**Environment Protection Regulations**

**Exposure Draft**

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**Environment Protection Regulations**

**Exposure Draft**

The Governor in Council, on the recommendation of the Authority, makes the following Regulations:

Dated:

Responsible Minister:

LILY D'AMBROSIO

Minister for Energy, Environment and Climate Change

Clerk of the Executive Council

Chapter 1—Preliminary

Part 1.1—Introductory matters

1. Objectives

The objectives of these Regulations are to further the purposes of, and give effect to, the **Environment Protection Act 2017** by—

1. imposing obligations in relation to environmental protection, pollution incidents, contaminated land and waste; and
2. providing for activities and other matters for the purposes of permissions under the Act; and
3. specifying matters in relation to litter, water, air, land, noise and vehicle emissions; and
4. encouraging retailers and consumers to reduce the overall use of plastic bags that often enter the environment as litter, by banning thin, single-use plastic shopping bags; and
5. setting out additional matters in relation to environmental audits; and
6. prescribing activities in respect of which—
   1. the environment protection levy is payable; and
   2. the waste levy is payable; and
   3. the Authority may require a financial assurance; and
7. prescribing the form and manner of certain applications; and
8. prescribing infringement offences and infringement penalties; and
9. providing for exemptions from certain provisions of the Act; and
10. prescribing the fees payable under the Act; and
11. providing for transitional arrangements; and
12. prescribing other matters necessary to give effect to the Act.
13. Authorising provision

These Regulations are made under section 465 of the **Environment Protection Act 2017**.

1. Commencement

These Regulations come into operation on   
1 July 2020.

1. Definitions

In these Regulations—

***accredited consigner*** means a person appointed as an accredited consigner under regulation 89;

***ADR 83/00*** means Vehicle Standard (Australian Design Rule 83/00 – External Noise) 2005, Compilation dated 5 November 2013, published by the Commonwealth Department of Infrastructure, Regional Development and Cities, as in force from time to time;

***ADWG*** means the Australian Drinking Water Guidelines, published by the National Health and Medical Research Council in 2011, as in force from time to time;

***A-frequency weighting*** has the same meaning as in the Noise Protocol;

***alter***, in relation to an on-site wastewater management system, means any change to the design or construction of the system which may increase the hydraulic flow or organic load of the system;

***alternative assessment criterion*** means the maximum effective noise level that applies at an alternative assessment location to ensure compliance with the noise limit, as determined in accordance with the Noise Protocol;

***alternative assessment location*** means a point used as a substitute measurement point for the assessment of noise, as determined in accordance with the Noise Protocol;

***ambulance service*** has the same meaning as in the **Ambulance Services Act 1986**;

***animal unit*** means one head of cattle or 5 of any other kind of mammal;

***annual fee***, in relation to an operating licence, means the fee calculated under regulation 172;

***ANZG*** means the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, published by Australian and New Zealand Governments and Australian State and Territory Governments in 2018, as in force from time to time;

***ANZSIC code***, for an activity, means the classification code given to that activity under the Australian and New Zealand Standard Industrial Classification 2006 released by the Australian Bureau of Statistics, as in force from time to time;

***ANZSIC codes for NPI reporting*** means the list of ANZSIC codes for National Pollutant Inventory reporting by activity type published by the Commonwealth Department of Environment and Energy, as in force from time to time;

***APCO*** means Australian Packaging Covenant Organisation Ltd;

**Note**

APCO is the representative body for industry participants in the packaging supply chain who are signatories to the Australian Packaging Covenant.

***approved motor vehicle tester*** means a person appointed as an approved motor vehicle tester under regulation 155;

***aquifer*** has the same meaning as in the **Water Act 1989**;

**Note**

***Aquifer*** in the **Water Act 1989** means a geological structure or formation or an artificial land fill permeated or capable of being permeated permanently or intermittently with water.

**AS/NZS 4012** means the Australian/New Zealand Standard 4012:2014, Domestic solid fuel burning appliances – Method for determination of power output and efficiency, published by Standards Australia and Standards New Zealand, as in force from time to time;

**AS/NZS 4013** means the Australian/New Zealand Standard 4013:2014, Domestic solid fuel burning appliances – Method for determination of flue gas emission, published by Standards Australia and Standards New Zealand, as in force from time to time;

***Australian Light Vehicle Standards (ALVS) Rules*** means the Australian Light Vehicle Standards Rules published by the National Transport Commission in 2015, as in force from time to time;

***Australian Packaging Covenant*** means the agreement by that name (including all schedules and annexes to that agreement) between the Commonwealth, State and Territory governments and APCO to reduce the environmental impacts of consumer packaging in Australia, dated 2017, as in force from time to time;

***average threshold*** meansthe 95% upper confidence limit on the arithmetic average concentration of a contaminant in or on soil that is equal to or above the HIL or HSL for that contaminant for the current use of the land, as specified in section 6 of Schedule B1 to the NEPM (ASC);

***background level***, for the purposes of Part 5.3, means the background level as determined in accordance with the Noise Protocol;

***banned plastic bag*** means a bag, other than an exempt plastic bag—

1. with handles; and
2. that comprises, either wholly or partly, plastic, whether or not that plastic is biodegradable, degradable or compostable; and
3. that has a thickness of 35 microns or less at any part of the bag;

***brand owner*** means—

1. in relation to a product that is sold or distributed in Australia—
   1. a person who is the owner of the product name under which the product is sold or distributed; or
   2. if no person in Australia satisfies subparagraph (i) in relation to the product, each person who is a licensee of the product name under which the product is sold or distributed, but only in respect of those items of the product that are sold or distributed under that licence; or
   3. if no person in Australia satisfies subparagraph (i) or (ii) in relation to the product, each person who is a franchisee under a business arrangement that allows the person to sell or otherwise distribute the product in Australia, but only in respect of those items of the product that are sold or distributed by the person under that arrangement; or
   4. if no person in Australia satisfies subparagraph (i), (ii) or (iii) in relation to the product, the first person to sell or distribute that product in Australia; and
2. in relation to a plastic bag that is provided to a consumer for the transportation of products purchased by the consumer in Australia—
   1. the importer or manufacturer of the plastic bag; or
   2. the retailer who provides the plastic bag to the consumer at or around the point of sale;

***bus*** has the same meaning as in the **Bus Safety Act 2009**;

***Category A waste*** means priority waste that is classified as Category A waste in accordance with regulation 67 or 68;

***Category B waste*** means priority waste that is classified as Category B waste in accordance with regulation 67 or 68;

***Category C waste*** means priority waste that is classified as Category C waste in accordance with regulation 67 or 68;

***Category D waste*** means priority waste that is classified as Category D waste in accordance with regulation 67 or 68;

***certificate of compliance*** means a certificate issued by an approved motor vehicle tester under regulation 157;

***chemical process*** means any process where a chemical change occurs but does not include physical processes such as mixing or blending;

***Chief Health Officer*** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

***Class 1 substance*** means a substance listed in Schedule 4 as a Class 1 substance;

***Class 2 substance*** means a substance listed in Schedule 4 as a Class 2 substance;

***Class 3 substance*** means a substance listed in Schedule 4 as a Class 3 substance;

***commercial, industrial and trade premises*** means any premises except the following—

1. residential premises (other than common plant under the control of an owners’ corporation);
2. a street or road, including every carriageway, footpath, reservation and traffic island on any street or road;
3. a tram, light rail or railway line or siding (not being a marshalling yard or maintenance depot of any tram, light rail or railway line);
4. the premises situated at Lower Esplanade, St Kilda and known as “Luna Park” and being the whole of the land more particularly described in Certificate of Title Volume 1204 Folio 109;

**Examples**

Common plant under the control of an owners’ corporation at residential premises includes common air-conditioning units, car stackers and lift equipment in apartment buildings, all of which must be assessed as noise from commercial, industrial and trade premises in accordance with the Noise Protocol.

***compost*** means an organic product that has undergone controlled aerobic and thermophilic biological transformation through the composting process to achieve pasteurisation and reduce phytotoxic compounds, and achieved a specified level of maturity required for compost;

***concert*** means an operation at an outdoor entertainment venue or an outdoor entertainment event if the effective noise level exceeds 55 dB(A) (or 45dB(A) if measured indoors) assessed as an LAeq of 15 cumulative minutes at any measurement point in a noise sensitive area at least once during the 24-hour period;

***consign***, in relation to waste, means arranging for the transport of the waste;

***consumer packaging*** means all packaging products made of any material, or combination of materials, for the containment, protection, marketing or handling of consumer products, and includes distribution packaging;

***contaminant***, for the purposes of Division 1 of Part 2.1, means waste or a chemical substance, or a by-product of waste or a chemical substance, set out in section 6 of Schedule B1 of the NEPM (ASC);

***controlled waste*** has the meaning set out in clause 3 of the NEPM (MCW);

***dB(A)*** means a noise level determined in accordance with A-frequency weighting;

***decibel*** (or ***dB***) has the same meaning as in the Noise Protocol;

***declaration of use*** means a declaration of use made under—

1. regulation 64(3); or
2. regulation 64(4);

***designated waste*** means reportable priority waste, in liquid form with a waste code J100, J120, J130, K100, L100-H or L150-H in Schedule 5;

***designation***, for the purposes of Part 4.2, means—

1. a designation of general application issued by the Authority on its own motion; or
2. a designation issued to a person who has the management or control of priority waste by the Authority on application;

***diesel engine*** means an internal combustion engine that operates on the compression-ignition principle;

***digestate*** means the material remaining after the anaerobic digestion of organic waste;

***distribution packaging*** means all packaging that contains multiples of products (the same or mixed) intended for direct consumer purchase, including—

1. secondary packaging used to secure or unitise multiples of consumer products such as cardboard boxes, shipper, shrink film overwrap; and
2. tertiary packaging used to secure or unitise multiples of secondary packaging such as pallet wrapping stretch film, shrink film, strapping;

***DT80 test cycle*** means the DT80 transient test procedure for the testing of diesel-fuelled vehicle exhaust emissions as set out in Division 1 of Part 9 of the ALVS Rules;

***effective noise level*** means—

1. in Division 3 of Part 5.3, the level of noise emitted from commercial, industrial and trade premises and, if appropriate, adjusted to take into account the character and duration of the noise and the measurement conditions, as determined in accordance with the Noise Protocol; and
2. in Division 4 of Part 5.3, the level of music noise from an indoor entertainment venue, outdoor entertainment venue or outdoor entertainment event, measured in a noise sensitive area or at an alternative assessment location, as determined in accordance with the Noise Protocol;

***ethanol-blended petrol*** means petrol containing 4 per cent or more of ethanol by volume but not more than 20 per cent of ethanol by volume;

***equivalent passenger units*** or ***EPU***,in relation to a type of tyre in column 2 of the Table in Schedule 2, means the corresponding value in column 3 of that Table;

***ESMP data manual*** means the *ESMP data manual 1992: Engine speed at maximum power and noise test engine speeds for vehicles 1970 to 2005*, published by the Authority on its website, as in force from time to time;

***e-waste*** means waste in the form of electrical or electronic equipment, devices or things (or materials or parts of such equipment, devices or things), the operation of which is dependent on, or designed for the generation, transfer or measurement of, an electric current or electromagnetic field;

***exempt plastic bag*** means a bag that comprises, either wholly or partly, plastic and that is an integral part of the packaging in which goods are sealed or provided for sale;

***fill material*** is industrial waste that is soil with contaminant and leachable concentrations not exceeding the upper limits for fill material waste contaminant or leachable concentrations specified in the document Waste Disposal Categories — Characteristics and Thresholds;

***forward-control passenger vehicle*** has the same meaning as in the relevant design rules;

***frequency*** means the property of sound that measures the rate of repetition of the sound wave, in Hertz (Hz) or cycles per second;

***frequency spectrum*** means the distribution of the energy or the magnitude of a sound across each frequency component;

***friable asbestos*** means asbestos that, when dry—

1. may be crumbled, pulverised or reduced to powder by hand pressure; or
2. as a result of a work process becomes such that it may be crumbled, pulverised or reduced to powder by hand pressure;

***goods vehicle*** means any motor vehicle, other than a passenger car or passenger car derivative, that—

1. is constructed principally for the carriage of goods; and
2. has at least 4 wheels;

***gross vehicle mass*** or ***GVM*** has the same meaning as in the **Road Safety Act 1986**;

***health service*** has the same meaning as in the **Public Health and Wellbeing Act 2008**;

***heavy vehicle*** has the same meaning as in the Heavy Vehicle National Law (Victoria);

***highway*** means—

(a) any street, road, lane, bridge, thoroughfare or other place open to or used by members of the public for passage by motor vehicles; and

(b) any public car park;

***HIL*** means the health investigation levels listed in Tables 1A(1) and 1A(2) in Schedule B1 to the NEPM (ASC);

***HSL*** means the health screening levels listed in Tables 1A(3), 1A(4) and 1A(5) in Schedule B1 to the NEPM (ASC);

***IANZ*** means International Accreditation New Zealand;

***indoor entertainment venue*** means any premises (other than residential premises or an outdoor entertainment venue), where music is played and includes a live music entertainment venue, hotel, tavern, cabaret, night club, discotheque, reception centre, skating rink, restaurant, cafe, health and fitness centre, recording and rehearsal studio, theatre, amusement park, amusement parlour, retail store, shop, public hall and club;

***information technology and telecommunications equipment*** means products and equipment used for the collection, storage, processing, presentation, communication, transmission or receipt of sound, images, video or other information by electronic means or telecommunications;

***kerbside******recycling******collection*** means the collection of waste by a person under contract with a council or a Waste and Resource Recovery Group;

***LAeq*** has the same meaning as in the Noise Protocol;

***land***, for the purposes of Part 3.5 and Schedule 1, does not include groundwater;

***land capability assessment*** means an assessment of the risks of harm to human health and the environment of the proposed or existing on-site wastewater management system at the site, taking into account the proposed use of the system;

***leachate*** means the liquid formed from rainwater and waste breakdown products within a landfill or contaminated water that has percolated through or drained from a landfill;

***live music entertainment venue*** has the same meaning as in clause 53.06 of the VPPs;

**Note**

***Live music entertainment venue*** under clause 53.06 of the VPPs includes a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment and a rehearsal studio.

***localised elevated values*** ***threshold*** means the concentration of a contaminant in an individual soil sample that is equal to or more than 250% of the HIL or HSL for that contaminant for the current use of the land, as specified in section 6 of Schedule B1 to the NEPM (ASC);

***major urban area*** means the areas of land within—

1. the urban growth boundary identified in a planning scheme, if the population is greater than 7 000; or
2. if paragraph (a) does not apply, the urban centre boundary (as defined by the Australian Bureau of Statistics) of an urban centre with a population greater than 7 000 persons, including land within the whole of any Residential Zone, Industrial Zone, Commercial Zone or Urban Growth Zone that is crossed by the urban centre boundary;

***measurement point*** means a point at which the microphone is located to measure the effective noise level or the background level, as determined in accordance with the Noise Protocol;

***motor cycle*** means a motor vehicle with 2 wheels, and includes a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel;

***motor trike*** means a motor vehicle with 3 wheels, but does not include a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel;

***music*** means any combination of sounds produced by the playing of a musical instrument, by singing, recitation or dancing, or the reproduction of these;

***music noise*** means music and associated contemporaneous sounds heard in a noise sensitive area;

***NATA*** means the National Association of Testing Authorities;

***National Environment Protection Council*** means the National Environment Protection Council established by section 8 of the **National Environment Protection Council (Victoria) Act 1995** and the relevant provisions of equivalent legislation of the participating jurisdictions;

***National Environment Protection (Assessment of Site Contamination) Measure*** or ***NEPM (ASC)*** means the National Environment Protection (Assessment of Site Contamination) Measure 1999 made under section 14 of the **National Environment Protection Council (Victoria) Act 1995** and the equivalent legislation of the participating jurisdictions, as in force from time to time;

***National Environment Protection (Movement of Controlled Waste between States and Territories) Measure*** or ***NEPM (MCW)*** means the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure made under section 14 of the **National Environment Protection Council (Victoria) Act 1995** and the equivalent legislation of the participating jurisdictions, as in force from time to time;

***National Environment Protection (National Pollutant Inventory) Measure*** or ***NEPM (NPI)*** means the National Environment Protection (National Pollutant Inventory) Measure made under section 14 of the **National Environment Protection Council (Victoria) Act 1995** and the equivalent legislation of the participating jurisdictions, as in force from time to time;

***National Pollutant Inventory*** or ***NPI*** means the inventory of emitted and transferred substances, established as a result of the NEPM (NPI);

***National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles***, published by the National Transport Commission in September 2006, as in force from time to time;

***natural acoustic environment*** means the properties or qualities of the environment relating to natural sound that is not significantly impacted by noise from human activity;

***new vehicle*** has the same meaning as in the Motor Vehicle Standards Act 1989of the Commonwealth;

***noise limit*** means the maximum effective noise level allowed in a noise sensitive area, as determined in accordance with the Noise Protocol;

***Noise Protocol*** means the *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises, and entertainment venues*,published by the Authority on its website, as published from time to time;

***noise sensitive area*** means—

1. that part of the land within the boundary of a parcel of land that is—
   1. within 10 metres outside the external walls of any of the following buildings—
      1. a dwelling (including a residential care facility but not including a caretaker's house);
      2. a residential building;
      3. a noise sensitive residential use; or
   2. within 10 metres outside the external walls of any dormitory, ward, bedroom or living room of one or more of the following buildings—
      1. a caretaker's house;
      2. a hospital;
      3. a hotel;
      4. a residential hotel;
      5. a motel;
      6. a specialist disability accommodation;
      7. a corrective institution;
      8. a tourist establishment;
      9. a retirement village;
      10. a residential village; or
   3. within 10 meters outside the external walls of a classroom or any room in which learning occurs in the following buildings—
      1. a child care centre;
      2. a kindergarten;
      3. a primary school;
      4. a secondary school; or
2. in the case of a rural area only, that part of the land within the boundary of—
3. a tourist establishment;
4. a campground;
5. a caravan park;

***noise sensitive residential use*** has the same meaning as in clause 53.06 of the VPPs;

**Note**

***Noise-sensitive residential use*** under clause 53.06 of the VPPs means a community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house.

***non-aqueous phase liquid*** means an organic or inorganic liquid that—

1. is not miscible with water; and
2. can exist in soil or groundwater in various forms; and
3. is commonly present as a measurable thickness (phase-separated) or sheen; and
4. may be identifiable analytically (in soil or groundwater) when solubility has been reached or observed to be present within the unsaturated soil, rock profile or aquifer matrix;

**Example**

Oil in water.

***odorous compound***means any chemical compound, including a volatile organic compound, that is offensive to the senses of human beings when dispersed in the air;

***off-road passenger vehicle*** has the same meaning as in the relevant design rules;

***off-shore facility*** means a vessel or structure located in an off shore area (as defined in the Offshore Petroleum and Greenhouse Gas Storage Act 2006 of the Commonwealth) that is used or constructed for the recovery of petroleum (including natural gas), or carries, contains or includes equipment for drilling, or for carrying out other operations in connection with a well, from the vessel or structure, and includes a combination of two or more related off-shore facilities, but excludes a vessel engaged merely in site surveys or investigations to a depth in the seabed not exceeding 100 metres;

***on-site wastewater management system*** means an on-site wastewater treatment plant and includes all beds, sewers, drains, pipes, fittings, appliances and land used in connection with the treatment plant;

***on-site wastewater treatment plant*** meansa treatment plant for the bacterial, biological, chemical or physical treatment of sewage generated on site;

**Examples**

Septic tank system, wet or dry composting toilet, aerobic treatment and sand filter.

***operation***, for the purposes of Part 5.3, means the music noise emitted from an outdoor entertainment venue or outdoor entertainment event over a 24-hour period;

***outdoor entertainment event*** means an event where music is played and is held on public land including a road reservation, public open space, park, foreshore reserve or land of a similar nature, including an event held on such land in a temporary building or structure, such as a marquee, tent or temporary soundstage, not being a permanent fixture of the land and erected for the purposes of the event;

***outdoor entertainment venue*** means any premises (other than residential premises) where music is played in the open air and which cannot feasibly be totally enclosed and sound-proofed because of its size;

**Examples**

Sports and other large outdoor arenas and major sports and recreation facilities having substantial provision for spectators, including privately-owned land used as an outdoor entertainment venue.

