coal Washery Reject or Slag Landfilling, Solid Waste Landfilling, Environmentally Sensitive or Inappropriate Landfilling, Industrial Waste Landfilling or Hazardous Waste Landfilling.

Licence Administrative Fee

	Number of Administrative Fee units
All	16

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

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- [81] Environmentally Sensitive or Inappropriate Landfilling**, being activities that receive any type of waste at a landfill site located in an environmentally sensitive or inappropriate area, being areas described in Table 1 in Technical Appendix 8 to the document entitled *Environmental Guidelines: Assessment Classification and Management of Liquid and Non-Liquid Wastes* issued by the EPA and current as at 1 November 1998.

Licence Administrative Fee

Number of Administrative Fee units

All..... 32

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

- [82] Industrial Waste Landfilling**, being activities that receive industrial waste at a landfill site.

Licence Administrative Fee

Number of Administrative Fee units

All 32

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

- [83] Hazardous Waste Landfilling**, being activities that receive hazardous waste at a landfill site.

Licence Administrative Fee

Number of Administrative Fee units

All 32

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

[84] Waste Storage, Transfer, Separating or Processing, being activities that:

- (a) store,
- (b) transfer, or
- (c) recover by way of separating or processing, more than 30,000 tonnes of waste per year but not including Hazardous, Industrial or Group A Waste Generation or Storage, or Hazardous, Industrial, Group A or Group B Waste Processing, or Crushing, Grinding or Separating Works, or Chemical Storage.

Licence Administrative Fee**Number of Administrative Fee units**

All 16

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

[85] Municipal Solid Waste Incineration, being activities that mainly incinerate municipal solid waste with a capacity to incinerate more than 1 tonne per hour, and not being Biomedical Waste Incineration.**Units of measure (T incinerated)****Licence Administrative Fee****Capacity to Incinerate per Annum Number of Administrative Fee units**

All..... 65

Assessable Pollutants and Fee Rate Threshold Factors

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Arsenic	0.00005	nil	
Benzene..	0.0000011		
Benzo(a)pyrene.	0.00002		
Fine particulates	0.7		
Lead	0.035		
Mercury	0.003		
Nitrogen oxides.....	2.5		
Sulfur oxides	0.07		

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WOOD WORKS

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

Units of measure (m³ produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-30,000	5
>30,000-70,000..	15
>70,000-200,000	50
>200,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [87] Wood Preservation**, being activities that produce timber products by way of treating or preserving timber using substances (containing copper, chromium, arsenic, creosote or any other substance classified in the Australian Code for the Transport of Dangerous Goods by Road and Rail), with a capacity to produce more than 10,000 cubic metres per annum.

Units of measure (m³ produced)

Licence Administrative Fee

Capacity to Produce per Annum	Number of Administrative Fee units
0-10,000	15
> 10,000-30,000	50
>30,000	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

TRANSPORT OF WASTE

- [88] Transport of Used, Rejected or Unwanted Tyres**, being activities that transport for fee or reward used, rejected or unwanted tyres in loads of more than 2 tonnes (including transportation of such waste by occupiers of waste facilities licensed under the Act who transport the waste to or from those facilities).

Units of measure (T)**Licence Administrative Fee**

Number of Vehicles Authorised to Transport Waste	Number of Administrative Fee units
All.....	2

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

- [89] Transport of Hazardous, Industrial, Group A, Group B or Group C Waste**, being activities that transport for fee or reward hazardous waste, industrial waste, Group A waste, Group B waste or Group C waste (or any combination of those types of waste) in loads of more than 200 kilograms except if it consists of stabilised waste in bonded matrix.

Units of measure (T)**Licence Administrative Fee**

Number of Vehicles Authorised to Transport Waste	Number of Administrative Fee units
0–3	4
>3–7	8
>7–11.....	12
>11	16

Assessable Pollutants and Fee Rate Threshold Factors

nil

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Note. When calculating the number of vehicles authorised to transport waste, a vehicle pulling or coupled to another vehicle (eg a trailer) is to be treated as one vehicle.

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

MISCELLANEOUS WATER ACTIVITIES

- [90] Miscellaneous Licensed Discharge to Waters (wet weather only),** being activities in relation to which a licence to discharge pollutants to waters during or immediately following periods of wet weather (but not at any time) has been granted under the Act but not being an activity otherwise included in a classification in this Schedule.

Units of measure (ML discharged)

Licence Administrative Fee

Maximum Annualised Volume of Discharge Authorised by Licence (Calculated by Multiplying Maximum Allowable Daily Discharge by 50)	Number of Administrative Fee units
0–3	5
>3–15	15
> 15–150	50
>150	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

- [91] Miscellaneous Licensed Discharge to Waters (at any time),** being activities in relation to which a licence to discharge pollutants to waters has been granted under the Act but not being an activity otherwise included in a classification in this Schedule.