***packaged waste asbestos*** means waste that is classified as packaged waste asbestos in accordance with regulation 67;

***packaging supply chain*** means the linkages among materials suppliers, packaging manufacturers, packaging fillers, wholesalers, retailers and consumers of packaged products;

***participation rate***, for a recycling collection service, means the number of households or other premises participating in the service, expressed as a proportion of the number of households or premises to whom the service is available;

***participating jurisdiction*** has the same meaning as in the **National Environment Protection Council (Victoria) Act 1995**;

***particles*** include the following—

(a) particles as PM2·5;

(b) particles as PM10;

(c) total suspended particles;

(d) TSP (nuisance dust);

***particles as PM2.5*** means particulate matter with an equivalent aerodynamic diameter of 2.5 micrometres or less;

***particles as PM10*** means particulate matter with an equivalent aerodynamic diameter of 10 micrometres or less;

***passenger car*** has the same meaning as in the relevant design rules;

***passenger car derivative*** means any motor vehicle—

1. of the type known as a utility or panel van and of the same make as a factory produced passenger car; and
2. in which the greater part of the body form and the greater part of the forward mechanical equipment are the same as those in the passenger car;

***pasteurised material*** means organic material with reduced pathogens and plant propagules following exposure to heat;

***petrol*** includes any liquid fuel or mixture of fuels of a kind used in internal combustion spark ignition engines;

***planning scheme*** means a planning scheme approved under the **Planning and Environment Act 1987** as in force from time to time under that Act;

***post-consumer waste stream*** means the waste produced by the end consumer of a material stream, that is, if the waste-producing use does not involve the production of another product;

***ppm***means parts per million by volume;

***product name*** includes a trade mark, brand name or trade name whether or not registered in Australia;

***project site*** means any place or premises at which works are undertaken for a project in accordance with an amendment to a planning scheme under the **Planning and Environment Act 1987**;

***recover***, in relation to materials, means to separate those materials from other waste in a manner that enables them to be re-used for packaging or used for other products;

***recovery rate*** has the meaning given in regulation 96;

***recreation motor cycle*** means any 2-wheeled motor cycle that is registered as a recreation motor cycle under the Road Safety (Vehicles) Regulations 2009;

***recyclable***, in relation to product packaging, means reasonably able to be recovered in Australia through an approved or accredited collection or drop-off system, and able to be reprocessed and used as a raw material for the manufacture of a new product;

***regulated petrol producer*** means a person who produces petrol by any of the following—

1. importing petrol into Victoria;
2. refining petrol in Victoria;
3. blending petrol in Victoria;

***relevant design rules*** means Vehicle Standard (Australian Design Rule - Definitions and Vehicle Categories) Compilation 9, dated 14 May 2016, published by the Commonwealth Department of Infrastructure, Regional Development and Cities, as in force from time to time;

***relevant environment protection legislation*** means—

1. the Act or these regulations; and
2. any corresponding Act of another State or a Territory or the Commonwealth or any regulations made under that Act;

***relevant period***, in relation to the waste levy and allowable rebate, means—

1. a period of 3 months ending on 31 March, 30 June, 30 September or 31 December in any year; or
2. any other period of time required by a liable person’s operating licence;

***reportable priority waste for the purposes of section 142 of the Act*** means priority waste set out in regulation 71;

***reportable priority waste for the purposes of section 143 of the Act*** means priority waste set out in regulation 72;

***retailer*** means a person who sells goods in trade or commerce;

***rural area*** meansland that is not within a major urban area;

***sewage*** means wastewater containing any of human excreta, urine and toilet flush water and includes greywater (which is also called sullage and may include water from the shower, bath, basins, washing machine, laundry trough and kitchen);

***siding*** means a siding used for the passing of trains, but does not include a siding used for the stabling, loading or maintenance of trains;

***significant development licence application*** means an application for a development licence the Authority considers is reasonably likely to have significant implications for public health and meets the criteria specified by the Minister for the purposes of regulation 22(1)(c) in a determination published in the Government Gazette;

***signatory*** means a signatory to the Australian Packaging Covenant, and includes an organisation that accedes to that Covenant after it is made, whether before or after the commencement of Part 4.3;

***soil containing asbestos only*** means priority waste that is classified as soil containing asbestos only in accordance with regulation 67 or 68;

***solid fuel heater*** means a domestic solid fuel burning appliance as set out in clause 1.2 of AS/NZS 4012 or clause 1.2 of AS/NZS 4013, regardless of whether the appliance—

1. was manufactured before or after the commencement of these regulations; or
2. is new or used;

***source***, in relation to Part 3.5, means a point from which wastes are emitted to the air environment;

***spark ignition engine*** means an internal combustion engine in which the mixture of air and fuel is ignited by means of electrical spark;

***specified combustible recyclable and waste material*** means paper, cardboard, wood, plastic, rubber, tyres, tyre-derived waste, textiles, e-waste, metal and other materials with combustible contaminants, combustible by-products of metal processing activities and refuse-derived fuel;

***specified electronic waste*** means waste rechargeable batteries, cathode ray tube monitors and televisions, flat panel monitors and televisions, information technology and telecommunications equipment, lighting and photovoltaic panels;

***stationary noise level***, in relation to a particular type of vehicle, means the noise level established for that vehicle in accordance with ADR 83/00 when the vehicle is stationary;

***the Act*** means the **Environment Protection Act 2017**;

***tourist establishment*** means tourist facilities that are located within an area that is characterised by a natural acoustic environment that supports tourism experiences, and includes accommodation (such as a bed and breakfast establishment);

***trade waste*** has the same meaning as in the **Water Act 1989**;

***turnover*** means gross annual income;

***unsolicited document*** means a document that is deposited in, on or at, or affixed to, a place or premises without—

1. being addressed by name to a person who owns, occupies or manages the place or premises; or
2. the express consent of the owner, occupier or manager of the place or premises,

but does not include the following—

1. any stamped mail delivered by, or on behalf of, Australia Post;
2. any material that has a political purpose if deposited in accordance with regulation 55(2)(a);
3. a newspaper or magazine or any material folded or inserted into a newspaper;
4. any public notice issued by a litter authority or a body supplying electricity, gas, water, transport, communications or other service;
5. any document issued under, or for the purposes of, any Act or Commonwealth Act;
6. any other document issued by, or on behalf of, a Department or a public entity within the meaning of the **Public Administration Act 2004** or any Commonwealth Department or Commonwealth public entity;

**Examples**

1 Junk mail.

2 An advertising leaflet placed under the windshield wiper of a car without the consent of the owner.

3 A poster or bill pasted onto a wall without the consent of the owner.

***urban growth boundary*** means a boundary that is specified or is to be specified as an urban growth boundary in a planning scheme;

***vapour pressure***, in relation to Division 6 of Part 5.6, means the petrol's volatility at 37·8oC measured using the test method specified in ASTM D4953‑15 "Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)" published by ASTM International in 2015 or other method approved by the Authority, as in force from time to time;

***vehicle testing notice*** means a written notice given by the Authority under regulation 156;

***Victoria Planning Provisions*** or ***VPPs*** has the same meaning as in the **Planning and Environment Act 1987**;

***volatile organic compound*** means any carbon-based chemical compound with a vapour pressure of at least 0·010 kPa at a temperature of 25° Celsius or having a corresponding volatility under the particular conditions of use, but does not include carbon monoxide (CO), carbon dioxide (CO2), carbonic acid, metallic carbides or carbonate salts;

***Waste Classification Assessment Protocol*** means the Waste Classification Assessment Protocolpublished by the Authority on its website, as in force from time to time;

***waste code*** means a code identifier for a waste specified in column 4 of Schedule 5 or, if there is no suitable waste code specified in column 4 of Schedule 5, allocated in a designation issued by the Authority;

***Waste Disposal Categories*—*Characteristics and* *Thresholds*** means the Waste Disposal Categories—Characteristics and Thresholds published by the Authority on its website, as in force from time to time;

***waste tyres*** means whole rubber tyres which are considered waste for the purposes of the Act;

***wastewater*** means waste principally consisting of water and includes any of the following—

* + 1. sewage or other human-derived wastewater;
    2. wash down water or cooling water;
    3. irrigation runoff or contaminated stormwater;
    4. contaminated groundwater;
    5. water containing any commercial, industrial and trade waste;

***water corporation*** has the same meaning as in the **Water Act 1989**.

1. Determinations of the Authority
   1. The Authority may make a determination for the purposes of section 36(a) of the Act that sets out the background level of waste or a chemical substance in relation to land.
   2. A determination made by the Authority under subregulation (1) may—
2. set out the background level of any of the following—
   1. waste or a type of waste;
   2. a chemical substance or a class of chemical substance;
3. be limited to a specific place or premises or class of place or premises;
4. be of specific or general application.
   1. The Authority may make a determination that sets out the specifications acceptable to the Authority in relation to the following—
5. a proposed on-site wastewater treatment plant under regulation 26(2)(c) or 32(2)(c);
6. modifications conducted by a water corporation under regulation 37(a);
7. discharges to land or surface water under regulation 42(2);
8. the on-site storage of waste under regulation 63(b)(i);
9. a declaration of use under regulation 64(3);
10. the manner in which waste must be stored for the purposes of item 31 (A23—Temporary storage – designated waste) in the Table in Schedule 1;
11. item 58 (Processed solid organic waste) in the Table in Schedule 5.

**Note**

The Act authorises the Authority to make determinations of other matters, including that a person does not require a certain type of permission (see section 48 of the Act).

* 1. The Authority may include in a determination under this regulation any condition or limitation it considers appropriate in the circumstances.
  2. If the Authority makes a determination under this regulation it must publish a notice in the Government Gazette that—

1. states that the determination has been made; and
2. identifies to whom and to what the determination applies; and
3. identifies any provision of these Regulations to which the determination relates; and
4. includes any other details that the Authority considers to be appropriate.
   1. As soon as practicable after publishing a notice in the Government Gazette, the Authority must cause a similar notice to be published on its website.
   2. A determination takes effect on the day on which the notice is published in the Government Gazette, or on any later day specified in the notice.
   3. The Authority must make a copy of a determination available for inspection by any person affected by the determination.
   4. Nothing in this regulation requires the Authority to include in the notice under subregulation (5) or (6) or the copy of the determination under subregulation (8)—
5. any confidential or personal information about an individual; or
6. any confidential information relating to manufacturing or commercial secrets or working processes.
7. Act compliance notes

If a note at the foot of a provision of these Regulations states "Act compliance" followed by a reference to a section number, the regulation provision sets out the way in which a person's duty or obligation under that section of the Act is to be performed in relation to the matters and to the extent set out in the regulation provision.

**Note**

A failure to comply with a duty or obligation under a section of the Act referred to in an "Act compliance" note is an offence to which a penalty or other sanction applies.

1. References to Chapters and Parts

Unless the context otherwise requires, a reference in these Regulations to a Chapter or Part by a number must be construed as a reference to the Chapter or Part, designated by that number, of these Regulations.

Chapter 2—Contaminated land

Part 2.1—Contaminated land

Division 1— Prescribed notifiable contamination

1. Soil contamination

For the purposes of section 37(a) of the Act, the following is prescribed notifiable contamination—

1. the presence of a contaminant in or on soil on land under the management or control of a person if—
   1. a person has been, or is likely to be, exposed to the contaminant; and
   2. the concentration of the contaminant is, and is likely to remain, at a concentration that is equal to or exceeds—
      1. the average threshold for that contaminant; or
      2. the localised elevated values threshold for that contaminant;
2. the presence of a contaminant in or on soil on land adjacent to land under the management or control of a person if—
   1. the contaminant has entered from, or is likely to have entered from, the land under the management or control of the person; and
   2. the concentration of the contaminant is, and is likely to remain, at a concentration that is equal to or exceeds—
3. the average threshold for that contaminant; or
4. the localised elevated values threshold for that contaminant;
5. the presence of a contaminant in or on soil on land under the management or control of a person—
   1. that is likely to enter and remain on land adjacent to that land; and
   2. in a concentration that is likely to be equal to or exceeds the HIL or HSL for that contaminant for the current use of the adjacent land, as specified in section 6 of Schedule B1 to NEPM (ASC).
6. Asbestos in or on soil

For the purposes of section 37(a) of the Act, the following is prescribed notifiable contamination—

1. the presence of friable asbestos in or on soil on land; and
2. a person has been, or is likely to be, exposed to airborne asbestos fibre levels in excess of 0.01 fibres per millilitre by means of inhalation.
3. Actual or likely contamination of groundwater or surface water

For the purposes of section 37(a) of the Act, the following are prescribed notifiable contamination—

1. the entry or likely entry of a contaminant in groundwater or surface water on or in land if the concentration of the contaminant in the groundwater or surface water—
2. is, or is likely to be, above—
3. the default guideline values for that contaminant specified in the ANZG; or
4. the guideline values for the contaminant specified in the ADWG; and
5. is likely to continue to remain above the specified concentration;
6. the presence of any non-aqueous phase liquid in groundwater, surface water or an aquifer on or in land.
7. Vapour inhalation pathway (vapour intrusion)
   1. For the purposes of section 37(a) of the Act, in the circumstances specified in subregulation (2), the following are prescribed notifiable contamination—
8. the 95% upper confidence limit on the arithmetic average concentration of a contaminant in soil vapour samples from the land is equal to or above the interim soil vapour HIL for volatile organic chlorinated compounds for the current use of the land as specified in section 6 of Schedule B1 of the NEPM (ASC);
9. the concentration of a contaminant in an individual soil vapour sample from the land is equal to or above 250% of the interim soil vapour HIL for volatile organic chlorinated compounds for the current use of the land or any land adjacent to the land as specified in section 6 of Schedule B1 of the NEPM (ASC);
10. the 95% upper confidence limit on the arithmetic average concentration of a contaminant in soil vapour samples from the land is equal to or above the soil vapour HSL for vapour intrusion for the current use of the land or any land adjacent to the land as specified in section 6 of Schedule B1 of the NEPM (ASC);
11. the concentration of a contaminant in an individual soil vapour sample from the land is equal to or above 250% of the soil vapour HSL for vapour intrusion for the current use of the land or any land adjacent to the land as specified in section 6 of Schedule B1 of the NEPM (ASC);
12. the 95% upper confidence limit on the arithmetic average concentration of a contaminant in soil samples from the land is equal to or above the soil HSL for vapour intrusion for the current use of the land as specified in section 6 of Schedule B1 of the NEPM (ASC);
13. the concentration of a contaminant in an individual soil sample from the land is equal to or above 250% of the soil HSL for vapour intrusion for the current use of the land or any land adjacent to the land as specified in section 6 of Schedule B1 of the NEPM (ASC);
14. the 95% upper confidence limit on the arithmetic average concentration of a contaminant in groundwater samples from the land is equal to or above the groundwater HSL for vapour intrusion for the current use of the land or any land adjacent to the land as specified in section 6 of Schedule B1 of the NEPM (ASC);
15. the concentration of a contaminant in an individual groundwater sample from the land that is equal to or above the groundwater HSL for vapour intrusion for the current use of the land as specified in section 6 of Schedule B1 of the NEPM (ASC).
    1. For the purposes of subregulation (1), the following circumstances are specified—
16. the concentration of a contaminant continues, or is likely to continue, to remain equal to or above the concentration specified in that subregulation; and
17. a person has been or is likely to be exposed to the contaminant or any by-product of the contaminant.
18. On-site containment of contaminated soil

For the purposes of section 37(a) of the Act, the containment of soil from contaminated land described in regulation 11(1)(e) on that land is prescribed notifiable contamination.

1. Exempt notifiable contamination

For the purposes of section 40(4)(b) of the Act, the following are prescribed exempt notifiable contamination—

1. a stockpile of industrial waste at a place or premises authorised to receive industrial waste, other than containment of soil described in regulation 12;
2. contamination of land in relation to which a notice was served by the Authority under section 31A, 31B, or 62A of the **Environment Protection Act 1970** for land or groundwater contamination was in force immediately before the repeal of that Act or had been revoked if there has been no material change in the condition of the land after the notice was served or revoked;
3. contamination of land in relation to which a certificate of environmental audit or a statement of environmental audit has been issued by an environmental auditor under the **Environment Protection Act 1970**, if—
   1. no potentially contaminating activities have been carried out on the land after the certificate or statement was issued; and
   2. there has been no material change in the condition of the land after the certificate or statement was issued; and
   3. there are no adverse effects on land adjacent to the land;
4. contamination of land arising from a particular waste or a chemical substance that is not specified in section 6 of Schedule B1 to the NEPM (ASC), other than contamination arising from—
   1. asbestos described in regulation 9; or
   2. non-aqueous phase liquid described in regulation 10(b).
5. Prescribed information for notifications

For the purposes of section 41(2)(e) of the Act, prescribed information is information on the management response, or proposed management response, to the notifiable contamination by the person in management or control of the land.

Division 2—Non-aqueous phase liquids

1. Clean up of non-aqueous phase liquids

A person in management or control of land where a non-aqueous phase liquid is present in soil or groundwater must, so far as reasonably practicable—

1. clean up the non-aqueous phase liquid; and
2. if the source of the non-aqueous phase liquid is located on the land, remove or control the source of the liquid.

**Note**

Act compliance—section 39 (see regulation 6).

Chapter 3—Permissions

Part 3.1—General

1. Permission activities
   1. For the purposes of section 44 of the Act, an activity set out in column 3 of the Table in Schedule 1 is a prescribed development activity if the corresponding entry in column 4 of that Table specifies that the activity is a prescribed development activity.
   2. For the purposes of section 45 of the Act, an activity set out in column 3 of the Table in Schedule 1 is a prescribed operating activity if the corresponding entry in column 4 of that Table specifies that the activity is a prescribed operating activity.
   3. For the purposes of section 46 of the Act, an activity set out in column 3 of the Table in Schedule 1 is a prescribed permit activity if the corresponding entry in column 4 of that Table specifies that the activity is a prescribed permit activity.
   4. For the purposes of section 47 of the Act, an activity set out in column 3 of the Table in Schedule 1 is a prescribed registration activity if the corresponding entry in column 4 of that Table specifies that the activity is a prescribed registration activity.

**Note**

Subregulations (1), (2), (3) and (4) do not apply if, in relation to the activity, an exemption set out in Part 3.5 applies.

1. Matters to be included in permission applications to the Authority
   1. For the purposes of section 50(1)(e) of the Act, the following information is prescribed in the case of an application made to the Authority for any permission—
2. any evidence of the applicant’s identity that is required by the Authority;
3. a declaration to the effect that the information contained in the application is, to the best of the applicant's knowledge, true;
4. if the applicant seeks to have the permission issued or granted in the name of a business, the business name and any written evidence required by the Authority of the registration of the business name.
   1. For the purposes of section 50(1)(e) of the Act, the following information is prescribed in the case of an application made to the Authority for a licence or a permit—
5. a declaration as to whether or not the applicant and, if the applicant is a body corporate, any officer of the applicant or of another body corporate that has or had one or more officers in common with the applicant or any family member of the applicant has ever—
   1. been found guilty of any offence, or entered into an undertaking, under any relevant environment protection legislation and, if so, details of the findings of guilt; or
   2. been declared bankrupt or agreed to a personal insolvency agreement under Part X of the Bankruptcy Act 1966 of the Commonwealth; or
   3. held property in a testamentary trust;
6. a declaration as to whether the applicant and, if the applicant is a body corporate, any officer of the applicant or of another body corporate that has or had one or more officers in common with the applicant or any family member of the applicant has ever previously had a permission suspended or cancelled under any relevant environment protection legislation and, if so, details of the suspension or cancellation.
7. Prescribed conditions under section 64 of the Act
   1. For the purposes of section 64(a) of the Act, a condition that is described in the permission as applying for the purposes of section 64 of the Act is prescribed.
   2. For the purposes of section 64(b) of the Act, the following classes of conditions are prescribed—
8. conditions requiring the permission holder to provide data or to report on matters to the Authority, another agency or the public, including reporting on compliance with the permission or the conditions attaching to the permission;
9. conditions requiring the permission holder to make and retain records for inspection.
10. Prescribed circumstances for refusal of permission
    1. For the purposes of sections 69(4)(c), 74(4)(d), 78(3)(c) and 81(4)(c) of the Act, it is a prescribed circumstance if an application specifies an activity involving a wastewater discharge to surface waters in a special water supply catchment area set out in Schedule 5 of the **Catchment and Land Protection Act 1994**.
    2. In this regulation, ***special water supply catchment area*** has the same meaning as in the **Catchment and Land Protection Act 1994.**
11. Landfill permission conditions
    1. For the purposes of section 54(2)(l) of the Act, an operating licence for an activity set out in item 7 (A05a—Landfills - excluding municipal landfills servicing <5000 people) in the Table in Schedule 1 or a permit for an activity set out in item 8 (A05b—Municipal landfills servicing <5000 people) in that Table is subject to the following conditions—
12. radioactive substances must not be accepted for deposit at the landfill site unless—
13. the permission otherwise allows radioactive substances to be deposited at the landfill site; or
14. the substance been declared to not be radioactive material under section 4(1)(a) of the **Radiation Act 2005** for the purposes of that Act;
15. the holder of the operating licence must take all reasonable steps—
16. to avoid exceeding the methane gas action level set out in column 3 of the Table in Schedule 3 when assessed at the location specified in column 2 of that Table that corresponds to that methane gas action level; and
17. to ensure that the depth of the leachate in any landfill cell does not exceed 300mm above the surface of the liner unless the operating licence otherwise allows a higher level of leachate for the landfill cell;
18. the use of any landfill gas flare or thermal oxidising unit operating at the landfill site must result in the complete combustion of the landfill gas by holding the landfill gas at a temperature of at least 1000oC for a minimum of 0.3 seconds each time a flare or unit is used.
    1. For the purposes of section 54(2)(l) of the Act, an operating licence for an activity set out in item 7 (A05a—Landfills-excluding municipal landfills servicing <5000 people) in the Table in Schedule 1 is subject to the condition that the holder of the operating licence must ensure that a weighbridge is used to measure the quantity of waste accepted for deposit at the landfill site.
    2. Subregulation (2) does not apply if the activity set out in item 7 (A05a—Landfills-excluding municipal landfills servicing <5000 people) in the Table in Schedule 1 is a privately owned landfill that only receives wastes that consist of substances that were owned by the holder of the operating licence before they became wastes.
19. Authority or council may request additional information regarding certain applications
    1. This regulation applies to applications made —
20. to the Authority under the following sections of the Act—
21. section 56(1);
22. section 57(1);
23. section 59(1);
24. section 80(1) or (2);
25. section 82(1);
26. section 84(1)(a);
27. to a council under the following sections of the Act—
28. section 56(1);
29. section 57(1);
30. section 59(1);
31. section 82(1);
32. section 84(1).
    1. After receiving an application to which this regulation applies, the Authority or council may require an applicant to provide additional information relating to that application the Authority or council considers necessary.
    2. An application to which this regulation applies is not complete until the information requested under subregulation (2) has been provided, to the satisfaction of the Authority or council.

Part 3.2—Licences

1. Referral of development licence applications to prescribed agencies
   1. For the purposes of section 69(2) of the Act, the following agencies are prescribed—
2. in the case of an application to conduct extractive industry or mining activities, the Minister administering the **Mineral Resources (Sustainable Development) Act 1990**;
3. in the case of an application relating to an activity that is to be engaged in within one or more municipal districts, any responsible authority within the meaning of the **Planning and Environment Act 1987**;
4. in the case of a significant development licence application, the Secretary to the Department of Health and Human Services;
5. any agency to which the Authority considers it appropriate in the circumstances to refer the application for comment.
   1. The Minister administering the **Mineral Resources (Sustainable Development) Act 1990** must advise the Authority within 15 business days after the Minister is referred a copy of an application under section 69(2) of the Act—
6. whether the proposed activity that is the subject of the application is prohibited by the planning scheme for the area in which that activity is to be engaged in; and
7. if so, whether an amendment to the planning scheme is to be prepared to allow the activity in the area.
   1. A responsible authority to which a copy of an application has been referred under section 69(2) of the Act—
8. must provide comments to the Authority in writing within 15 business days of receiving a copy of the application whether—
9. the activity that is the subject of the application is allowed by the planning scheme with or without conditions or prohibited by the planning scheme; or
10. a permit under the **Planning and Environment Act 1987** for the activity is required, has been issued or is being considered; and
11. may provide comments to the Authority in writing within 32 business days of receiving a copy of the application whether it supports, does not object or objects to the application; and
12. may recommend to the Authority within 32 business days of receiving a copy of the application to issue the development licence subject to any specific conditions it considers appropriate.
    1. The Secretary to the Department of Health and Human Services, within 15 business days after being referred a copy of the application under section 69(2) of the Act, may submit a written report to the Authority that includes any objections or recommendations in relation to the application.
    2. For the purposes of section 69(4)(c) of the Act, the following are prescribed circumstances—
13. the proposed activity that is the subject of the application is prohibited by a planning scheme, unless the Authority has been advised under subregulation (2)(b) that an amendment to the planning scheme is to be prepared;
14. the Secretary to the Department of Health and Human Services submits a written report under subregulation (4) objecting to the issue of the development licence on the ground that public health is likely to be endangered if the development licence is issued.
15. Circumstances in which operating licence must be refused

For the purposes of section 74(4)(d) of the Act, it is a prescribed circumstance if, in the case of an application for an operating licence that specifies an activity set out in item 7 (A05a—Landfills - excluding municipal landfills servicing <5000 people) in the Table in Schedule 1 that includes the receipt of the following types or classes of waste at the proposed landfill site—

1. liquid waste;
2. pneumatic automotive tyres unless the tyres have been shredded into pieces not exceeding 250 millimetres in size measured in any dimension;
3. wastes prohibited for disposal to landfill by a national environment protection measure;
4. e-waste, other than e-waste that is dispersed in negligible quantities in wastes not otherwise prohibited from deposit to landfill;
5. used oil filters;
6. large containers contaminated with hazardous residues.

**Note**

Section 67 of the Act prevents the Authority from issuing or granting a permission in relation to a landfill site for deposit of Category A waste.

1. Criteria for considering licence exemptions

For the purposes of section 80(5) of the Act, the following are prescribed matters—

1. the purposes of the Act;
2. the objective of the Authority;
3. the objects set out in section 111 of the Act;
4. the principles of environment protection;
5. whether granting the proposed exemption may adversely impact—
6. human health or the environment; or
7. the interests of any person other than the applicant; or
8. any environmental values identified in any relevant environment reference standard.
9. the best available techniques or technologies for engaging in the prescribed development activity;
10. whether the applicant has adequately engaged with any person whose interests may be affected by the proposed exemption, taking into account the Charter of Consultation developed under section 53 of the Act;
11. whether the applicant is a fit and proper person for the purposes of Chapter 3 of the Act;
12. whether, if the Authority has requested further information from the applicant, the applicant has provided sufficient information within a reasonable time;
13. in the case of an application for an exemption from the application of section 45 of the Act, whether it is in the public interest to grant the exemption.

Part 3.3—Permits

1. Permit activities administered by a council

An application for a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 must be made to a council.

**Note**

All applications for permits to engage in an activity set out in item 28 in the Table in Schedule 1 must be sent to the relevant council not the Authority. All other permit activity applications must be made to the Authority.

1. Prescribed matters for application to council for permit for on-site wastewater management system or an alteration to an existing system
   1. For the purposes of section 50(1)(a)(ii) of the Act, an application to a council for a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 is in the prescribed form and manner if it includes the following—
2. the name, address (postal and email, if any) and telephone number of the applicant;
3. the address at which the activity specified in the application is to be engaged in, if that address differs to the address required under paragraph (a);
4. the name of the owner of the premises at which the activity specified in the application is to be engaged in;
5. the name and contact details of the person undertaking any plumbing works involved in the activity;
6. the name and contact details of the person undertaking the construction, installation or alteration of the on-site wastewater management system.
   1. For the purposes of section 50(1)(e) of the Act, in relation to an application to a council for a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1, the following are prescribed information—
7. detailed plans, specifications and particulars of the proposed construction, installation or alteration of the on-site wastewater management system including the floor plan of the premises at which the activity specified in the application is to be engaged in;
8. details of the proposed use of the on-site wastewater management system;
9. in relation to a proposed on-site wastewater treatment plant, a copy of the certificate of conformity, issued by a body accredited by the Joint Accreditation System of Australia and New Zealand (or another accreditation body approved by the Authority), confirming the proposed treatment plant meets the specifications acceptable to the Authority set out in a determination made under regulation 5;
10. a description of the proposed method of treatment and management of the effluent resulting from the on-site wastewater management system and evidence confirming the system is appropriate for the proposed use;
11. if required by the council, a land capability assessment prepared by a person that the council considers is suitably qualified and to a standard acceptable to the council.
12. Prescribed period for deciding permit applications
    1. For the purposes of section 81(2)(a)(i) of the Act, in relation to an application for a permit specifying an activity set out in item 18, (A12—Transporting waste out of Victoria), 20, (A13b—Waste and resource recovery - medium), 22 (A14—Wastewater supply or use), 24 (A16—Supply or use of reportable priority waste), 25 (A17—Containment of Category D waste soil), 26 (A18—Discharge of waste to aquifer), 27 (A19—Temporary on-site waste treatment), 32 (B01a—Animal industries – waste solely to land) or 34 (B02a—Livestock saleyards or holding pens – waste solely to land) in the Table in Schedule 1, the prescribed period is within 42 business days after receiving the application.
    2. For the purposes of section 81(2)(b) of the Act, in relation to an application for a permit specifying an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1, the prescribed period is within 42 business days after receiving the application.
13. Prescribed matters Authority or council must take into account when determining whether to issue permit

For the purposes of section 81(3) of the Act, the prescribed matters are—

1. in the case of an application to the Authority—
2. any measures the applicant has taken or proposes to take in order to comply with the general environmental duty when engaging in the activity specified in the application; and
3. the impact of the activity on human health and the environment; and
4. the principles of environment protection; and
5. whether the activity is otherwise consistent with the Act and these Regulations; and
6. in the case of an application to the Authority for a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste transport - hazardous) in the Table in Schedule 1, the best available techniques or technologies for engaging in the activity; and
7. in the case of an application to the Authority for a permit that specifies an activity set out in item 17 (A11—Transporting waste into Victoria) in the Table in Schedule 1—
8. whether the facility to which the waste will be transported is appropriately licensed or otherwise approved by the Authority to receive the waste and has sufficient capacity to receive the waste; and
9. relevant environment protection policies, statutory policies and legislation of other participating jurisdictions relating to the generation, transport, treatment or disposal of waste; and
10. whether there is an appropriate facility for the re-use, recycling, treatment or disposal of the waste in the jurisdiction where the waste was generated; and
11. in the case of an application to the Authority for a permit that specifies an activity set out in item 18 (A12—Transporting waste out of Victoria) in the Table in Schedule 1—
12. the type of waste being assessed and how best practice disposal or deposit of this type of waste may occur in Victoria; and
13. engineering specifications of the facility to which the waste is proposed to be deposited or disposed to in the receiving jurisdiction and how that compares with the matters set out in subparagraph (i); and
14. if the movement is intended to achieve a higher order waste management hierarchy outcome as set out in section 18 of the Act; and
15. in the case of an application to the Authority for a permit that specifies an activity set out in item 26 (A18—Discharge of waste to aquifer) in the Table in Schedule 1 whether granting the permit may adversely impact any environmental values identified in any relevant environment reference standard, taking into account any other activities being, or proposed to be, engaged in by the applicant or any other person; and
16. in the case of an application to the Authority for a permit that specifies an activity set out in item 76 (L05—Operation outside of hours) in the Table in Schedule 1—
17. the effective noise levels in any previous operations engaged in by the applicant; and
18. the number of complaints received by the Authority or a council in relation to previous operations engaged in by the applicant; and
19. the noise control measures proposed in the noise abatement plan submitted with the application (if applicable); and
20. whether it is in the public interest to grant the permit; and
21. in the case of an application to the Authority for a permit that specifies an activity set out in item 77 (L06—Conducting more than six outdoor concerts) in the Table in Schedule 1—
22. the number of concerts in that location in the previous year (if applicable); and
23. the effective noise levels of concerts in that location in the previous year (if applicable); and
24. the number of complaints received about concerts in that location in the previous year (if applicable); and
25. the noise control measures proposed in the noise abatement plan submitted with the application (if applicable); and
26. whether it is in the public interest to grant the permit; and
27. in the case of an application to a council for a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1—
28. whether the site for the proposed construction, installation or alteration of the on-site wastewater management system is environmentally sensitive or is otherwise unsuitable;
29. whether the proposed construction, installation or alteration of the on-site wastewater management system is unsuitable for the site or proposed use;
30. whether the proposed use of the on-site wastewater management system is inconsistent with the design specifications of the system;
31. whether the area available for the treatment or disposal of the effluent resulting from the system is not suitable or sufficient;
32. the findings of any land capability assessment required under regulation 26(2)(e).

**Examples**

Environmentally sensitive sites for the purposes of paragraph (h)(i) may include freshwater lakes, sites located in sandy areas with high water tables and sites in sensitive areas where the receiving waters may be at risk of algal blooms from high nutrient levels.

1. Circumstances in which permit must be refused
   1. For the purposes of section 81(4)(c) of the Act, it is a prescribed circumstance if, in the case of an application for a permit that specifies an activity set out in item 26 (A18—Discharge of waste to aquifer) in the Table in Schedule 1, the discharge of waste to an aquifer is not for at least one of the following purposes—
2. aquifer recharge;
3. irrigation drainage;
4. stormwater disposal;
5. backfilling of underground mine workings with tailings;
6. mine rehabilitation;
7. in-situ desalination;
8. groundwater tracers;
9. greenhouse gas sequestration operations;
10. remediation of groundwater in an aquifer by injection of water or remediation chemicals.
    1. For the purposes of section 81(4)(c) of the Act, it is a prescribed circumstance if, in the case of an application for a permit that specifies an activity set out in item 8 (A05b—Municipal landfills servicing <5000 people) in the Table in Schedule 1, the permit, if issued, would authorise the receipt of the following types or classes of waste at a landfill site—
11. liquid waste;
12. pneumatic automotive tyres unless the tyres have been shredded into pieces not exceeding 250 millimetres in size measured in any dimension;
13. wastes prohibited for disposal to landfill by a national environment protection measure;
14. e-waste, other than e-waste that is dispersed in negligible quantities in wastes not otherwise prohibited from deposit to landfill;
15. used oil filters;
16. large containers contaminated with hazardous residues.

**Note**

Section 67 of the Act prevents the Authority from issuing or granting a permission in relation to a landfill site for deposit of Category A waste.

* 1. For the purposes of section 81(4)(c) of the Act, it is a prescribed circumstance if—

1. the application for a permit that specifies the transporting of non-liquid reportable priority waste for the purposes of section 143 of the Act for destruction or deposit; and
2. the Authority is not satisfied that the waste will be destroyed or deposited at a facility with environmental performance standards that are equal to or better than those of a facility authorised by an operating licence to destroy or deposit that type of waste.
   1. Subject to subregulation (5), for the purposes of section 81(4)(c) of the Act, it is a prescribed circumstance if, in the case of an application made to the council for a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1, the council considers that the proposed on-site wastewater treatment plant does not meet the specifications acceptable to the Authority set out in a determination made under regulation 5.
   2. Subregulation (4) does not apply in the case of an application made to a council for a permit that specifies the alteration of an on-site wastewater management system if that system was either—
3. installed, or partially installed, before the date this regulation commenced; or
4. was installed in accordance with a permit issued under the **Environment Protection Act 1970** after the date this regulation commenced.
5. Prescribed period during which permits remain in force

For the purposes of section 81(5)(b) of the Act, the prescribed period is—

1. in the case of an activity set out in item 17 (A11—Transporting waste into Victoria) or 18 (A12—Transporting waste out of Victoria) in the Table in Schedule 1, a time period specified in the permit if it is not longer than 1 year;
2. in the case of an activity set out in item 27 (A19—Temporary on-site waste treatment) in the Table in Schedule 1, a time period specified in the permit if it is not longer than 3 years;
3. in the case of an activity set out in item 8 (A05b—Municipal landfills servicing <5000 people), 15 (A10a—Reportable priority waste transport - hazardous), 20 (A13b—Waste and resource recovery - medium), 22 (A14—Wastewater supply or use), 23 (A15—Biosolids supply or use), 24 (A16—Supply or use of reportable priority waste), 25 (A17—Containment of Category D waste soil), 26 (A18—Discharge of waste to aquifer), 32 (B01a—Animal industries – waste solely to land), 34 (B02a—Livestock saleyards or holding pens – waste solely to land), 76 (L05—Operation outside of hours) or 77 (L06—Conducting more than six outdoor concerts) in the Table in Schedule 1, for a time period specified in the permit if it is not longer than 5 years;
4. in the case of an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1, the date on which the council issues a certificate under regulation 33 if that date is less than 5 years after the permit is issued.
5. Prescribed matters Authority must consider when determining whether to issue permit exemption

For the purposes of section 82(4) of the Act, the following are prescribed matters—

1. the purposes of the Act;
2. the objective of the Authority;
3. the principles of environment protection;
4. whether granting the proposed exemption may adversely impact human health or the environment;
5. whether the applicant is a fit and proper person for the purposes of Chapter 3 of the Act;
6. whether, if the Authority has requested further information from the applicant, the applicant has provided sufficient information within a reasonable time.
7. Prescribed matters for on-site wastewater management system permit exemptions
   1. For the purposes of section 83(2)(a) of the Act, an application for a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 is in the prescribed form and manner if it includes the following——
8. name, address (postal and email, if any) and telephone number of the applicant;
9. the address at which the activity specified in the application is to be engaged in, if that address differs to the address required under paragraph (a);
10. the name and contact details of the owner of the premises at which the activity specified in the application is to be engaged in.
    1. For the purposes of section 83(2)(d) of the Act, in relation to an application for a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1, the following are prescribed information—
11. detailed plans, specifications and particulars of the proposed construction, installation or alteration of the on-site wastewater management system including the floor plan of the premises at which the activity specified in the application is to be engaged in;
12. details of the proposed use of the on-site wastewater management system;
13. in relation to a proposed on-site wastewater treatment plant, a copy of the certificate of conformity, issued by a body accredited by the Joint Accreditation System of Australia and New Zealand (or another accreditation body approved by the Authority), confirming the proposed treatment plant meets the specifications acceptable to the Authority set out in a determination made under regulation 5;
14. a description of the proposed method of treatment and management of the effluent resulting from the on-site wastewater management system and evidence confirming the system is appropriate for the proposed use;
15. if required by the council, a land capability assessment prepared by a suitably qualified person to a standard acceptable to the council.
    1. For the purposes of section 83(4) of the Act, the following matters are prescribed—
16. whether the activity specified in the application may pose a serious risk of harm to human health or the environment;
17. whether granting the exemption may adversely impact—
18. the interests of any person other than the applicant; or
19. any environmental values identified in any relevant environment reference standard.
20. Approval of use of on-site wastewater management system
    1. On completion of the construction, installation or alteration of an on-site wastewater management system in accordance with a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1, the council that issued the permit must inspect the system and, if the council is satisfied that the system complies with the permit, the council must issue a certificate approving the use of the system.
    2. The holder of a permit for an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 must ensure that any on-site wastewater management system specified in the permit is not used until the council has approved it in accordance with subregulation (1).
21. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. Subregulation (2) does not apply to the holder of a permit that specifies the alteration of an on-site wastewater management system.

1. Annual return
   1. A council must lodge an annual return with the Authority by 31 July in each year in respect of the financial year ending on the immediately preceding 30 June.
   2. An annual report under subregulation (1) must set out the following information for the financial year to which the return relates—
2. the number of permits issued for activities set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1;
3. the number of on-site wastewater management systems disconnected within the municipality;
4. the number of on-site wastewater management systems inspected within the municipality;
5. the number of on-site wastewater management systems that have been in use within the municipality, if known.
   1. Subregulation (1) does not apply to a council in respect of a particular financial year if, during that financial year—
6. the council has not issued any permits for activities set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1; and
7. there have been no on-site wastewater management systems disconnected or inspected in the municipality.
   1. This regulation is revoked on the second anniversary of its commencement.
8. Prescribed matters Authority must consider when determining whether to renew permit

For the purposes of section 84(7) of the Act, the following are prescribed matters the Authority must take into account—

1. whether the circumstances in which the permit activity is engaged in have materially changed; and
2. whether the permit holder has complied with the permit; and
3. whether the risk of harm to human health and the environment posed by the permit activity has significantly changed.

Part 3.4—Registrations

1. Prescribed period during which registrations remain in force

For the purposes of section 85(3)(a) of the Act, the period prescribed for an activity described as a registration activity in the Table in Schedule 1 is a time period specified in the registration if it is not longer than 5 years.