Units of measure (ML discharged)**Licence Administrative Fee**

Maximum Annualised Volume of Discharge Authorised by Licence	Number of Administrative Fee units
0–20.....	5
>20–100	15
>100–1,000	50
>1,000.....	135

Assessable Pollutants and Fee Rate Threshold Factors

nil

MOBILE PLANT ACTIVITIES

- [92] Mobile Waste Processing—Hazardous, Industrial or Group A Waste**, being activities that treat, process or reprocess hazardous waste, industrial waste or Group A waste using mobile plant under a licence for scheduled activity that is not premises-based.

Licence Administrative Fee

	Number of Administrative Fee units
All.....	32

Assessable Pollutants and Fee Rate Threshold Factors

nil

The administrative fee units for this activity are not subject to phasing-in discounts. Each administrative fee unit is equivalent to an administrative fee unit amount of \$95.

- [93] Mobile Plant Activities—Miscellaneous**, being activities carried on using mobile plant under a licence for scheduled activity that is not premises-based but not including activities carried on using mobile plant included in any other classification in this Schedule.

Licence Administrative Fee

	Number of Administrative Fee units
All.....	5

Assessable Pollutants and Fee Rate Threshold Factors

nil

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OTHER ACTIVITIES NOT LISTED ELSEWHERE

[94] Other Activities, being any activity not otherwise included in a classification in this Schedule.

Licence Administrative Fee

Number of Administrative Fee units

All 5

Assessable Pollutants and Fee Rate Threshold Factors

nil

Schedule 2 Membership and procedure of Load-Based Licensing Technical Review Panel

(Clause 43)

1 Chairperson

- (1) One of the members of the Review Panel is to be appointed by the Minister as Chairperson of the Review Panel. The appointment may be made at the time the person is appointed as a member or after that appointment.
- (2) A person vacates the office of Chairperson if the person:
 - (a) ceases to be a member, or
 - (b) resigns that office by instrument in writing addressed to the Minister, or
 - (c) is removed from that office under this clause.
- (3) The Minister may at any time remove a person from the office of Chairperson.

2 Deputies of members

- (1) The Minister may, from time to time, appoint a person to be the deputy of a member of the Review Panel, and the Minister may revoke any such appointment.
- (2) In the absence of a member, the member's deputy:
 - (a) may, if available, act in the place of the member, and
 - (b) while so acting, has all the functions of the member and is to be taken to be a member.
- (3) The deputy of a member who is the Chairperson does not (because of this clause) have the member's functions as Chairperson.
- (4) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

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Schedule 2 Membership and procedure of Load-Based Licensing Technical Review Panel

3 Terms of office

Subject to this Schedule, a member of the Review Panel holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

4 Allowances

A member of the Review Panel is entitled to be paid such allowances as the Minister from time to time determines in respect of the member.

5 Vacancy in office of member

- (1) The office of a member of the Review Panel becomes vacant if the member:
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office under this clause, or
 - (e) is absent from 4 consecutive meetings of the Review Panel of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Review Panel or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Review Panel for having been absent from those meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (g) becomes a mentally incapacitated person, or
 - (h) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Minister may remove a member from office at any time.

6 Filling of vacancy in office of member

If the office of a member of the Review Panel becomes vacant, a person may, subject to this Regulation, be appointed to fill the vacancy.

7 Disclosure of pecuniary interests

(1) If:

- (a) a member of the Review Panel has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Review Panel, and
- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Review Panel.

(2) A disclosure by a member at a meeting of the Review Panel that the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause must be recorded by the Review Panel in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee (if any) determined by the Review Panel.

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Schedule 2 Membership and procedure of Load-Based Licensing Technical Review Panel

- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Review Panel otherwise determines:
 - (a) be present during any deliberation of the Review Panel with respect to the matter. or
 - (b) take part in any decision of the Review Panel with respect to the matter.
- (5) For the purpose of the making of a determination by the Review Panel under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
 - (a) be present during any deliberation of the Review Panel for the purpose of making the determination, or
 - (b) take part in the making by the Review Panel of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Review Panel.

8 General procedure

The procedure for the calling of meetings of the Review Panel and for the conduct of business at those meetings is, subject to this Regulation and to any direction of the Minister, to be as determined by the Review Panel.

9 Quorum

The quorum for a meeting of the Review Panel is a majority of the members for the time being of the Review Panel.

10 Presiding member

- (1) The Chairperson of the Review Panel or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Review Panel.

- (2) The person presiding at any meeting of the Review Panel has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

11 Voting

A decision supported by a majority of the votes cast at a meeting of the Review Panel at which a quorum is present is the decision of the Review Panel.