Part 3.5—Exemptions from certain permission activities

Division 1—Activity-specific exemptions

1. Prescribed exemptions in relation to development activities

For the purposes of section 44(2)(c) of the Act, the following are prescribed exemptions—

1. if a person engaging in an activity set out in item 5 (A03—Sewage treatment) of the Table in Schedule 1 is a water corporation solely conducting modifications in accordance with specifications acceptable to the Authority set out in a determination made under regulation 5;
2. if a person engaging in an activity set out in item 8 (A05b— Municipal landfills servicing <5000 people) of the Table in Schedule 1 is—
3. operating a municipal landfill facility occupied by a council; and
4. the facility was in use before 25 June 2017; and
5. the facility serves fewer than 500 people.
6. Prescribed exemptions in relation to operating activities
   1. For the purposes of section 45(2)(c) of the Act, the following are prescribed exemptions—
7. in relation to an activity set out in item 5 (A03—Sewage treatment) of the Table in Schedule 1, if a person—
8. engages in an activity that discharges or deposits waste solely to land at a design capacity of 100 000 litres per day or less; and
9. has a permit for the activity set out in item 22 (A14—Wastewater supply or use) or item 23 (A15—Biosolids supply or use) of that Table;
10. in relation to an activity set out in item 38 (D01—Abattoirs) of the Table in Schedule 1, if a person—
11. engages in an activity that discharges less than 100 000 litres per day of treated wastewater solely to land; and
12. has a permit for the activity set out in item 22 (A14— Wastewater supply or use) of that Table;
13. in relation to an activity set out in item 46 (D09—Beverage manufacturing) of the Table in Schedule 1, if a person engages in an activity that discharges or deposits waste solely to land;
14. in relation to an activity set out in item 47 (E01—Textiles) of the Table in Schedule 1 (other than engaging in textile finishing using chemical treatment), if a person engages in an activity that discharges waste solely to the atmosphere;
15. in relation to an activity set out in item 50 (F03—Paper pulp mills) of the Table in Schedule 1, if a person engages in an activity that produces less than 30 000 tonnes per year of pulp, paper or cardboard;
16. in relation to an activity set out in item 66 (I04—Metal finishing) of the Table in Schedule 1, if a person engages in an activity that discharges waste solely to the atmosphere;
17. in relation to an activity set out in item 67 (I05—Can and drum coating) of the Table in Schedule 1, if a person engages in an activity that discharges or emits to the atmosphere less than 100 kilograms per day of volatile organic compounds;
18. in relation to an activity set out in item 70 (K01—Power generation) of the Table in Schedule 1, if a person engages in an activity that uses solely natural gas turbines which have a total rated capacity of less than 20 megawatts (MW);
19. in relation to an activity set out in item 73 (L01—General emissions to air) of the Table in Schedule 1, if a person engages in an activity that discharges or emits solely to air from boilers fired solely by natural gas with a total rated capacity of less than 20 MW.
20. Prescribed exemptions in relation to item 73 (L01—General emissions to air) of the Table in Schedule 1

For the purposes of sections 44(2)(c) and 45(2)(c) of the Act, the following are prescribed exemptions in relation to an activity set out in item 73 (L01—General emissions to air) of the Table in Schedule 1—

1. if a person engages in an activity that involves discharges or emissions to air from a source (other than an incinerator or an afterburner) that are less than—
2. 100 kilograms per day oxides of nitrogen; and
3. 10 kilograms per day oxides of sulphur; and
4. 100 kilograms per day carbon monoxide; and
5. 5 kilograms per day volatile organic compounds of which none are odorous compounds (except those substances referred to in subparagraphs (vii) and (viii)); and
6. in the case of—
   1. a source that was discharging or emitting at any time during the 12 months before 25 June 2017, 10 kilograms per day particles (except lead, respirable crystalline silica and asbestos); and
   2. any other source, 10 kilograms per day particles (except lead, respirable crystalline silica and asbestos), including no more than 4 kilograms per day particles as PM2·5; and
7. 0·1 gram per minute of lead; and
8. 0·1 gram per minute of any substance classified as a Class 2 substance (except particles as PM2·5); and
9. 0·1 gram per minute of any substance classified as a Class 3 substance;
10. if a person engages in an activity that involves discharges or emissions to air solely from one or more of the following—
11. a standby engine;
12. fire-fighting training activities;
13. a spray booth, extractor vent system or fume cupboard used in product development or in a laboratory;
14. a safety relief valve or rupture disc;
15. a vent on a wastewater treatment system except at a sewage treatment plant;
16. a general room or building ventilation point;
17. a food cooker or kitchen range;
18. an acid or alkali tank;
19. hand-held or other portable cleaning, maintenance or construction equipment;
20. extractive industry or mining activities operating in accordance with the **Mineral Resources (Sustainable Development) Act 1990**.
21. Prescribed exemptions in relation to permit activities

For the purposes of section 46(2)(c) of the Act, the following are prescribed exemptions—

1. if a person engaging in an activity set out in item 22 (A14—Wastewater supply or use) of the Table in Schedule 1 uses the wastewater in accordance with regulation 63(f);
2. if a person engaging in an activity set out in item 23 (A15—Biosolids supply or use) of the Table in Schedule 1 uses the biosolids in accordance with regulation 63(g);
3. if a person engaging in an activity set out in item 24 (A16—Supply or use of reportable priority waste) of the Table in Schedule 1 uses the reportable priority waste for the purposes of section 143 of the Act or liquid organic waste in accordance with regulation 63(h).

Division 2— Exemptions applying to more than one permission activity

1. Prescribed exemptions if person holds a higher order permission
   1. For the purposes of section 46(2)(c) of the Act, it is a prescribed exemption from the requirement for a person to obtain a permit to engage in an activity if the person holds an operating licence in respect of that activity.
   2. For the purposes of section 47(2)(c) of the Act, it is a prescribed exemption from the requirement for a person to obtain a registration to engage in an activity if the person holds an operating licence or a permit in respect of that activity.

**Note**

The effect of this regulation is that a duty holder is not required to apply for both an operating licence and a permit if the person already holds an operating licence, or a permit and a registration if person already holds a permit, provided that the operating licence or permit authorises the activity.

1. Prescribed exemptions—Discharges or deposits to land or surface water
   1. This regulation applies to the following items set out in the Table in Schedule 1—
2. item 38 (D01—Abattoirs);
3. item 41 (D04—Seafood processing);
4. item 42 (D05— Pet food processing);
5. item 43 (D06—Food processing);
6. item 44 (D07—Milk processing);
7. item 46 (D09—Beverage manufacturing);
8. item 48 (F01—Timber preserving works);
9. item 49 (F02—Fibreboard);
10. item 50 (F03—Paper pulp mills);
11. item 51 (G01—Chemical works);
12. item 54 (G04—Bulk storage);
13. item 55 (G05—Container washing).
    1. For the purposes of section 44(2)(c) and 45(2)(c) of the Act, it is a prescribed exemption in relation to an activity set out in an item specified in subregulation (1) if—
14. a person engages in an activity that involves discharges to land or surface water; and
15. the discharges are in accordance with specifications acceptable to the Authority set out in a determination made under regulation 5.

Part 3.6—Environment protection levy and waste levy

1. Environment protection levy
   1. For the purposes of section 91(1) of the Act, the fee prescribed in respect of any activity is the annual fee.

**Note**

Section 91 of the Act provides for the environment protection levy to be 3 percent of this annual fee.

* 1. For the purposes of section 91(1)(b) of the Act, the activities set out in the following items in the Table in Schedule 1 are prescribed as an activity in respect of which the levy is required to be paid—

1. item 1 (A01—Reportable priority waste management);
2. item 5 (A03—Sewage treatment);
3. item 6 (A04—Industrial wastewater treatment);
4. item 12 (A08—Waste to energy);
5. item 38 (D01—Abattoirs);
6. item 39 (D02—Rendering);
7. item 40 (D03—Animal skin tanning);
8. item 41 (D04—Seafood processing);
9. item 42 (D05—Pet food processing);
10. item 43 (D06—Food processing);
11. item 44 (D07—Milk processing);
12. item 45 (D08—Edible oil or fat processing);
13. item 47 (E01—Textiles);
14. item 49 (F02—Fibreboard);
15. item 50 (F03—Paper pulp mills);
16. item 51 (G01—Chemical works);
17. item 52 (G02—Coal processing);
18. item 53 (G03—Oil and gas refining);
19. item 54 (G04—Bulk storage);
20. item 55 (G05—Container washing);
21. item 56 (H01—Cement);
22. item 58 (H03—Ceramics);
23. item 59 (H04—Mineral wool);
24. item 60 (H05a—Glass works - manufacturing);
25. item 64 (I02—Metal melting);
26. item 65 (I03—Metal galvanising);

(za) item 67 (I05—Can and drum coating);

(zb) item 68 (I06—Vehicle assembly);

(zc) item 69 (J01—Printing);

(zd) item 70 (K01—Power generation);

(ze) item 72 (K04—Water desalination plants);

(zf) item 73 (L01—General emissions to air);

(zg) item 75 (L03—Tunnel ventilation systems).

1. Waste levy activity
   1. For the purposes of the definitions of ***liable person*** and ***premises subject to the waste levy*** in section 144 of the Act, a prescribed levy activity is an activity set out in item 1 (A01—Reportable priority waste management) or 7 (A05a—Landfills - excluding municipal landfills servicing <5000 people) in the Table in Schedule 1.

**Note**

Section 146 of the Act authorises the Minister to waive a requirement to pay the waste levy in certain circumstances.

* 1. Subregulation (1) does not apply if the activity set out in item 1 (A01—Reportable priority waste management) or 7 (A05a—Landfills - excluding municipal landfills servicing <5000 people) in the Table in Schedule 1 is a privately owned landfill that only receives wastes that consist of substances that were owned by the holder of the permission before they became wastes.

1. Waste levy payable for Category D waste and soil containing asbestos only
   1. For the purposes of section 145(4)(a)(i) of the Act, the prescribed amount of the waste levy payable for priority waste that is Category D waste is 4.80 fee units for each tonne of waste deposited.

**Notes**

The amount of waste levy payable for Category B waste and Category C waste is specified in Table 2 of Schedule 2 to the Act.

There is no amount of waste levy payable for the deposit of Category A waste as section 67 of the Act prevents the Authority from issuing or granting a permission in relation to a landfill site for the deposit of Category A waste.

* 1. For the purposes of section 145(4)(a)(i) of the Act, the prescribed amount of the waste levy payable for priority waste that is soil containing asbestos only is 2.06 fee units for each tonne of waste deposited.

1. What is an allowable rebate?
   1. For the purposes of section 147(b) of the Act, a prescribed allowable rebate is a rebate referred to in subregulation (2) or (3).
   2. A liable person may make a claim for a rebate for the relevant period in respect of the total amount of the waste levy if all of the following apply—
2. the waste for which the rebate is claimed is not soil sourced from contaminated land;
3. the liable person has, within the relevant period, transferred the waste to a place or premises authorised to receive industrial waste for the purposes of resource recovery;
4. the waste was received at the premises subject to the waste levy no more than 3 months prior to the waste being transferred under paragraph (b).
   1. A liable person may make a claim for a rebate for cover material calculated in accordance with the formula—

**Rebate = 0.15 x W x LR**

where—

**W** is the amount of waste (in tonnes) deposited at the premises subject to the waste levy for the relevant period;

**LR** is the amount specified in Table 1 of Schedule 2 to the Act for each tonne of municipal waste deposited at the premises subject to the waste levy for the relevant period.

1. When must the waste levy be paid?

For the purposes of section 147(c) of the Act, the prescribed time is within 21 business days after the end of the relevant period for which the amount of the waste levy payable was calculated.

1. Information for calculating waste levy
   1. For the purposes of section 150(1)(a) of the Act, the prescribed information for the relevant period is—
2. the amount of the waste levy payable calculated by the liable person;
3. evidence of the total tonnage of all waste received by the liable person for each of the following categories of waste—
4. Category B waste;
5. Category C waste;
6. Category D waste;
7. soil containing asbestos only;
8. packaged waste asbestos;
9. fill material;
10. industrial waste (other than fill material);
11. municipal waste;
12. evidence of the method used by the person to calculate the tonnage of different categories of waste received from mixed sources of waste.

**Example of mixed sources of waste**

An example of mixed sources of waste is waste received from a waste and resource recovery facility (or transfer station).

1. Information for calculating allowable rebate

For the purposes of section 150(1)(b) of the Act, the prescribed information for the relevant period is—

1. evidence of the amount of the waste levy paid in respect of the waste for which a rebate is claimed; and
2. evidence of the amount and category of the waste transferred to a place or premises authorised to receive industrial waste for the purposes of resource recovery in respect of which a rebate is claimed; and
3. evidence of the location and receiver details of the place or premises authorised to receive industrial waste to which the waste was transferred; and
4. any other information which the liable person considers relevant to detailing how the allowable rebate was calculated.
5. Information to be provided to the Authority

For the purposes of section 150(1)(c) of the Act, the other prescribed information for the relevant period is—

1. in the case of reportable priority waste for the purposes of section 142 of the Act transferred to a place or premises authorised to receive industrial waste for the purposes of resource recovery, the unique identifier allocated to each consignment of waste; or
2. in the case of priority waste (other than reportable priority waste for the purposes of section 142 of the Act) transferred to a place or premises authorised to receive industrial waste for the purposes of resource recovery, a copy of the consignment note for each consignment of waste.
3. When must the allowable rebate be claimed

For the purposes of section 150(2)(b) of the Act, if the information provided by the liable person detailing how the amount of the waste levy payable was calculated provides that the resulting amount is a negative amount, the prescribed time is within 21 business days after the end of the relevant period for which the amount of waste levy payable was calculated.

1. Municipal districts subject to higher waste levy for municipal and industrial waste

For the purposes of Table 1 in Schedule 2 to the Act, the prescribed municipal districts that are subject to the higher waste levy of 4.45 fee units are the following municipal districts—

1. Banyule;
2. Bayside;
3. Ballarat;
4. Greater Bendigo;
5. Boroondara;
6. Brimbank;
7. Cardinia;
8. Casey;
9. Darebin;
10. Frankston;
11. Greater Geelong;
12. Glen Eira;
13. Golden Plains;
14. Greater Dandenong;
15. Hobson’s Bay;
16. Hume;
17. Kingston;
18. Knox;
19. Manningham;
20. Maroondah;
21. Melbourne;
22. Melton;
23. Monash;
24. Moonee Valley;
25. Moreland;
26. Mornington Peninsula;
27. Nillumbik;
28. Port Phillip;
29. Stonnington;
30. Whitehorse;
31. Whittlesea;
32. Wyndham;
33. Yarra;
34. Yarra Ranges.

Part 3.7—Additional or alternative penalty for prohibited persons

1. Section 89 prescribed permission activity

For the purposes of section 89 of the Act, the following permission activities are prescribed—

1. the operating activity set out in item 1 (A01—Reportable priority waste management) in the Table in Schedule 1;
2. the operating activity set out in item 19 (A13a—Waste and resource recovery - large) in the Table in Schedule 1;
3. the permit activity set out in item 20 (A13b—Waste and resource recovery – medium) in the Table in Schedule 1.

**Note**

A person who engages in a prescribed permission activity may be liable to a penalty of 2 years imprisonment in addition to, or in place of, the penalty set out in section 45 of the Act.

Chapter 4—Waste

Part 4.1—Litter and unsolicited documents

Division 1—Dangerous litter and unsolicited documents

1. Dangerous litter

For the purposes of paragraph (e) of the definition of ***dangerous litter*** in section 112 of the Act, litter that is wholly or partly comprised of priority waste is prescribed.

1. Depositing or affixing unsolicited documents
   1. A person must not deposit an unsolicited document in, on or at, or affix it to, a place or premises.
2. 10 penalty units for a natural person;

50 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. Subregulation (1) does not apply—

1. subject to subregulation (3), if the unsolicited document is deposited—
2. in a receptacle, slot or other location that is used for the deposit of mail or newspapers; or
3. under a door of a building; or
4. in a location inside a building that is suitable for the deposit of the documents; or
5. to an unsolicited document that is—
6. given personally to a person at the place or premises; or
7. of such a size, shape or volume that it is not possible or appropriate for it to be deposited in accordance with subregulation (2)(a).
   1. A person must not deposit an unsolicited document in any receptacle, slot or location listed in subregulation (2)(a) or under the door of a building, if—
8. there is a legible sign or marking on or near that receptacle, slot, location or door that states "No Advertising Material" or "No Junk Mail" or that contains any other words in English indicating that unsolicited documents are not to be deposited in that receptacle, slot or location, or under that door; and
9. the legible sign is visible to the person depositing the unsolicited document.
10. 10 penalty units for a natural person;

50 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Persons who commission or engage the distribution of unsolicited documents
   1. A person who commissions the printing of a document that is distributed, or is intended to be distributed, as an unsolicited document must, so far as reasonably practicable, ensure that it is distributed in a way that does not contravene this Part.
2. 20 penalty units for a natural person;

100 penalty units for a body corporate.

* 1. A person who engages another person (whether as an employee or as an agent) to distribute an unsolicited document to a place or premises must, so far as reasonably practicable, ensure that it is distributed in a way that does not contravene this Part.

1. 20 penalty units for a natural person;

100 penalty units for a body corporate.

Division 2—Other offences and matters

1. Offence relating to public litter receptacle

A person must not deface, set fire to, damage or destroy a receptacle for waste provided by a litter authority.

1. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Example**

Setting fire to a public rubbish bin including by throwing a lit cigarette into it.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Loading of vehicles
   1. A person must not require another person to move a vehicle carrying a load unless the person supplies the other person with sufficient means to secure the load in such a way that waste cannot leave the vehicle without human assistance.
2. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. A person who is in control of a moving vehicle must ensure that it is loaded in such a way that waste cannot leave the vehicle without human assistance.

1. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. Subregulation (2) does not apply if the person was required to move the vehicle—

1. by a person who has failed to comply with subregulation (1); or
2. in accordance with a lawful instruction from a police officer or an authorised officer.
3. Persons who may take proceedings

For the purposes of section 347(5) of the Act, a litter authority or litter enforcement officer is a prescribed person.

**Note**

A ***litter authority*** includes a council or a Government Department and a ***litter enforcement officer*** includes an authorised officer, a police officer or a protective services officer (see section 3(1) of the Act).

Part 4.2—Industrial waste and priority waste

Division 1—Industrial waste

1. What is industrial waste?

For the purposes of paragraph (b) of the definition of ***industrial waste***in section 3(1) of the Act, the following waste is prescribed to be industrial waste—

1. waste from any source received at a place or premises which stores or handles waste generated at another location for the purpose of resource recovery or off-site transfer or disposal;
2. waste transported for fee or reward, other than the collection of kerbside waste by or on behalf of a council or a Waste and Resource Recovery Group.
3. Classifying industrial waste
   1. A person must classify industrial waste in accordance with this regulation to determine—
4. the applicable waste code or codes for that waste; and
5. whether the waste is also a priority waste.

**Note**

Act compliance—section 135(2) (see regulation 6).

* 1. Subject to subregulation (6), if the industrial waste is of a type described in column 3 of the Table in Schedule 5, and that waste is identified as “Pre-classified” in column 5 of that Table—

1. the applicable waste code is the waste code for that waste specified in column 4 of that Table; and
2. if the waste is identified as a priority waste in column 6 of that Table, the waste is also a priority waste; and
3. if more than one description of waste in column 3 of that Table is applicable to the waste, the waste is also a priority waste if that waste is identified as a priority waste in column 6 of the Table for any applicable description of the waste.
   1. Subject to subregulations (5) and (6), if the waste is of a type described in column 3 of the Table in Schedule 5 and that waste is identified as a “Mirror code” in column 5 of that Table, the waste must be classified—
4. in accordance with the classification criteria for that type of waste contained in theWaste Classification Assessment Protocol; or
5. if there are no classification criteria for that type of waste, in accordance with the hazardous properties’ assessment criteria contained in theWaste Classification Assessment Protocol.
   1. Subject to subregulations (5) and (6), if the waste is not of a type described in column 3 of the Table in Schedule 5, the waste must be classified in accordance with the hazardous properties’ assessment criteria contained in theWaste Classification Assessment Protocol.
   2. If the waste cannot be classified in accordance with the hazardous properties’ assessment criteria contained in theWaste Classification Assessment Protocol, the person who has the management or control of the waste must apply for a designation.
   3. A classification of industrial waste under this regulation must be consistent with any applicable designation issued by the Authority in relation to that type of industrial waste.
6. Classifying soil sourced on-site from contaminated land
   1. A person who has the management or control of soil sourced on-site from contaminated land that is industrial waste must, as soon as practicable after sourcing the soil, classify the soil by—
7. determining whether the soil is also priority waste; and
8. subject to subregulation (2), determining that the soil is priority waste if the soil has contaminant or leachable concentrations exceeding the upper limits for fill material waste contaminant or leachable concentrations specified in the Waste Disposal Categories—Characteristics and Thresholds.
9. 60 penalty units for a natural person;

300 penalty units for a body corporate.

* 1. A classification of soil under this regulation must be consistent with any applicable designation issued by the Authority in relation to that type of soil.

1. Authorised to receive industrial waste

For the purposes of paragraph (e) of the definition of ***authorised to receive industrial waste***in section 3(1) of the Act, a person, place or premises is authorised to receive a type of industrial waste—

1. if there is a declaration of use in effect for that type of waste that applies to the person, place or premises; or
2. in relation to waste sourced on-site, for on-site storage of the waste, if the waste—
3. is stored in accordance with specifications acceptable to the Authority set out in a determination made under regulation 5; and
4. is transported off-site to a person, place or premises authorised to receive industrial waste within 120 days of the day on which the waste was sourced; or
5. in relation to soil from contaminated land sourced on-site or from a project site, for on-site containment of the soil where a permission is not required for that activity; or
6. in relation to trade waste, for discharge into the sewerage system of a water corporation in accordance with a trade waste agreement under the **Water Act 1989**; or
7. in relation to manure, including any mixture of manure and biodegradable animal bedding from agricultural sources, for application to land of less than 1 tonne or 5 cubic metres per month; or
8. in relation to wastewater, for use at a place or premises identified in a permit for an activity set out in item 22 (A14—Wastewater supply or use) in the Table in Schedule 1 or that meets the description of a class of premises in that permit as a place or premises where the wastewater can be used, if the waste—
9. is intended to be used immediately; and
10. is used for the purposes and circumstances set out in the permit; or
11. in relation to biosolids, for use at a place or premises identified in a permit for an activity set out in item 23 (A15—Biosolids supply or use) in the Table in Schedule 1 or that meets the description of a class of premises in that permit as a place or premises where the biosolids can be used, if the waste—
12. is intended to be used immediately; and
13. is used for the purposes and circumstances set out in the permit; or
14. in relation to reportable priority waste for the purposes of section 143 of the Act (other than soil from contaminated land), for use at a place or premises identified in a permit for an activity set out in item 24 (A16—Supply or use of reportable priority waste) in the Table in Schedule 1 or that meets the description of a class of premises in that permit as a place or premises where the waste can be used, if the waste—
15. is intended to be used immediately; and
16. is used for the purposes and circumstances set out in the permit; or
17. in relation to industrial waste that is not a priority waste, for on-site storage of less than 5 cubic metres or immediate use; or
18. in relation to the following types of priority waste, for on-site storage of less than 5 cubic metres or immediate use—
19. timber treated with hazardous substances, including sawdust in column 3 of item 60 of the Table in Schedule 5;
20. tyres in column 3 of item 105 of the Table in Schedule 5;
21. e-waste in column 3 of item 108 of the Table in Schedule 5, excluding batteries; or
22. if the waste transported to the person, place or premises may be lawfully exported from or by that person, place or premises.
23. Declaration of use
    1. For the purposes of regulation 63(a), a declaration of use may be made in relation to industrial waste or priority waste, other than reportable priority waste for the purposes of section 143 of the Act, in accordance with this regulation by—
24. in the case of a declaration of use made under subregulation (3)—the person in management or control of the place or premises at which the industrial waste is to be received; or
25. in the case of a declaration of use made under subregulation (4)—
26. the person who has the management or control of the industrial waste; and
27. the person in management or control of the place or premises at which the industrial waste is to be received.
    1. A declaration of use must not be made in relation to a permission activity.
    2. A declaration of use may be made in accordance with specifications acceptable to the Authority set out in a determination made under regulation 5 by the person in management or control of the place or premises at which the industrial waste is to be received.
    3. A declaration of use, other than a declaration made under subregulation (3), may only be made for, or in relation to, any of the following purposes—
28. the immediate use of the waste for resource recovery;
29. the application of the following waste to land—
30. commercial garden and landscaping organics that does not contain any physical or chemical contamination in column 3 of item 59 of the Table in Schedule 5;
31. untreated timber including sawdust in column 3 of item 61 of the Table in Schedule 5;
32. natural organic fibrous waste;
33. processed pasteurised solid organic waste;
34. manure from agricultural sources, including any mixture of manure and biodegradable animal bedding, of 1 tonne or 5 cubic metres or more per month;
35. treatment or containment of fill material on the site from which it was sourced;
36. treatment of fill material sourced from another site;
37. storage of fill material sourced from another site for a period of no more than 60 days.
    1. A declaration of use must—
38. be in the form and manner approved by the Authority; and
39. in relation to a declaration of use made under subregulation (3), include a declaration by the person in management or control of the place or premises at which the industrial waste is to be received that—
40. the waste will only be used in accordance with the specifications acceptable to the Authority; and
41. the place or premises at which the waste is to be received is suitable to use the waste in accordance with the specifications acceptable to the Authority; and
42. in relation to a declaration of use made under subregulation (4), include—
43. a declaration by the person who has the management or control of the industrial waste of—
44. the type of waste; and
45. the purposes for and circumstances in which the waste can be used; and
46. the risks of harm to human health or the environment that exist in relation to using the waste for the purposes for and in the circumstances set out in subparagraph (B) and how to minimise those risks, so far as reasonably practicable; and
47. a declaration by the person in management or control of the place or premises at which the industrial waste is to be received that—
48. the waste will only be used for the purposes and in the circumstances set out under subparagraph (c)(i)(B); and
49. the place or premises at which the waste is to be received is suitable to use the waste for the purposes and in the circumstances set out under subparagraph (c)(i)(B).
    1. A declaration of use may have effect—
50. for a specific consignment of industrial waste; or
51. for a period of time specified in the declaration of use up to a maximum of 12 months.
    1. A person who makes a declaration under subregulation (5)(b) or (5)(c) must retain a copy of the declaration of use for 2 years from the date on which the declaration was made.
52. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. If a person who made a declaration under subregulation (5)(c) becomes aware of any change of circumstances that materially affects a declaration so as to render it inaccurate or potentially misleading, the person must, as soon as practicable after the person becomes aware of the change of circumstances, notify the person who made the corresponding declaration under subregulation (5)(c)(i) or (5)(c)(ii).

1. 60 penalty units for a natural person;

300 penalty units for a body corporate.

* 1. A declaration of use has no effect if a person is aware, or has been notified under subregulation (8), of any change of circumstances that materially affects the declaration so as to render it inaccurate or potentially misleading.
  2. The Authority may cancel a declaration of use or impose conditions on a declaration of use by providing written notice to the person who made the declaration.
  3. A declaration of use has no effect if it is cancelled by the Authority.

Division 2—Priority waste

1. What is priority waste?
   1. For the purposes of section 138 of the Act, the following types of waste are prescribed to be priority waste—
2. industrial waste that is classified as priority waste under regulation 61 or 62;
3. industrial waste that, had it been classified under regulation 61 or 62, would be classified as priority waste.
   1. Despite subregulation (1), waste is not prescribed to be priority waste if the waste is classified as not a priority waste in an applicable designation issued by the Authority.
4. Classification of priority waste as reportable priority waste for the purposes of section 142 or 143 of the Act or in accordance with the Waste Classification Assessment Protocol

(1) This regulation is subject to regulations 67 and 68.

(2) For the purposes of section 139(1) of the Act, a person who has the management or control of priority waste must classify the priority waste in accordance with this regulation.

(3) The person must classify the priority waste as reportable priority waste for the purposes of section 142 of the Act if—

(a) the priority waste is specified as—

(i) priority waste in column 6 of the Table in Schedule 5; and

(ii) “Pre-classified” in column 5 of that Table; and

(iii) reportable priority waste for the purposes of section 142 of the Act in column 7 of that Table; or

(b) more than one description of priority waste in column 3 of that Table applies to the priority waste and the priority waste is specified as—

(i) priority waste in column 6 of that Table; and

(ii) reportable priority waste for the purposes of section 142 of the Act in column 7 of that Table in relation to any applicable description of the priority waste.

(4) The person must classify the priority waste as reportable priority waste for the purposes of section 143 of the Act if—

(a) the priority waste is specified as—

(i) priority waste in column 6 of the Table in Schedule 5; and

(ii) “Pre-classified” in column 5 of that Table; and

(iii) reportable priority waste for the purposes of section 143 of the Act in column 8 of that Table; or

(b) more than one description of priority waste in column 3 of that Table applies to the priority waste and the priority waste is specified as—

(i) priority waste in column 6 of that Table; and

(ii) reportable priority waste for the purposes of section 143 of the Act in column 8 of that Table in relation to any applicable description of the priority waste.

(5) If the priority waste is specified as priority waste in column 6 of the Table in Schedule 5 and as “Mirror code” in column 5 of that Table, the person must classify the priority waste in accordance with—

(a) the classification criteria for that type of priority waste contained in the Waste Classification Assessment Protocol; or

(b) if there are no classification criteria for that type of priority waste, the hazardous properties’ assessment criteria contained in the Waste Classification Assessment Protocol.

(6) If the priority waste is not described in column 3 of the Table in Schedule 5, the person must classify the priority waste in accordance with the hazardous properties’ assessment criteria contained in the Waste Classification Assessment Protocol.

(7) A classification of priority waste under this regulation must be consistent with any applicable designation issued by the Authority in relation to that type of priority waste.

1. Classification of priority waste consigned for disposal

(1) For the purposes of section 139(1) of the Act, a person who has the management or control of priority waste consigned for disposal must classify the priority waste consigned for disposal in accordance with this regulation.

(2) The person must classify the priority waste consigned for disposal as a category of priority waste set out in Schedule 6.

(3) Despite subregulation (2), the person must classify the priority waste consigned for disposal as Category A waste if the priority waste is one of the following items set out in the Table in Schedule 5—

(a) item 37;

(b) item 45;

(c) item 46;

(d) item 47;

(e) item 49;

(f) item 51;

(g) item 54;

(h) item 65;

(i) item 66;

(j) item 83;

(k) item 103.

(4) A classification of priority waste under this regulation must be consistent with any applicable designation issued by the Authority in relation to that type of priority waste.

1. Classification of priority waste that is soil sourced on-site from contaminated land

(1) For the purposes of section 139(1) of the Act, a person who has the management or control of priority waste that is soil sourced on-site from contaminated land must classify the soil as one of the following categories of priority waste set out in Schedule 6—

(a) Category A waste;

(b) Category B waste;

(c) Category C waste;

(d) Category D waste;

(e) soil containing asbestos only.

(2) A classification of priority waste under this regulation must be consistent with any applicable designation issued by the Authority in relation to that type of priority waste.

1. Priority waste classification - information

A person who has the management or control of priority waste must, in relation to the classification of the priority waste, record the following details and retain that record for 2 years from the date on which the waste was classified—

1. the outcome of the priority waste classification, including—
2. the applicable waste code;
3. whether the priority waste is also classified as reportable priority waste for the purposes of section 142 or 143 of the Act;
4. if the priority waste is consigned for disposal, the category of that waste under regulation 67;
5. if the priority waste is soil sourced on-site from contaminated land, the category of that waste under regulation 68;
6. the volume of priority waste classified;
7. where the priority waste was produced and the process that produced the priority waste;
8. information supporting the basis for the waste classification;
9. if the person has relied on information from another person for the waste classification, the name and contact details of that person and the scope of the information relied on.
10. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Mixing, blending or diluting priority waste

A person who has the management or control of priority waste must not mix, blend or dilute the priority waste with other wastes which results in a change to the waste classification of the priority waste, other than in accordance with a designation issued by the Authority.

1. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

Division 3—Reportable priority waste

1. What is reportable priority waste for the purposes of section 142 of the Act?
   1. Subject to subregulation (2), for the purposes of the definition of ***reportable priority waste*** in section 3(1) of the Act, priority waste is prescribed as reportable priority waste for the purposes of section 142 of the Act if—
2. it is classified as reportable priority waste for the purposes of section 142 of the Act under regulation 66(3) or, had it been classified under regulation 66(3), it would be classified as reportable priority waste for the purposes of section 142 of the Act; or
3. it is controlled waste transported into Victoria from another State or a Territory or out of Victoria.
   1. Subregulation (1) does not apply to priority waste that is transported—
4. for no fee or reward; and
5. as a net load that is less than 50 litres.
6. What is reportable priority waste for the purposes of section 143 of the Act?
   1. Subject to subregulation (2), for the purposes of the definition of ***reportable priority waste*** in section 3(1) of the Act, priority waste is prescribed as reportable priority waste for the purposes of section 143 of the Act if—
7. it is classified as reportable priority waste for the purposes of section 143 of the Act under regulation 66(4) or, had it been classified under regulation 66(4), it would be classified as reportable priority waste for the purposes of section 143 of the Act; or
8. it is controlled waste transported into Victoria from another State or a Territory or out of Victoria.
   1. Subregulation (1) does not apply to priority waste that is transported—
9. for no fee or reward; and
10. as a net load that is less than 50 litres.
11. What transactions apply in connection with reportable priority waste

For the purposes of section 142(1) of the Act, the following are prescribed transactions—

1. the consignment of reportable priority waste for transport to another place or premises, including the consignment of controlled waste for transport from another State or a Territory or out of Victoria; and
2. the transport of reportable priority waste, including the transport of controlled waste into Victoria from another State or a Territory or out of Victoria; and
3. the receipt of reportable priority waste at a place or premises, including the receipt of controlled waste at a place or premises that is transported into Victoria from another State or a Territory.
4. Manner and form for recording and providing transaction details—reportable priority waste
   1. Subject to regulation 78(2), for the purposes of section 142(1)(a) of the Act, the prescribed manner and form for recording prescribed transaction details is—
5. a system approved by the Authority under regulation 83; or
6. if no system is approved by the Authority under regulation 83, the electronic system provided by the Authority for that purpose.
   1. Subject to regulations 75(4), 76(5), 77(4) and 78(3), for the purposes of section 142(1)(b) of the Act, the prescribed manner and form for providing the prescribed transaction details to a prescribed person is—
7. a system approved by the Authority under regulation 83; or
8. if no system is approved by the Authority under regulation 83, the electronic system provided by the Authority.
9. Transaction details to be recorded, provided and retained in relation to the consignment of reportable priority waste for transport
   1. This regulation applies to a person in management or control of a place or premises that consigns reportable priority waste for transport to another place or premises.
   2. Subject to regulation 79(2), for the purposes of section 142(1)(a) and (b) of the Act, the prescribed transaction details are the details specified in Part A of Schedule 7.
   3. Subject to regulation 79(3), for the purposes of section 142(1)(b) of the Act, the prescribed person to whom the prescribed transaction details are to be provided is the person who transports the reportable priority waste.
   4. Subject to regulation 79(4), for the purposes of section 142(1)(b) of the Act, the prescribed manner and form for providing the prescribed transaction details is before the reportable priority waste is transported.
10. Transaction details to be recorded, provided and retained in relation to the transport of reportable priority waste
    1. This regulation applies to a person who transports reportable priority waste.
    2. Subject to regulation 80(2), for the purposes of section 142(1)(a) of the Act, the prescribed transaction details are the details specified in Part B of Schedule 7.
    3. Subject to regulation 80(3), for the purposes of section 142(1)(b) of the Act, the prescribed transaction details are—
11. in the case of a prescribed person referred to in subregulation (4)(a)—the details specified in Part B of Schedule 7; or
12. in the case of a prescribed person referred to in subregulation (4)(b)—the details specified in Parts A and B of Schedule 7.
    1. Subject to regulation 80(4), for the purposes of section 142(1)(b) of the Act, the prescribed persons to whom the prescribed transaction details are to be provided are—
13. the person in management or control of a place or premises that consigns the reportable priority waste for transport to another place or premises; or
14. the person in management or control of a place or premises that receives the reportable priority waste.
    1. Subject to regulation 80(5), for the purposes of section 142(1)(b) of the Act, the prescribed manner and form for providing the prescribed transaction details is—
15. in the case of a prescribed person referred to in subregulation (4)(a)—before the reportable priority waste is transported; or
16. in the case of a prescribed person referred to in subregulation (4)(b)—at the time of delivery of the reportable priority waste at the place or premises that receives the reportable priority waste.
17. Transaction details to be recorded, provided and retained in relation to the receipt of reportable priority waste
    1. This regulation applies to a person in management or control of a place or premises that receives reportable priority waste.
    2. Subject to regulations 81(2) and (3), for the purposes of section 142(1)(a) and (b) of the Act, the prescribed transaction details are the details specified in Part C of Schedule 7.
    3. Subject to regulation 81(4), for the purposes of section 142(1)(b) of the Act, the prescribed person to whom the prescribed transaction details are to be provided is the person who transported the waste.
    4. Subject to regulation 81(5), for the purposes of section 142(1)(b) of the Act, prescribed manner and form for providing the prescribed transaction details is at the time of delivery of the reportable priority waste at the place or premises that receives the reportable priority waste.
18. Manner and form for recording and providing transaction details—controlled waste
    1. This regulation applies to—
19. the consignment of controlled waste for transport from another State or a Territory or out of Victoria; or
20. the transport of controlled waste into Victoria from another State or a Territory or out of Victoria; or
21. the receipt of controlled waste at a place or premises that is transported into Victoria from another State or a Territory.
    1. For the purposes of section 142(1)(a) of the Act, the prescribed manner and form for recording prescribed transaction details is—
22. a system approved by the Authority under regulation 83; or
23. if no system is approved by the Authority under regulation 83—
24. the electronic system provided by the Authority for that purpose; or
25. in a manner approved by the State or the Territory from which the waste is generated or consigned for transport.
    1. Subject to regulations 79(4), 80(5) and 81(5), for the purposes of section 142(1)(b) of the Act, the prescribed manner and form for providing the prescribed transaction details is—
26. a system approved by the Authority under regulation 83; or
27. if no system is approved by the Authority under regulation 83—
28. the electronic system provided by the Authority for that purpose; or
29. in a manner approved by the State or the Territory from which the waste is generated or consigned for transport.
30. Transaction details to be recorded, provided and retained in relation to the consignment of controlled waste
    1. This regulation applies to a person in management or control of a place or premises that consigns controlled waste for transport into Victoria from another State or a Territory or out of Victoria.
    2. For the purposes of section 142(1)(a) and (b) of the Act, the prescribed transaction details are the details specified in Part 1 of Schedule B of the NEPM (MCW).
    3. For the purposes of section 142(1)(b) of the Act, the prescribed persons to whom the prescribed transaction details are to be provided is the person who transports the controlled waste.
    4. For the purposes of section 142(1)(b) of the Act, the prescribed manner and form for providing the prescribed transaction details is before the waste is transported.
31. Transaction details to be recorded, provided and retained in relation to the transport of controlled waste
    1. This regulation applies to a person who transports controlled waste into Victoria from another State or a Territory or out of Victoria.
    2. For the purposes of section 142(1)(a) of the Act, the prescribed transaction details are the details specified in Part 2 of Schedule B of the NEPM (MCW).
    3. For the purposes of section 142(1)(b) of the Act, the prescribed transaction details are—
32. in the case of a prescribed person referred to in subregulation (4)(a)—the details specified in Part 2 of Schedule B of the NEPM (MCW); or
33. in the case of a prescribed person referred to in subregulation (4)(b)—the details specified in Parts 1 and 2 of Schedule B of the NEPM (MCW).
    1. For the purposes of section 142(1)(b) of the Act, the prescribed persons are—
34. the person in management or control of the place or premises from which the controlled waste was consigned for transport; or
35. the person in management or control of the place or premises that receives the controlled waste.
    1. For the purposes of section 142(1)(b) of the Act, the prescribed manner and form for providing the prescribed transaction details is—
36. in the case of a prescribed person referred to in subregulation (4)(a)—before the waste is transported; or
37. in the case of a prescribed person referred to in subregulation (4)(b)—at the time of delivery of the waste at the place or premises that receives the controlled waste.
38. Transaction details to be recorded, provided and retained in relation to the receipt of controlled waste
    1. This regulation applies to a person in management or control of a place or premises that receives controlled waste transported into Victoria from another State or a Territory.
    2. For the purposes of section 142(1)(a) of the Act, the prescribed transaction details are the details specified in Part 3 of Schedule B of the NEPM (MCW).
    3. For the purposes of section 142(1)(b) of the Act, the prescribed transaction details are—
39. in the case of a prescribed person referred to in subregulation (4)(a)—the details specified in Part 3 of Schedule B of the NEPM (MCW); or
40. in the case of a prescribed person referred to in subregulation (4)(b)—the details specified in Parts 1, 2 and 3 of Schedule B of the NEPM (MCW).
    1. For the purposes of section 142(1)(b) of the Act, the prescribed persons are—
41. the person who transported the waste; or
42. the Authority.
    1. For the purposes of section 142(1)(b) of the Act, the prescribed manner and form for providing the prescribed transaction details is—
43. in the case of a prescribed person referred to in subregulation (4)(a)—at the time of delivery of the waste at the place or premises that receives the controlled waste; or
44. in the case of a prescribed person referred to in subregulation (4)(b)—within 72 hours of receiving the waste.
45. Offences in relation to the transport of controlled waste
    1. A person who receives information under regulation 79, 80 or 81 must retain the information for 12 months from the date on which the reportable priority waste is transported.
46. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. A person who transports controlled waste into Victoria from another State or a Territory or out of Victoria must be able to produce the information in Parts 1 and 2 of Schedule B of the NEPM (MCW) when transporting the controlled waste.

1. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Application for approval of electronic system for recording or providing transaction details
   1. A person may apply to the Authority for approval of an electronic system for recording or providing transaction details for the purposes of section 142(1) of the Act.
   2. An application must be made in the manner and form approved by the Authority.
   3. The Authority must not approve an electronic system unless it is satisfied that the system—
2. enables transaction details to be recorded and provided in accordance with regulations 74 to 81; and
3. is a reliable, effective and timely means of recording and providing transaction details; and
4. enables transaction details to be recorded and provided securely; and
5. enables the Authority to efficiently access, record and otherwise deal with the transaction details; and
6. will retain transaction details for at least 2 years from the date on which the reportable priority waste is transported; and
7. includes a system for assigning a unique identifier (consisting of numbers, letters or both) to each consignment of reportable priority waste for which the system is used and the system can link that identifier to any unique identifier assigned under any other system used for that consignment.
   1. The Authority must decide, no later than 42 business days after receiving an application that complies with subregulation (2)—
8. to approve a system; or
9. to refuse to approve a system.
   1. The Authority may require the applicant to provide the Authority with information relating to the application that the Authority considers necessary.
   2. The time in which the Authority must make a decision on the application referred to in subregulation (4) does not include—
10. if the Authority requires the applicant to provide information under subregulation (5)— the period from the date the Authority makes the request until the date on which the Authority receives the information; or
11. any other period that the Authority and the applicant agree is not to be included in that time.
12. Approval of application for electronic system
    1. An approval under regulation 83(4)(a) may apply in specified circumstances or for specified reportable priority waste.
    2. An approval applies for the period specified in the approval not exceeding 5 years.
    3. The Authority may issue an approval subject to any conditions that the Authority considers appropriate.
    4. An approval has no effect if there has been non-compliance with any condition to which it is subject.
13. Exemptions for interstate movement of controlled waste

Sections 142 and 143 of the Act do not apply to the transport of controlled waste into Victoria from another State or a Territory or out of Victoria if—

1. the controlled waste only enters Victoria for the purposes of efficient transportation before returning to the State or the Territory from which the waste was generated or consigned for transport; or

**Example**

The shortest route for the consignment to get to its destination involves entering Victoria before returning to the State or the Territory from which the waste was generated or consigned for transport.

1. the controlled waste is transported in accordance with the HazardousWaste (Regulation of Exports and Imports) Act 1989 of the Commonwealth; or
2. the controlled waste is transported for the purposes of—
3. analysis to determine the appropriate waste classification of the waste; or
4. research, subject to the written approval by an agency of the State or the Territory to which the waste is to be transported; or
5. the controlled waste is transported by pipeline; or
6. the controlled waste is included in a consignment that consists of containers in which small amounts of residue of a controlled waste remain and the containers are used for direct refilling with the same substance; or
7. the controlled waste is transported as a result of a product recall approved by the Australian Pesticides and Veterinary Medicines Authority, Food Standards Australia New Zealand or the Therapeutic Goods Administration.

Division 4—Waste classification designations

1. Authority may issue designation
   1. The Authority may issue a designation setting out the waste classification for a waste.
   2. The Authority may issue a designation on its own motion or on application of a person who has the management or control of priority waste.
   3. A designation under subregulation (1) may allocate a new waste code if there is no applicable waste code in the Table in Schedule 5.

**Note**

Designations may be made to classify new or unusual waste types that are not adequately classified under regulations 61, 62, 66, 67 or 68 or if a classification under those regulations would impose an undue burden on persons in management or control of the waste.

* 1. For the purposes of classifying industrial waste, the Authority may issue a designation classifying the waste by determining any of the following—

1. the applicable waste code for that waste;
2. whether the waste is also a priority waste;
3. whether the waste is also a reportable priority waste for the purposes of section 142 of the Act;
4. whether the waste is also a reportable priority waste for the purposes of section 143 of the Act;
5. that the waste is not a priority waste.
   1. For the purposes of classifying soil sourced on-site from contaminated land, the Authority may issue a designation classifying the waste as—
6. Category A waste;
7. Category B waste;
8. Category C waste;
9. Category D waste;
10. soil containing asbestos only;
11. fill material.
    1. For the purposes of consigning priority waste for disposal, the Authority may issue a designation classifying the waste as—
12. Category A waste;
13. Category B waste;
14. Category C waste;
15. Category D waste;
16. soil containing asbestos only;
17. packaged waste asbestos.
    1. Subject to subsections (8) and (9), the Authority must not issue a designation unless it is satisfied that—
18. management of the waste in accordance with the designation will not pose a serious risk of harm to human health or the environment; and
19. if the designation was not issued by the Authority
20. there would be no appropriate waste classification; or
21. there would be an undue burden imposed on persons in management or control of the waste.
    1. Subject to subregulation (9), in the case of a designation relating to mixing, blending or diluting waste for the purposes of regulation 70, the Authority must not issue a designation unless it is satisfied that management of the waste in accordance with the designation will result in a better environmental outcome than would be the case if the designation was not issued;
    2. The Authority must not issue a designation under subregulation (8) relating to soil from contaminated land unless it is further satisfied that—
22. the mixing, blending or diluting is necessary to prepare the soil for treatment; and
23. the treatment will destroy any contamination; and
24. the treatment is otherwise authorised by the Act or these regulations.

**Note**

Designations are not intended to be made for most types of waste. If a designation has been made, waste of that type must be classified in accordance with the designation.

1. Applications for designations
   1. An application by a person for a designation under regulation 86(2) must be made in the form and manner approved by the Authority.
   2. The Authority may require the applicant to provide further information relating to the application that the Authority considers necessary.
   3. The Authority must notify the applicant in writing, not later than 42 business days after receiving an application that complies with subregulation (1) of its decision to—
2. issue a designation; or
3. refuse to issue a designation.
   1. The time in which the Authority must deal with the application does not include—
4. if the Authority requires information under subregulation (2), the period from the date the Authority makes the request until the date on which the Authority receives the information; or
5. any period that the Authority and the applicant agree is not to be included in that time.
   1. The Authority may issue a designation subject to any conditions that the Authority considers appropriate.
   2. A designation may apply in specified circumstances or to a specified person.
   3. A designation applies for the period specified in the designation up to a maximum of 5 years.
   4. If the Authority amends or revokes a designation issued on application, the Authority must notify the person who applied for the designation in writing of the amendment or revocation.
   5. A designation has no effect if the person who applied for the designation fails to comply with any condition of the designation.

Division 5—Accredited consigners

1. Accredited consigners
   1. For the purposes of section 245(2) of the Act, the role of accredited consigner is a prescribed role.
   2. The purpose of an accredited consigner is to do any of the following on behalf of the person who has the management or control of priority waste—
2. perform the duties under sections 135 and 139 of the Act;
3. undertake a prescribed transaction under section 142(1) of the Act;
4. cause or permit the transport of reportable priority waste.
5. Appointment of accredited consigners
   1. A natural person may apply to the Authority to be appointed as an accredited consigner under section 245(2) of the Act.
   2. An application under subregulation (1) must—
6. be in the form and manner approved by the Authority; and
7. provide any information required by the Authority; and
8. be accompanied by the fee set out in regulation 204.
   1. The Authority may appoint a person as an accredited consigner—
9. in relation to one or more type or class of waste; and
10. subject to regulation 91, for a period of no more than 5 years.
    1. The Authority must refuse to appoint the person as an accredited consigner if the Authority—
11. determines that the person is not a fit and proper person to act as an accredited consigner; or
12. the person has not demonstrated in a manner acceptable to the Authority their competency to act as an accredited consigner.
    1. For the purposes of subregulation (4)(a), the Authority must have regard to the matters set out in section 66 of the Act.
    2. If a person is a prohibited person, the Authority must not determine that the person is a fit and proper person unless the Authority is satisfied that it is not contrary to the public interest to do so.

**Note**

***Prohibited person*** is defined in section 3(1) of the Act.

* 1. The Authority must, within 30 business days after receiving an application that complies with subregulation (2), notify the person in writing that the Authority has—

1. appointed the person as an accredited consigner; or
2. refused to appoint the person and set out the reasons for that decision.
3. Variation of accredited consigner appointment
   1. An accredited consigner may apply to the Authority for a variation to the appointment.
   2. An application under subregulation (1) must—
4. be in the form and manner approved by the Authority; and
5. provide any information required by the Authority.
   1. The Authority must, within 30 business days after receiving an application that complies with subregulation (2)—
6. vary the appointment subject to any specified conditions that the Authority considers appropriate; or
7. refuse to vary the appointment.
8. Accredited consigner may apply for reappointment
   1. An accredited consigner may apply to the Authority for reappointment as an accredited consigner at least 30 business days before the expiry of the appointment.
   2. Regulation 89 applies to an application for reappointment as an accredited consigner as if it were an application for appointment.
9. Accredited consigner may surrender appointment

An accredited consigner may, at any time during the appointment, surrender the appointment by notifying the Authority in writing.

Part 4.3—Used packaging materials

1. Application
   1. Subject to subregulation (2), this Part applies to a brand owner so far as the brand owner is operating in Victoria.
   2. This Part does not apply to the following brand owners—
2. a brand owner who is a signatory to the Australian Packaging Covenant and who is complying with the obligations of the Covenant;
3. a brand owner who is a signatory to, and is complying with, any other arrangement which the Authority is satisfied produces equivalent outcomes to those achieved by the Australian Packaging Covenant;
4. a brand owner who has an annual turnover in Australia of not more than $5 million.

**Note**

The Australian Packaging Covenant establishes monitoring, disciplinary and dispute resolution procedures to identify non-complying signatories and to refer non-complying signatories to jurisdictions. In particular, section 10 and Schedule 5 to the Australian Packaging Covenant set out the mechanisms for ensuring compliance with the Covenant.

* 1. For the purposes of subregulation (2), a brand owner is taken not to be complying with the Australian Packaging Covenant if—

1. the brand owner is a signatory to the Covenant; and
2. the Authority has been notified by APCO that the brand owner no longer has the benefit of being a signatory to the Covenant; and
3. since receiving that notification, the Authority has not received advice from APCO to the effect that APCO is satisfied that the brand owner is a compliant signatory.
4. Packaging for which brand owners are responsible

For the purposes of this Part, a brand owner is responsible for one or more of the following—

1. in the case of a brand owner referred to in paragraph (a) of the definition of ***brand owner*** in regulation 4, all consumer packaging made of any material (or any combination of materials) for containing, protecting, marketing and handling the products; and
2. in the case of a brand owner referred to in paragraph (b)(i) of the definition of ***brand owner*** in regulation 4, the plastic bags imported into, or manufactured in, Australia by the brand owner; and
3. in the case of a brand owner referred to in paragraph (b)(ii) of the definition of ***brand owner*** in regulation 4, the plastic bags that the retailer provides to consumers at or around the point of sale for transporting products from the retailer.
4. Requirements to recover, re-use and recycle materials and review packaging design
   1. A brand owner must ensure that the materials used in packaging for which the brand owner is responsible are recovered at a recovery rate for a financial year of at least 70% for each category of material set out in regulation 97 that the brand owner has used.
5. 60 penalty units for a natural person;

300 penalty units for a body corporate.

* 1. For the purposes of subregulation (1), the recovered materials may be either or both of the following—

1. the packaging for which the brand owner is responsible; or
2. an equivalent amount of materials that are of a size and type that are substantially the same as the packaging for which the brand owner is responsible.
   1. For the purposes of subregulation (1), a brand owner must ensure that the recovered materials are—
3. reused or recycled by the brand owner, so far as reasonably practicable; or
4. if it is not reasonably practicable for the materials to be reused or recycled by the brand owner, reused or recycled within Australia so far as reasonably practicable, or
5. if it is not reasonably practicable for the materials to be reused or recycled within Australia, reused or recycled outside Australia.
6. 60 penalty units for a natural person;

300 penalty units for a body corporate.

* 1. A brand owner must ensure that consumers are given adequate information as to how the packaging may be recovered, including information regarding where to take the materials for recycling and how to reuse or recycle the materials.

1. 60 penalty units for a natural person;

300 penalty units for a body corporate.

* 1. A brand owner must ensure that the need for and the design of the packaging is regularly reviewed.

1. Recovery rate

A brand owner’s recovery rate in a financial year is calculated in accordance with the following formula—

**Recovery rate** = (weight of material recovered from the post-consumer waste stream in the financial year / weight of consumer packaging for which the brand owner is responsible that is used by the brand owner within Australia in the financial year) x 100

1. Categories of material
   1. For the purposes of this Part, the following categories of material are specified—
2. paper and cardboard;
3. glass;
4. steel;
5. aluminium;
6. plastics.
   1. The category of material to which the consumer packaging belongs is determined by the material that forms its principal component, not including incidental components such as labels and closures.
7. Brand owners must keep records
   1. A brand owner must keep a record of the following in respect of each financial year—
8. the total weight of consumer packaging used by the brand owner in that financial year in each category of material specified in 97;
9. the number of units of consumer packaging used by the brand owner in that financial year in each category of material specified in regulation 97;
10. the total weight of material recovered from the post-consumer waste stream by the brand owner in that financial year, in each category of material specified in regulation 97, and the total weight of the following—
11. the material that was reused and recycled in Australia, by category of material;
12. the material that was reused and recycled through export, by category of material;
13. the material that was disposed of to landfill, by category of material;
14. the total amount of embedded energy (in kilojoules) recovered by the brand owner;
15. the recovery rate for the brand owner’s consumer packaging in that financial year, determined in accordance with regulation 96;
16. the advice provided to consumers in that financial year as to the recovery of the packaging.
    1. A brand owner must—
17. keep a record of the information set out in subregulation (1) for a period of 5 years; and
18. make the record available for inspection on request by the Authority.
19. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. In this regulation, ***embedded energy*** means the sum of all the energy required to produce any item or material or the amount of energy use avoided by using recovered materials rather than new ones (as applicable).

1. Brand owners must report annually
   1. A brand owner must provide a report to the Authority prior to 30 September each year setting out the brand owner’s compliance with this Division.
2. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. A report under subregulation (1) must be in the form and manner approved by the Authority.
  2. If the Authority reasonably believes the report provided under subregulation (1) does not contain sufficient information to confirm the brand owner’s compliance with this Part it may, by written notice, require the brand owner to amend the report and resubmit it within the time specified in the notice.

1. Councils must provide information
   1. A council (or, if the Authority so determines, a group of councils for which a Waste and Resource Recovery Group is established) in which a kerbside recycling collection service or other municipal materials recovery service is provided, must provide the following information to the Authority, in relation to a financial year—
2. the percentage of households in the municipal district that is serviced by the kerbside recycling collection or other municipal materials recovery service;
3. the participation rate in any such service;
4. the number of premises covered by the service and whether the tenements are residential tenements or other kinds of tenement;
5. the per premises fee charged for recycling collection services;
6. the total weight of recyclable material collected at the kerbside or by other municipal materials recovery services by material type;
7. if the material collected is sorted—
8. the total weight of each material type sold or sent for secondary use, including energy recovery;
9. the total weight of the residual fraction sent to landfill by material type, if practicable.
   1. Each council or group of councils must ensure that any new or novated contract with a recycling collection service requires the contractors to provide any information to the council or group of councils that is needed to supply the information mentioned in subregulation (1).
   2. If a council is subject to current contract conditions which prevent it from complying with this regulation, the Authority may take any steps that it considers necessary to ensure that the information required under this regulation is provided to the Authority.
   3. The Authority must maintain the confidentiality of any commercially sensitive information provided under this regulation unless—
10. the relevant parties consent to the release of the information; or
11. the Authority is required by any law or court to release it; or
12. the information is aggregated with other information so as to conceal its source; or
13. in the opinion of the Authority, it is in the public interest to release it.
    1. A council or group of councils must provide a report under subregulation (1) within three months after the end of the financial year to which the report relates.
    2. The Authority must ensure reporting on participation in complementary collection systems for recyclables.
    3. In this regulation, ***materials recovery service*** means any service to collect, sort and pre-process materials recovered from the waste stream, including kerbside recycling collections, drop-off collection systems, public place collection and industrial and commercial recycling collection systems.

Part 4.4—Regional Waste and Resource Recovery Implementation Plans

1. Landfill scheduling in Regional Waste and Resource Recovery Implementation Plans

In making comments on a draft Regional Waste and Resource Recovery Implementation Plan under section 415(3) of the Act, the Authority must object to the inclusion of a proposed landfill site in the schedule of required landfill infrastructure in the Plan or draft amendments to the Plan if the landfill is proposed to be established in or extended into an area listed in the Table in Schedule 8.

Chapter 5—Environmental management

Part 5.1—Prohibited chemical substances

1. Prohibition on use of certain chemical substances
   1. This regulation applies to the following chemical substances—
      1. Trichlorofluoromethane (CFCl3CFC 11);
      2. Dichlorodifluoromethane (CF2Cl2CFC 12);
      3. Trichlorotriflouroethane (C2F3Cl3CFC 113);
      4. Dichlorotetrafluorethane (C2F4Cl2CFC 14);
      5. Monochloropentafluoroethane (C2F5ClCFC 115);
      6. Bromochlorodifluoromethane (CBrClF2 Halon 1211);
      7. Bromotrifluoromethane (CBrF3 Halon 1301).
   2. A person must not process, store or use a chemical substance referred to in subregulation (1), unless the person—
      1. notifies the Authority of the intention to do so at least 30 days before commencing to do so; and
      2. receives notice in writing from the Authority that the person may undertake the activity involving the chemical substance referred to in subregulation (1); and
      3. complies fully with any conditions or requirements set out in the notice.
2. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

Part 5.2—Air

Division 1—National pollutant inventory

1. Definitions

In this Division—

***emission data***, for a substance, means an estimate of the amount of that substance emitted in a reporting period that identifies—

1. the segment of the environment to which the substance was discharged; and

**Examples**

Air, land, water.

1. the estimation technique used;

***estimation technique*** means a method for estimating the amount of a substance emitted or transferred;

***facility*** means any building or land together with any machinery, plant, appliance, equipment, implement, tool or other item used in connection with any activity carried out at the facility and includes an off-shore facility but does not include the following—

1. a mobile emission source operating outside the boundaries of a fixed facility;
2. a petroleum retailing facility engaged in the retail sale of fuel;
3. a dry-cleaning facility employing less than 20 people;
4. a scrap metal handling facility trading in metal that is not engaged in the reprocessing of batteries or the smelting of metal;
5. a facility or part of a facility engaging solely in agricultural production, including the growing of trees, aquaculture, horticulture or livestock raising unless it is engaged in—
6. processing of agricultural produce; or
7. intensive livestock production;

**Note**

The facility may be located on a single site or on adjacent or contiguous sites owned or operated by the same person.

***industry reporting materials*** means resources published by the Commonwealth Department of Environment and Energy which provide advice to a reporting facility in meeting reporting requirements, including—

1. advice or guidance on the information that is required to be provided or kept by occupiers; and
2. an appropriate estimation technique or range of estimation techniques;

***mandatory reporting transfer destination*** means—

1. a destination for disposal or long-term containment;
2. an off-site destination for destruction;
3. an off-site sewerage system;
4. an off-site treatment facility which leads solely to one or more of the outcomes set out in paragraphs (a) to (c);

***mandatory transfer data***, for a substance, means an estimate of the amount of the substance transferred to a mandatory reporting transfer destination in a reporting period that identifies—

1. the type of destination;
2. whether the transfer is on-site or off-site;
3. the estimation technique used;

***reporting period***, for a facility, means—

1. a financial year; or
2. an annual period approved for the facility by the Authority under regulation 108(2);

***reporting facility*** means a facility where the ANZSIC code for one or more activities undertaken at the facility is included in the list of ANZSIC codes for NPI reporting;

***substance*** means a substance set out in column 1 of Table 1 in Schedule A to the NEPM (NPI);

***substance identity information*** for a particular substance means the name of the substance and, if available, the CAS number for the substance set out in column 2 of Table 1 in Schedule A to the NEPM (NPI);

***supporting data*** for a reporting facility means—

1. the name of the occupier of the facility;
2. information relating to any change of occupier or change of name of the occupier;
3. the occupier’s Australian Company Name (ACN), if any;
4. the occupier’s Australian Business Name (ABN), if any;
5. the street address and postal address of the occupier;
6. a contact phone number for public enquiries about NPI reporting;
7. the main activity or activities of the facility;

***transfer*** includes the transport or movement of substances on-site or off-site.

1. Occupier must provide data
   1. The occupier of a reporting facility must provide the Authority with the following information if a reporting threshold for a substance specified in the NEPM (NPI) is exceeded in a reporting period—
2. supporting data for the facility;
3. for each substance for which the reporting threshold specified in the NEPM (NPI) is exceeded in the reporting period, substance identity information and emission data estimated in accordance with regulation 105;
4. any information required to establish the integrity of the emission data required under paragraph (b);
5. the type and mass of fuel or waste burned in the reporting period;
6. for each substance for which a category 1, category 1b or category 3 reporting threshold specified in the NEPM (NPI) is exceeded in the reporting period, substance identity information and mandatory transfer data;
7. any information required to establish the integrity of the mandatory transfer data required under paragraph (e);
8. information documenting the estimation technique applied in estimating emission data required under paragraph (b) or mandatory transfer data required under paragraph (e).
   1. The occupier of a reporting facility must provide a statement to the Authority which—
9. states that the occupier has exercised due diligence in gathering and providing the information referred to in subregulation (1); and
10. is signed by the occupier or a person authorised by the occupier to sign the statement.
    1. An occupier must provide the information required under subregulation (1) and the statement required under subregulation (2) to the Authority within 3 months after the end of the reporting period to which the information and statement relate.
11. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Notes**

1. An infringement notice may be served for an offence against subregulation (3): see regulation 164 and Schedule 10.
2. Section 463 of the Act makes it an offence to provide information or make a statement that is false or misleading in a material particular or to conceal any materially relevant information or document.
3. Emission estimation techniques

In estimating emission data and mandatory transfer data for the purposes of providing information under regulation 104, the occupier of a reporting facility must—

1. if an estimation technique is set out in the relevant industry reporting materials for that type of reporting facility apply either —
2. that estimation technique; or
3. another estimation technique approved for the facility by the Authority under regulation 108(3); or
4. if no estimation technique is set out in the relevant industry reporting materials which relates to a specific process carried out at the reporting facility or means of emission or transfer of waste from the reporting facility, apply an estimation technique approved for the facility by the Authority under regulation 108(3).
5. Occupier must keep data for period of 5 years
   1. The occupier of a reporting facility must keep the data used in deciding if the reporting threshold for a substance specified in the NEPM (NPI) is exceeded in the reporting period for the occupier’s facility for 5 years after the reporting period ends.
6. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this subregulation: see regulation 164 and Schedule 10.