12 Minutes of meetings

The Review Panel is required to keep minutes of proceedings at its meetings.

Schedule 3 Prescribed matter for the definition of water pollution

(Clause 52)

- 1 Any animal matter of any description, including (but not limited to) carcasses of animals, parts or remains of animals, offal, flesh and bones.
- 2 Any plant matter of any description, including (but not limited to) vegetable or fruit wastes, leaves, grass, trees, wood, sawdust, shavings, chips, bark or other forest products or refuse.
- 3 Any ashes, soil, earth, mud, stones, sand, clay or similar inorganic matter.
- 4 Any washings or spoil from any mineral processing or extractive operation, from any dredging operation or from any other industrial, agricultural or commercial activity.
- 5 Any ballast.
- 6 Any excreta, manure or urine, or any waste from an on-site human waste storage facility or treatment device.
- 7 Any matter of an infectious nature.
- 8 Any scrap metal, glass, junk, paper, plastic, rubbish, vehicle or vehicle tyres, any industrial waste and any refuse of any other description.
- 9 Any oil, grease or flammable liquid of any description.
- 10 Any thermal waste (being any liquid which, after being used in or in connection with any activity, is more than 2 degrees Celsius hotter or colder than the water into which it is discharged).
- 11 Any matter that causes biochemical oxygen demand.
- 12 Any matter that causes chemical oxygen demand.
- 13 Any liquid that contains suspended or dissolved solids.
- 14 Any gas other than oxygen.
- 15 Any methylene blue active substance.

-
- 16 Any matter that contains faecal coliform or faecal streptococci
- 17 Any matter that has a pH value of less than 6.5 or more than 8.5.
- 18 Any pesticide (within the meaning of the *Pesticides Act 1978*).
- 19 Any poisonous substance of any description.
- 20 Any radioactive substance.
- 21 Any substance classified as dangerous goods under the Australian Code for the Transport of Dangerous Goods by Road and Rail.
- 22 Any substance listed in Schedule 10 to the *Water Board (Corporatisation) Act 1994*.
- 23 Any substance listed in the National Occupational publications entitled *List of Designated Hazardous Substances* published in March 1994 by the National Occupational Health and Safety Commission [NOHSC: 10005 (1994)].
- 24 Any chemical toxicant for which guidelines are prescribed by the publication entitled *Australian Water Quality Guidelines for Fresh and Marine Waters* published in November 1992 by the Australian and New Zealand Environment and Conservation Council.
- 25 Any of the following substances:
- arsenic, barium, boron, cadmium, chloride, chromium (hexavalent), copper, cyanide, fluoride, iron (dissolved), lead, manganese (dissolved), mercury, selenium, silver, uranyl ion or zinc.
- 26 Any matter that contains any nitrogen, sulphur, phenolic or phosphorous compound.
- 27 Any matter that contains matter referred to above.

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Schedule 4 Forms relating to noise abatement directions

**Schedule 4 Forms relating to noise abatement
directions**

(Clause 58)

**Form 1 Protection of the Environment Operations
Act 1997**

(Section 280)

**MAGISTRATE'S RECORD OF COMPLAINT REQUESTING THE ISSUE OF A
WARRANT TO ENTER PREMISES**

Details of the complaint

On at am/pm, I, the undersigned
Magistrate, received a complaint alleging that the complainant had been denied entry to
premises at

The complaint was made in person*/by telephone*.

The complaint was made by, a police officer stationed at

The complainant caused the complaint to be transmitted to me by
a police officer stationed at*

Further details of the complaint are set out on the other side of this page.

Grounds of the complaint

The complainant stated their belief that:

- offensive noise was being emitted from the premises*
- offensive noise had, within the 7 days preceding the complaint, been emitted from
the premises*.

The police officer requested the grant of a warrant because the officer believed it was
necessary to enter the premises immediately in order:

- to give a noise abatement direction in relation to offensive noise emitted from the
premises*
- to investigate whether a noise abatement direction has been contravened*.

Outcome of consideration of the complaint

After considering the complaint I was satisfied that there were reasonable grounds for
that belief.

Protection of the Environment Operations (General) Regulation 1998

Forms relating to noise abatement directions

Schedule 4

The grounds on which I relied to justify my finding that there were reasonable grounds for that belief are as follows:

.....

Details of grant of warrant

I have granted my warrant authorising and requiring the complainant to enter the premises and:

- to give a noise abatement direction*
- to investigate whether a noise abatement direction has been contravened*.

The warrant was granted on at am/pm

Signed..
 (Magistrate)

* Delete if inapplicable.