* 1. The occupier must keep the data used in calculating emission or transfer data given to the Authority for 5 years after the emission or transfer data is required to be given.

1. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this subregulation: see regulation 164 and Schedule 10.

1. Commercially sensitive information
   1. The occupier of a reporting facility, by written notice to the Authority, may claim that information required to be provided by the occupier under regulation 104(1) should be treated as commercially sensitive information.
   2. The notice must contain information necessary to enable the Authority to determine the claim.
   3. The Authority, by written notice to the occupier, may ask the occupier to provide the Authority, within a reasonable period specified in the notice, further relevant information to enable the Authority to determine the claim.
   4. The Authority may only permit the claim if the Authority considers that the interests of the occupier in maintaining confidentiality outweigh the public interest in disclosing the information.
   5. The Authority may refuse the claim if the Authority has given the occupier a notice under subregulation (3) asking for further information and the occupier does not comply with the request in the period specified in the notice.
   6. The Authority must give the occupier written notice of the Authority’s determination of the claim.
   7. If the Authority refuses the claim, the notice must specify the reasons for refusal.
   8. If the Authority permits the claim, the Authority must not provide the information for which the claim was permitted to the Commonwealth Department of Environment and Energy unless it is provided in a way that preserves the confidentiality of the information (such as by aggregation with other information).
2. Authority may approve matters for this Division
   1. The occupier of a reporting facility may apply in writing to the Authority for any of the following—
3. an annual period other than a financial year to be approved for the reporting facility for the purposes of paragraph (b) of the definition of ***reporting period***;
4. an emission estimation technique for the reporting facility for the purposes of regulation 105(a)(ii);
5. an emission estimation technique for the reporting facility for the purposes of regulation 105(b).
   1. The Authority may approve an annual period other than a financial year for the purposes of paragraph (b) of the definition of ***reporting period*** for a reporting facility if satisfied that the occupier of the reporting facility will be able to provide accurate and reliable information for the purposes of regulation 104 during the period of transition to the proposed annual period.
   2. The Authority may approve an emission estimation technique for a reporting facility if satisfied that—
6. the occupier of the reporting facility has provided robust and traceable data that validates the proposed emission estimation technique; and
7. the proposed emission estimation technique is more reliable and representative than any estimation technique set out in relevant industry reporting materials (if available).
   1. The Authority must give written notice to the occupier of the reporting facility of an approval under this regulation.

Division 2—Solid fuel heaters

1. Manufacture of solid fuel heaters
   1. A person must not manufacture a solid fuel heater unless it complies with AS/NZS 4012 and AS/NZS 4013.

**Note**

Act compliance—sections 25(1) and 25(5) (see regulation 6).

* 1. Without limiting subregulation (1), a person who manufactures a model of solid fuel heater must ensure that—

1. a laboratory accredited by NATA or IANZ has tested each model of solid fuel heater being manufactured, in accordance with the procedures specified in AS/NZS 4012 and AS/NZS 4013, and the laboratory has confirmed it is satisfied that each model of solid fuel heater complies with—
2. clause 9.1 of AS/NZS 4012 in relation to its overall average efficiency; and
3. clause 7.1 of AS/NZS 4013 in relation to the particulate emission factor produced; and
4. the solid fuel heater is marked or labelled in accordance with section 8 of AS/NZS 4012 and section 10 of AS/NZS 4013.

**Note**

A mark or label that combines the information required by AS/NZS 4012 and AS/NZS 4013 is suitable.

1. Supply of solid fuel heaters
   1. A person must not supply a solid fuel heater unless it complies with AS/NZS 4012 and AS/NZS 4013.

**Note**

Act compliance—sections 25(1) and 25(5) (see regulation 6).

* 1. A person is taken to comply with subregulation (1) if that person has obtained a written verification statement that meets the requirements of subregulation (3).
  2. A verification statement must state that—

1. the model of solid fuel heater complies with AS/NZS 4012 and AS/NZS 4013; and
2. the person making the statement—
3. did not participate in the design or manufacture of the solid fuel heater; and
4. has an appropriate level of skill and knowledge to be able to verify the solid fuel heater complies with AS/NZS 4012 and AS/NZS 4013; and
5. is satisfied that the model of solid fuel heater has been manufactured, tested, marked and labelled in accordance with AS/NZS 4012 and AS/NZS 4013.

Division 3—Protection of the ozone layer

1. Requirements for handling methyl bromide
   1. This regulation applies to a person who handles methyl bromide—
2. for a QPS use; or
3. for a non-QPS use if the person holds a permit granted under regulation 235 of the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995 of the Commonwealth.
   1. A person to whom this regulation applies must—
4. so far as reasonably practicable replace the methyl bromide with an alternative substance or technology; and
5. if it is not reasonably practicable to replace the methyl bromide, eliminate emissions of the ozone-depleting substance to the atmosphere so far as reasonably practicable; and
6. if it is not reasonably practicable to eliminate emissions of the methyl bromide to the atmosphere, reduce those emissions so far as reasonably practicable.

**Note**

Act compliance—section 25(1) (see regulation 6).

* 1. A person who handles methyl bromide in relation to fumigation for pest and disease control is taken to comply with subregulation (2)(b) and (c) if the person, so far as reasonably practicable—

1. recovers the methyl bromide; and—
2. either—
3. reuses, recycles or destroys the methyl bromide; or
4. returns the methyl bromide to the supplier for reuse, recycling, reclamation, storage or destruction.
   1. In this regulation—

***handles*** includes using, having contact with, manufacturing, storing, recovering, reusing, recycling, reclaiming, processing, destroying and disposal;

***QPS use*** has the same meaning as in the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995 of the Commonwealth;

***reclamation***, in relation to methyl bromide, means the re-processing and upgrading of recovered methyl bromide through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the methyl bromide to new product specification;

***recycling***, in relation to methyl bromide, means use of methyl bromide following any form of prior treatment or reprocessing of that methyl bromide;

***reuse***, in relation to methyl bromide, means use of methyl bromide following its recovery from any product or equipment without prior treatment or reprocessing;

***supplier*** means any wholesaler, distributor or reclaimer of methyl bromide.

**Note**

Commonwealth legislation may also apply to the handling of methyl bromide.

Division 4—Class 3 substances

1. Generators of Class 3 substances
   1. This regulation applies to a person who is the holder of an operating licence that specifies an activity which has one or more sources of Class 3 substances, generates Class 3 substances or results in the generation of Class 3 substances.
   2. A person to whom this regulation applies must—
2. so far as reasonably practicable eliminate the generation of Class 3 substances; and
3. if it is not reasonably practicable to eliminate the generation of a Class 3 substances, reduce the generation of the Class 3 substances so far as reasonably practicable.

**Note**

Act compliance—section 25(1) (see regulation 6).

Part 5.3— Noise

Division 1— Noise Protocol

1. Prediction, measurement, assessment and analysis of noise must be in accordance with Noise Protocol

A person who, for the purposes of the Act, is required to predict, measure, assess or analyse noise within a noise sensitive area must conduct the prediction, measurement, assessment and analysis in accordance with the Noise Protocol.

**Note**

The Noise Protocol sets out how to conduct the following noise-related assessments—

1. the determination of noise limits;
2. background levels;
3. alternate assessment criterion at an alternate assessment location, including for agent of change as set out in the VPPs;
4. effective noise levels.

Division 2—Unreasonable and aggravated noise from residential premises

1. Unreasonable noise from residential premises
   1. For the purposes of section 167(2) of the Act—
2. an item within an item group in column 2 of the Table is a prescribed item; and
3. subject to subregulation (2), the time specified in column 3 of the Table that corresponds to an item group is prescribed as a prohibited time for an item within that item group.
   1. For the purposes of section 167(2) of the Act, a time specified in column 3 of the Table is not prescribed as a prohibited time in respect of an item within item group 4 at any time a heat health alert is in effect in the weather forecast district in which the item is located.

**Example**

A period during which a heat health alert is in effect in the Central Forecast Region is not taken to be a prohibited time for the purposes of section 167(2) of the Act in relation to the use of domestic air conditioners in that Region.

**Note**

For the purposes of section 167(1) of the Act, noise emitted from residential premises by an item prescribed by this regulation may be unreasonable having regard to paragraphs (a)(i)-(v) of the definition of ***unreasonable noise*** in section 3(1) of the Act even if the use is not during a prohibited time.

* 1. In this regulation—

***heat health alert*** means an alert issued by the Chief Health Officer under the heat health alert system operated by the Department of Health and Human Services or any subsequent equivalent system operated by that Department.

**Table**

| *Column 1*  *Item group* | *Column 2*  *Prescribed items* | *Column 3*  *Prohibited times* |
| --- | --- | --- |
| 1 | A motor vehicle (other than a vehicle moving in or out of premises), vessel or personal watercraft, lawn mower or other grass cutting device or any item with an internal combustion engine that does not fall within item group 2. | Monday to Friday:  before 7 a.m. and after 8 p.m.  Weekends and public holidays:  before 9 a.m. and after 8 p.m. |
| 2 | An electric power tool, chain or circular saw, gas or air compressor, pneumatic power tool, hammer, impacting tool or grinding equipment. | Monday to Friday:  before 7 a.m. and after 8 p.m.  Weekends and public holidays:  before 9 a.m. and after 8 p.m. |
| 3 | Heating equipment (including central heating, a hot water system or a heat pump, air conditioner or split system used for heating), a vacuum cleaner, swimming pool pump, spa pump, or a water pump (other than a pump being used to fill a header tank). | Monday to Friday:  before 7 a.m. and after 10 p.m.  Weekends and public holidays:  before 9 a.m. and after 10 p.m. |
| 4 | An air conditioner, evaporative cooler or split system used for cooling. | Monday to Friday:  before 7 a.m. and after 11 p.m.  Weekends and public holidays:  before 9 a.m. and after 11 p.m. |
| 5 | A musical instrument or any electrical amplified sound reproducing equipment including a stereo, radio, television or public address system. | Monday to Thursday:  before 7 a.m. and after 10 p.m.  Friday:  before 7 a.m. and after 11 p.m.  Saturday and public holidays:  before 9 a.m. and after 11 p.m.  Sunday:  before 9 a.m. and after 10 p.m. |
| 6 | An item of electrical equipment that does not fall within item group 2, 3, 4 or 5, other than an item for personal care or grooming, or for food heating, food refrigeration or food preparation. | Monday to Friday:  before 7 a.m. and after 8 p.m.  Weekends and public holidays:  before 9 a.m. and after 8 p.m. |

1. Aggravated noise from residential premises

For the purposes of section 168 of the Act, noise emitted from residential premises is prescribed to be aggravated noise if the noise—

1. arises out of using an item within an item group in the Table at the foot of regulation 114 at a time specified in column 3 of that Table that corresponds to that group; and
2. results, or is likely to result, in harm to human health or the environment.

Division 3—Unreasonable and aggravated noise from commercial, industrial and trade premises

1. Definitions—operating time periods

In this Division, in relation to noise emitted from commercial, industrial and trade premises—

***day period*** means Monday to Saturday (except public holidays), from 7 a.m. to 6 p.m;

***evening period*** means—

1. Monday to Saturday, from 6 p.m. to 10 p.m; and
2. Sunday and public holidays, from 7 a.m. to 10 p.m;

***night period*** means 10 p.m. to 7 a.m. the following day.

1. Noise sources that must not be taken into account

In this Division, when the level of noise emitted from commercial, industrial and trade premises is assessed, the following sources of noise must not be taken into account—

1. music;
2. voices;
3. noise from—
   1. crowds;
   2. firearms;
   3. lawnmowing;
   4. construction or demolition activities on building sites;
   5. sporting events;
   6. intruder, emergency or safety alarms;
   7. aircraft (except for ground maintenance activities);
   8. mobile farm machinery (except for maintenance activities);
   9. scare and anti-hail guns;
   10. livestock on farms or saleyards;
   11. fire pumps used in emergencies;
   12. non-commercial vehicles (except for maintenance activities);
   13. large fans used to circulate air over a wide area where crops such as citrus, stone fruit or vines are grown (frost fans);
   14. wind turbines at wind energy facilities (used to generate electricity by wind force);
   15. blasting undertaken in association with earth resources activity.

**Note**

For the purposes of section 166 of the Act, noise emitted by an item prescribed by this regulation may be unreasonable having regard to paragraphs (a)(i)-(v) of the definition of ***unreasonable noise*** in section 3(1) of the Act.

1. Unreasonable noise from commercial, industrial and trade premises
   1. For the purposes of paragraph (b) of the definition of ***unreasonable noise*** in section 3(1) of the Act, noise emitted from commercial, industrial and trade premises is prescribed to be unreasonable noise if the effective noise level of the noise exceeds—
2. the noise limit that applies at the time the noise is emitted; or
3. the alternative assessment criterion that applies at the time the noise is emitted if the assessment of an effective noise level is conducted at an alternative assessment location in accordance with the Noise Protocol.
   1. For the purposes of subregulation (1)(a), the lowest decibel value that may be set as the noise limit (the ***base noise limit***) is—
4. in the case of noise emitted in a major urban area—
5. during the day period, 45 dB(A);
6. during the evening period, 40 dB(A);
7. during the night period, 35 dB(A); and
8. in the case of noise emitted in a rural area—
9. during the day period, 45dB(A);
10. during the evening period, 37dB(A);
11. during the night period, 32dB(A).
    1. The noise limit for commercial, industrial and trade premises for the night period must not exceed 55dB(A).
12. Cumulative noise
13. If 2 or more commercial, industrial and trade premises (whether existing or proposed) emit, or are likely to emit, noise that contributes to the effective noise level, a person in management or control of one or more of those premises must take all reasonable steps to ensure that the contribution from each of the premises, when combined, does not exceed the noise limit for the noise sensitive area.
14. For the purposes of subregulation (1), what constitutes a reasonable step must be determined in accordance with the Noise Protocol.
15. Frequency spectrum

For the purposes of paragraph (a)(v) of the definition of ***unreasonable noise*** in section 3(1) of the Act, frequency spectrum is a prescribed factor.

1. Aggravated noise from commercial, industrial and trade premises

For the purposes of section 168 of the Act, noise emitted from commercial, industrial and trade premises is prescribed to be aggravated noise if—

1. in the case of noise emitted during the day period, the effective noise level exceeds the lower of the following—
2. 75dB(A);
3. the noise limit specified in the Noise Protocol plus 15dB(A);
4. in the case of noise emitted during the evening period, the effective noise level exceeds the lower of the following—
5. 70dB(A);
6. the noise limit specified in the Noise Protocol plus 15dB(A);
7. in the case of noise emitted during the night period, the effective noise level exceeds the lower of the following—
8. 65dB(A);
9. the noise limit specified in the Noise Protocol plus 15dB(A).

Division 4— Unreasonable and aggravated noise from entertainment venues

Subdivision 1—General

1. Music noise from live music entertainment venues

Despite anything to the contrary in this Division, music noise emitted from a live music entertainment venue is not unreasonable noise if the live music entertainment venue complies with the requirements of clause 53.06 in the VPPs and the noise limit that applies to that venue.

Subdivision 2— Indoor entertainment venues

1. Definitions--operating time periods

In this Subdivision, in relation to music noise emitted from indoor entertainment venues—

***day period*** ***and*** ***evening period*** means—

1. Monday to Saturday, from 7 a.m. to 11 p.m.;
2. Sunday, from 9 a.m. to 10 p.m.;

***night period*** means***—***

1. Monday to Friday, from 11 p.m. to 7 a.m. the following day;
2. Saturday, from 11 p.m. to 9 a.m. the following day;
3. Sunday, from 10 p.m. to 7 a.m. the following day.
4. Noise sources that must or must not be taken into account

Without limiting this Division, when the level of noise emitted from an indoor entertainment venue is assessed—

* 1. the following sources of noise must be taken into account—

1. noise from human voices and activities within the entertainment venue that are associated with the music sources;
2. in the case of an indoor entertainment venue that is a place of worship, the performance or playing of music that is not related to recognised religious observance;
   1. noise associated with the arrival and departure of people attending the indoor entertainment venue must not be taken into account.
3. Unreasonable noise from an indoor entertainment venue
   1. For the purposes of paragraph (b) of the definition of ***unreasonable noise*** in section 3(1) of the Act, music noise emitted from an indoor entertainment venue is prescribed to be unreasonable noise if the effective noise level of the noise exceeds—
4. the noise limit that applies at the time the noise is emitted; or
5. the alternative assessment criterion that applies at the time the noise is emitted if the assessment of an effective noise level is conducted at an alternative assessment location specified in the Noise Protocol.
   1. For the purposes of subregulation (1)(a), the lowest decibel value that may be set as the noise limit (the ***base noise limit***) is—
6. for the day period and evening period, 32 dB(A);
7. for the night period, the base noise limit corresponding to the relevant frequency set out in the Table.

**Table**

**Indoor entertainment venue base noise limits per frequency for the night period**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Column**  **1** | **Column**  **2** | **Column**  **3** | **Column**  **4** | **Column**  **5** | **Column**  **6** | **Column**  **7** | **Column**  **8** |
| Frequency  (Hz) | 63 | 125 | 250 | 500 | 1,000 | 2,000 | 4,000 |
| Base noise  limit  (dB) | 40 | 30 | 20 | 20 | 15 | 10 | 10 |

1. Cumulative music noise from indoor entertainment venues

If 2 or more indoor entertainment venues contribute to the effective noise level in a noise sensitive area, the noise limit that applies in relation to each venue must be determined in accordance with the Noise Protocol.

1. Aggravated noise from indoor entertainment venue

For the purposes of section 168 of the Act, noise emitted from an indoor entertainment venue during an operating time period set out in column 1 of the Table is prescribed to be aggravated noise if the noise exceeds the corresponding aggravated noise level set out in column 2 of the Table.

**Table**

|  |  |
| --- | --- |
| **Column 1**  **Operating time period** | **Column 2**  **Aggravated noise level** |
| Day period and evening period | The noise limit determined in accordance with the Noise Protocol plus 15 dB |
| Night period | The noise limit determined in accordance the Noise Protocol plus 20 dB |

Subdivision 3—Outdoor entertainment venues and outdoor entertainment events

1. Definitions—operating time periods

In this Subdivision, in relation to music noise emitted from outdoor entertainment venues and outdoor entertainment events, ***operating time period*** means—

1. in the case of an operating period of 5 hours or less within a 24-hour period, between the hours of 12 noon and 11 p.m.; or
2. in the case of an operating period of greater than 5 hours within a 24-hour period, between the hours of 12 noon and 10 p.m.
3. Operating outdoor entertainment venues and outdoor entertainment events

A person in management or control of an outdoor entertainment venue or an outdoor entertainment event must not operate the venue or event other than during the operating time period.