(Overleaf)

Details of Complaint

1. Names of persons involved (if known):
2. Location of premises:
3. Name of civilian informant (if known):
4. The complainant police officer believed that:
 - (a) offensive noise was being emitted from the premises*
 - (b) offensive noise had, within the past 7 days, been emitted from the premises*.
5. Other information obtained by complainant police officer:
 - (a) Personal observations by police (e.g. noise from the house is being emitted, type of noise, etc):
 - (b) Civilian informant's information (indications that noise has recently been emitted):
 - (c) Any other information cited as grounds for the belief of the complainant by reason of which the warrant was requested and granted:
6. The officer had been denied entry to the premises, details of which (including anything said or done) are:

* Delete if inapplicable.

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Protection of the Environment Operations (General) Regulation 1998

Schedule 4 Forms relating to noise abatement directions

Form 2 Protection of the Environment Operations Act 1997

(Section 280)

NOTICE OF GRANT OF WARRANT TO ENTER PREMISES

A warrant has been granted to enter premises at

The warrant was granted on the basis of a complaint made by a police officer stationed at police station.

The warrant was granted at am/pm on

The warrant was granted by a Magistrate of the Local Court.

The warrant was granted subject to the following additional terms: *

..... Signature of complainant police officer

* Delete if inapplicable.

Form 3 Protection of the Environment Operations Act 1997

(Section 280)

IMPORTANT INFORMATION FOR OCCUPIERS CONCERNING THE WARRANT

A warrant has been granted by a Magistrate.

The warrant gives the authority and power to police to enter premises and:

- (a) to give a noise abatement direction (which is a direction under the *Protection of the Environmental Operations Act 1997* to cause the emission of offensive noise to stop or to stop making or contributing to offensive noise), or
- (b) to investigate whether a noise abatement direction has been breached.

Reasons for the issue of the warrant

A member of the police force has made a complaint to a Magistrate that the police officer was denied entry to the premises and that the member of the police force believed:

- (a) that offensive noise was being emitted from the premises (or that offensive noise had been emitted within the previous 7 days), and
- (b) that it was necessary for a police officer to enter the premises immediately in order to give a noise abatement direction in relation to offensive noise emitted from the premises or to investigate whether a noise abatement direction has been contravened.

The Magistrate was satisfied that there were reasonable grounds for that belief.

Details of the warrant

The police officer who was the complainant should have prepared a form containing details of

- (a) the address of the premises the subject of the warrant, and
- (b) the name of the Magistrate who granted the warrant, and
- (c) the name of the police officer, and
- (d) the time at which the warrant was granted.

You should have been given that form by the police officer who entered the premises

Expiry

The warrant must be executed as soon as practicable after the time it is granted.

The warrant must be executed within 24 hours after the time it was granted.

The warrant may be executed at any time during the day or night.

Use of force

The police may use such force as is necessary for the purpose of entering any premises.

This may include breaking open any door.

Any force used must be reasonably necessary.

Limitations on the powers conferred

Only functions and powers authorised under the warrant or by the Act authorising the issue of the warrant may be performed.

The police officer is not authorised to stay on your premises any longer than is necessary.

Schedule 5 Open coastal waters.

(Clause 20)

Open coastal waters for the purposes of clause 20 are ocean waters east of the natural coast line of New South Wales, defined as follows:

- (1) The natural coast line is defined by a line drawn along the high water mark of the sea.
- (2) Where an estuary meets the coast, the natural coast line is defined as follows (unless paragraph (3) applies):
 - (a) if an estuary has two break walls at the confluence with the South Pacific Ocean, by a line drawn across the easternmost extremity of both break walls,
 - (b) if an estuary has only one break wall, by a line drawn from the easternmost extremity of the break wall to the northern or southern extremity of the high water mark on the opposite bank,
 - (c) if an estuary enters the South Pacific Ocean and there are no defined points available, by a line drawn across the entrance between the easternmost extremity of the drying points on each bank.
- (3) In relation to the following waters, the natural coast line is defined as follows:
 - (a) Port Stephens—by a line drawn between the southern extremity of Yacaaba Point to the northern extremity of Tomaree Point,
 - (b) Broken Bay—by a line drawn from the southern extremity of Box Head to the northern extremity of Barrenjoey Head,
 - (c) Port Jackson—by a line drawn from the southern extremity of North Head to the northern extremity of South Head.
 - (d) Botany Bay—by a line drawn from Endeavour Light to the northern extremity of Sutherland Point.

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- (e) Port Hacking—by a line drawn from the southermost extremity of Hungry Point to the northernmost extremity of Cabbage Tree or Pulpit Point.
 - (f) Jervis Bay—by a line drawn from the southeastern point of Point Perpendicular to the southeastern point of Bowen Island thence to the northeastern point of Governor Head,
 - (g) Wogonga River—by a line drawn northwest across the entrance from the northernmost extremity of Wogonga Mead,
 - (h) Batemans Bay—by a line drawn from the southwestern extremity of Square Point to the northernmost extremity of Observation Point.