**Note**

A person may apply for a permit to operate the venue or event at a time outside the operating time period—see item 76 (L05—Operation outside of hours) in the Table in Schedule 1.

1. Unreasonable noise from outdoor entertainment venues or outdoor entertainment events
   1. For the purposes of paragraph (b) of the definition of ***unreasonable noise*** in section 3(1) of the Act, music noise emitted from an outdoor entertainment venue or outdoor entertainment event is prescribed to be unreasonable noise if—
2. the effective noise level of the noise exceeds—
   1. the noise limit that applies to that venue or event at the time the noise is emitted; or
   2. the alternative assessment criterion that applies at the time the noise is emitted if the assessment of an effective noise level is conducted at an alternative assessment location specified in the Noise Protocol; or
3. the noise is audible within a noise sensitive area outside the operating time period that applies to that venue or event; or
4. the noise is emitted without any permit issued by the Authority that is required for the venue or event.
5. Aggravated noise from an outdoor entertainment venue or outdoor entertainment event

For the purposes of section 168 of the Act, noise emitted from an outdoor entertainment venue or outdoor entertainment event is prescribed to be aggravated noise if the effective noise level exceeds 80dB(A) at any time.

Part 5.4—Water

1. Disposal of waste from vessels
   1. A person must not deposit or discharge waste produced or located on a vessel into the surface water or marine water environment unless the waste—
2. is part of a process of managing aquatic pests on the vessel and the person has—
   1. minimised, so far as reasonably practicable, the risks to human health and the environment posed by the waste; and
   2. complied with subregulation (2); or
3. is in the form of greywater produced or located on a houseboat operating on the waters of Lake Eildon and the greywater is deposited or discharged in compliance with the requirements relating to the disposal of houseboat greywater specified in the Water (Lake Eildon Recreation Area) (Houseboat) Regulations 2013.
4. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (1)(a) the person must ensure that any aquatic pests and anti-fouling paint are contained and subsequently transferred to a place or premises that is authorised to receive that type of waste.
  2. In this regulation—

***anti-fouling paint*** means the combination of all component coatings, surface treatments (including primer, sealer, binder, anti-corrosive and anti-fouling coatings) or other surface treatments, used on a vessel to control or prevent attachment of aquatic pests;

***aquatic pests*** includes fish, shellfish and other aquatic plants or animals that are found in freshwater, estuaries or marine environments (but may not be native to those environments) and have, or may have, one or more of the following effects, either directly or indirectly—

1. adverse or undesirable effects on other species important to Victoria’s economy or conservation;
2. damage to aquatic environments reducing attractiveness and social enjoyment of aquatic areas;
3. fouling of aquaculture and industrial infrastructure;
4. harm to human health or the environment.

***greywater*** has the same meaning as in the Water (Lake Eildon Recreation Area) (Houseboat) Regulations 2013;

***houseboat*** has the same meaning as in the **Water Act 1989**.

**Note**

Commonwealth legislation may also apply to the disposal of waste from vessels.

Part 5.5—Plastic shopping bag ban

1. Retailer must not sell or provide banned plastic bag

A retailer must not sell or provide a banned plastic bag, whether free of charge or otherwise, to a person to carry or transport from the retail premises goods sold or provided by the retailer.

1. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Provision of false or misleading information

A retailer or wholesaler, or a manufacturer of plastic bags, must not, whether by act or omission, provide to a person information that the retailer, wholesaler or manufacturer knows, or should reasonably know, is false or misleading about—

1. the composition of a banned plastic bag; or
2. whether or not a bag is a banned plastic bag; or
3. whether or not a bag is an exempt plastic bag.
4. 60 penalty units for a natural person;

300 penalty units for a body corporate.

Part 5.6—Emissions from motor vehicles

Division 1—General

1. Application

This Part does not apply to a new vehicle or a heavy vehicle.

**Notes**

New vehicle emissions are regulated under the Motor Vehicle Standards Act 1989 of the Commonwealth.

Heavy vehicle emissions are regulated under the **Heavy Vehicle National Law Application Act 2013**.

Division 2—Air emissions

1. Visible pollution from motor vehicles
   1. A person must not sell or supply, or use on a highway, a motor vehicle that emits pollution in the form of smoke that is visible for a continuous period of at least 10 seconds.
2. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. Subregulation (1) does not apply to a motor vehicle that emits pollution in the form of smoke that is visible only because of heat or the condensation of water vapour.

1. Vehicle exhaust emissions – spark ignition engines manufactured 1 July 1976 to before 1 February 1986
   1. This regulation applies to—
2. forward-control passenger vehicles;
3. off-road passenger vehicles;
4. passenger cars;
5. passenger car derivatives.
   1. A person must not sell or supply, or use, or permit to be used on a highway, a vehicle powered by a spark ignition engine manufactured on or after 1 July 1976 and before 1 February 1986 that exceeds an emission level specified in subregulation (3).
6. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (2), a specified emission level is—

1. in the case of the emission of carbon monoxide, a carbon monoxide level of ≤4.5 at idle (% by volume) concentration of carbon monoxide in exhaust gases of the vehicle; and
2. in the case of the emission of hydrocarbons, a hydrocarbon concentration of ≤1200 at idle (ppm) concentration of hydrocarbons in exhaust gases of the vehicle.
3. r. 8
   1. In this regulation, ***at idle*** means as determined by the idle test set out in Part A of Schedule 9.
4. Vehicle exhaust emissions – spark ignition engines manufactured on or after 1 February 1986
   1. This regulation applies to the following types of vehicles—
5. forward-control passenger vehicles;
6. off-road passenger vehicles;
7. passenger cars;
8. passenger car derivatives.
   1. A person must not sell or supply, or use or permit to be used on a highway, a vehicle powered by a spark ignition engine manufactured on or after 1 February 1986 that exceeds an emission level specified in subregulation (3).
9. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (2), a specified emission level is—

1. in the case of the emission of carbon monoxide, a carbon monoxide concentration of ≤4.5 at idle and ≤1.0 at high idle (% by volume) concentration of carbon monoxide in exhaust gases of the vehicle; and
2. in the case of the emission of hydrocarbons, a hydrocarbon concentration of ≤600 at idle and ≤200 at high idle (ppm) concentration of hydrocarbons in exhaust gases of the vehicle.
3. r. 8
   1. In this regulation—

***at idle*** means as determined by the idle test set out in Part A of Schedule 9;

***at high idle*** means as determined by the high idle test set out in Part B of the Schedule 9.

1. Vehicle exhaust emissions – diesel engine vehicles manufactured before 1 January 1996
   1. A person must not sell or supply, or use, or permit to be used, on a highway, a motor vehicle powered by a diesel engine manufactured before 1 January 1996 that exceeds an emission level specified in subregulation (2).
2. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

(2) For the purposes of subregulation (1), if the motor vehicle has a GVM set out in column 1 of the following Table, the specified emission level is—

1. in the case of oxides of nitrogen (NOx) in exhaust gases, the exhaust gases emitted, or capable of being emitted are measured at the rate specified in column 2 of that Table that corresponds to the motor vehicle’s GVM; and
2. in the case of particles in exhaust gases, the exhaust gases emitted, or capable of being emitted are measured at the rate set out in column 3 of the Table that corresponds to the motor vehicle’s GVM; and
3. in the case of exhaust gas opacity averaged over a DT80 test cycle, the exhaust gases emitted, or capable of being emitted are measured at the rate set out in column 4 of the Table that corresponds to the motor vehicle’s GVM.

**Table**

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
| --- | --- | --- | --- |
| *GVM*  *(tonnes)* | *Rate of NOx emissions (grams per kilometre per tonne of vehicle test mass)* | *Rate of particle emission (grams per kilometre per tonne of vehicle test mass)* | *Exhaust gas opacity* |
| Not greater than 3.5  More than 3.5 but less than or equal to 4.5 | 1.5  2.0 | 0.23  0.23 | 25%  25% |

(3) For the purposes of subregulation (2)—

1. the emission levels set out in columns 2 and 3 of the Table must be measured in accordance with Rule 133 of the ALVS Rules; and
2. the exhaust gas opacity percentage set out in column 4 of the Table must be measured in accordance with Rule 133 of the ALVS Rules.
3. Vehicle exhaust emissions – diesel engine vehicles manufactured on or after 1 January 1996
   1. A person must not sell or supply, or use, or permit to be used, on a highway, a motor vehicle powered by a diesel engine manufactured on or after 1 January 1996 that exceeds an emission level specified in subregulation (2).
4. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (1), if the motor vehicle has a GVM set out in column 1 of the following Table, the specified emission level is—

1. in the case of oxides of nitrogen (NOx) in exhaust gases, the exhaust gases emitted, or capable of being emitted are measured at the rate set out in column 2 of the Table that corresponds to the motor vehicle’s GVM; and
2. in the case of particles in exhaust gases, the exhaust gases emitted, or capable of being emitted are measured at the rate set out in column 3 of the Table that corresponds to the motor vehicle’s GVM; and
3. in the case of exhaust gas opacity averaged over a DT80 test cycle, the exhaust gases emitted, or capable of being emitted are measured at the rate set out in column 4 of the Table that corresponds to the motor vehicle’s GVM.

**Table**

| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
| --- | --- | --- | --- |
| *GVM*  *(tonnes)* | *Rate of NOx emissions (grams per kilometre per tonne of vehicle test mass)* | *Rate of particle emission (grams per kilometre per tonne of vehicle test mass)* | *Exhaust gas opacity* |
| Not greater than 3.5  More than 3.5 but less than or equal to 4.5 | 1.5  2.0 | 0.23  0.15 | 25%  25% |

* 1. For the purposes of subregulation (2)—

1. the emission levels set out in columns 2 and 3 of the Table must be measured in accordance with Rule 133 of the ALVS Rules; and
2. the exhaust gas opacity percentage set out in column 4 of the Table must be measured in accordance with Rule 133 of the ALVS Rules.

Division 3—Noise emissions

1. How to determine motor vehicle noise emissions
   1. For the purposes of this Division, the noise emitted by a motor vehicle must be determined using the method set out in the National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles(*Exhaust Noise Test Procedures*).
   2. The definition of “Engine Speed at Maximum Power” in the *Exhaust Noise Test Procedures* is to be read as if itmeans, in the case of a motor vehicle, the engine speed at maximum power as set out in the ESMP data manual.
2. Noise emissions—motor vehicles approved in accordance with ADR 83/00

A person must not use, or permit to be used, on a highway a motor vehicle that has been approved in accordance with ADR 83/00 that emits, or is capable of emitting, noise exceeding the stationary noise level by at least 5 dB(A).

1. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Noise emissions—passenger vehicles not approved in accordance with ADR 83/00
   1. A person must not use, or permit to be used, on a highway a forward-control passenger vehicle, off-road passenger vehicle, passenger car or passenger car derivative if that vehicle—
2. is not approved in accordance with ADR 83/00; and
3. emits, or is capable of emitting, noise exceeding the noise level specified in subregulation (2).
4. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (1), the specified noise level for a vehicle that has a date of manufacture set out in column 1 of the following Table is the corresponding noise level specified in column 2 of that Table.

**Table**

|  |  |
| --- | --- |
| *Column 1* | *Column 2* |
| *Date of manufacture* | *Noise level (dB(A))* |
| Before 1 November 1983 | 96 |
| On or after 1 November 1983 | 90 |

1. Noise emissions—goods vehicles and buses not approved in accordance with ADR 83/00
   1. A person must not use, or permit to be used, on a highway a goods vehicle propelled by a spark engine or a bus propelled by a spark ignition engine if that vehicle or bus—
2. is not approved in accordance with ADR 83/00; and
3. emits, or is capable of emitting, noise exceeding the noise level specified in subregulation (2).
4. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (1), the specified noise level for a vehicle that has a date of manufacture set out in column 1 of the following Table, a GVM set out in column 2 of that Table and an exhaust height set out in column 3 of that Table, is the corresponding noise level specified in column 4 of that Table.

**Table**

|  |  |  |  |
| --- | --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
| *Date of manufacture* | *GVM (tonnes)* | *Exhaust height (millimetres)* | *Noise level (dB(A))* |
| Before 1 July 1983 | ≤ 3.5 | < 1500 | 92 |
| Before 1 July 1983 | > 3.5 and ≤ 4.5 | < 1500 | 98 |
| Before 1 July 1983 | ≤ 3.5 | ≥ 1500 | 88 |
| Before 1 July 1983 | > 3.5 and ≤ 4.5 | ≥ 1500 | 94 |
| On or after 1 July 1983 | ≤ 3.5 | < 1500 | 89 |
| On or after 1 July 1983 | > 3.5 and ≤ 4.5 | < 1500 | 95 |
| On or after 1 July 1983 | ≤ 3.5 | ≥ 1500 | 85 |
| On or after 1 July 1983 | > 3.5 and ≤ 4.5 | ≥ 1500 | 91 |

* 1. A person must not use, or permit to be used, on a highway a goods vehicle propelled by a diesel engine or a bus propelled by a diesel engine if that vehicle or bus—

1. is not approved in accordance with ADR 83/00; and
2. emits, or is capable of emitting, noise exceeding the noise level specified in subregulation (4).
3. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (3), the specified noise level for a vehicle that has a date of manufacture set out in column 1 of the following Table, a GVM set out in column 2 of that Table and an exhaust height set out in column 3 of that Table, is the corresponding noise level specified in column 4 of that Table.

**Table**

|  |  |  |  |
| --- | --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* | *Column 4* |
| *Date of manufacture* | *GVM (tonnes)* | *Exhaust height (millimetres)* | *Noise level (dB(A))* |
| Before 1 July 1980 | ≤ 3.5 | < 1500 | 105 |
| Before 1 July 1980 | > 3.5 and ≤ 4.5 | < 1500 | 107 |
| Before 1 July 1980 | ≤ 3.5 | ≥ 1500 | 101 |
| Before 1 July 1980 | > 3.5 and ≤ 4.5 | ≥ 1500 | 103 |
| On or after 1 July 1980 and before 1 July 1983 | ≤ 3.5 | < 1500 | 102 |
| On or after 1 July 1980 and before 1 July 1983 | > 3.5 and ≤ 4.5 | < 1500 | 104 |
| On or after 1 July 1980 and before 1 July 1983 | ≤ 3.5 | ≥ 1500 | 98 |
| On or after 1 July 1980 and before 1 July 1983 | > 3.5 and ≤ 4.5 | ≥ 1500 | 100 |
| On or after 1 July 1983 | ≤ 3.5 | < 1500 | 99 |
| On or after 1 July 1983 | > 3.5 and ≤ 4.5 | < 1500 | 101 |
| On or after 1 July 1983 | ≤ 3.5 | ≥ 1500 | 95 |
| On or after 1 July 1983 | > 3.5 and ≤ 4.5 | ≥ 1500 | 97 |

1. Noise emissions—motor cycles and motor trikes not approved in accordance with ADR 83/00
   1. A person must not use, or permit to be used, on a highway a motor cycle or motor trike—
2. that is not approved in accordance with ADR 83/00; and
3. emits, or is capable of emitting, noise exceeding the noise level specified in subregulation (2).
4. 20 penalty units for a natural person;

100 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (1), the specified noise level for a vehicle set out in column 1 of the following Table that has a date of manufacture set out in column 2 of that Table is the corresponding noise level specified in column 3 of that Table.

**Table 4**

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Vehicle type* | *Date of manufacture* | *Noise level (dB(A))* |
| Motor cycle or motor trike, other than a recreational motor cycle | Before 1 March 1985 | 100 |
| Motor cycle or motor trike, other than a recreational motor cycle | On or after 1 March 1985 | 94 |
| Recreational motor cycle | On or after 1 January 1994 | 94 |

1. Non-compliant device

A person must not sell, supply or install a device used or designed to prevent, limit or regulate the emission of noise which, when fitted to a vehicle in accordance with the manufacturer’s instructions, fails to reduce the noise-emitting capability of the vehicle to a level that complies with the noise level specified in relation to that vehicle in this Division.

1. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

Division 4—Vehicle noise labelling standards

1. Labelling of motor cycles and motor trikes
   1. A person must not use a motor cycle or motor trike manufactured on or after 1 March 1988 that does not have the information specified in subregulation (2)—
2. labelled in one of the following ways in a readily visible position so that the relevant information cannot be removed without being destroyed or defaced—
3. embossed or etched; or
4. carried on a label of plastic or metal which is welded, riveted or otherwise permanently affixed or attached to the motor cycle or motor trike; and
5. in the English language in block letters and numerals of a height not less than 3 millimetres and of a colour contrasting with their background.
6. 60 penalty units for a natural person;

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. For the purposes of subregulation (1), the specified information is—

1. a heading stating "Stationary noise test information"; and
2. if the engine speed at maximum power value exceeds 5,000 min-1, a statement containing the recorded stationary sound level value and the 50 per cent engine speed at maximum power value in the following format—

"Tested [*recorded stationary sound level value*] dB(A) at [*50 per cent engine speed*] r/min Silencing System: [*manufacturer*] Identification: [*trade description*]"; and

1. if the engine speed at maximum power value does not exceed 5,000 min-1, a statement containing the recorded stationary sound level value and the 75 per cent engine speed at maximum power value in the following format—

"Tested [*recorded stationary sound level value*] dB(A) at [*75 per cent engine speed*] r/min Silencing System: [*manufacturer*] Identification: [*trade description*]".

* 1. A person must not remove or deface—

1. the information specified in subregulation (2) that is embossed or etched on a motor cycle or motor trike; or
2. r. 15
3. a label affixed or attached to the motor cycle or motor trike in accordance with subregulation (1)(a).
4. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. In this regulation, ***engine speed at maximum power*** means the speed, expressed in revolutions per minute, at which maximum power is developed by an engine.

Division 5—General motor vehicle offences

1. Selling or supplying a motor vehicle capable of exceeding a prescribed standard for the emission of noise

A person must not sell or supply a motor vehicle that emits, or is capable of emitting, noise that exceeds a relevant noise standard prescribed in relation to that motor vehicle in regulations 142, 143, 144 and 145.

1. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Temporary noise defeat devices
   1. A person must not use, or permit to be used, a motor vehicle equipped with any temporary defeat device, inlet port restrictor, exhaust port restrictor or temporary noise reduction device if the vehicle was not equipped with that device when it was a new vehicle.
2. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. A person must not install onto a motor vehicle any temporary defeat device, inlet port restrictor, exhaust port restrictor or temporary noise reduction device if the vehicle was not equipped with that device when it was a new vehicle.

1. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. A person must not sell a motor vehicle equipped with any temporary defeat device, inlet port restrictor, exhaust port restrictor or temporary noise reduction device unless the vehicle was equipped with that device when it was a new vehicle.

1. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

Division 6—Petrol vapour pressure

1. Definition

In this Division, ***summer period*** means the period commencing on 1 November and ending on 31 March of each year.

1. Monthly average volumetric vapour pressure

For the purposes of this Division, the monthly average volumetric vapour pressure, expressed in kPa, of petrol that is not ethanol-blended petrol produced by a regulated petrol producer is determined in accordance with the following formula—



where—

**n** is the total number of batches of petrol that is not ethanol-blended petrol produced during the relevant month by the producer; and

**Bi** is the volume, expressed in litres, of a batch of petrol that is not ethanol-blended petrol; and

**Si** is the vapour pressure, expressed in kPa, of a batch of petrol that is not ethanol-blended petrol; and

**G** is the total volume, expressed in litres, of petrol that is not ethanol-blended petrol produced in a month by the producer.

1. Production of petrol with excess vapour pressure
   1. A regulated petrol producer must not produce ethanol-blended petrol that has, during the summer period, a vapour pressure of more than 71 kPa.
2. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 161 and Schedule 10.

* 1. A regulated petrol producer must not produce petrol that is not ethanol-blended petrol that has, during the summer period, a monthly average volumetric vapour pressure of more than 62 kPa.

1. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. A regulated petrol producer must not produce petrol that is not ethanol-blended petrol that has, during the summer period, a vapour pressure of more than 64 kPa.

1. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Vapour pressure—record keeping

A regulated petrol producer must keep the information used to determine the monthly average volumetric vapour pressure of petrol for no less than 24 months from the date that information was collected.

1. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

1. Annual compliance report
   1. A regulated petrol producer must submit an annual compliance report to the Authority by 30 April of each year.
2. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

* 1. A regulated petrol producer must include the following information in an annual compliance report submitted under subregulation (1)—

(a) the monthly average volumetric vapour pressure of petrol, that is not ethanol-blended petrol, produced by the regulated petrol producer in each month during the summer period;

(b) the maximum vapour pressure of all the petrol produced by the producer in each month during the summer period;

(c) details of all the petrol produced by the producer during the summer period, including—

1. the type of petrol; and
2. the monthly volume of each type of petrol.
3. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this regulation: see regulation 164 and Schedule 10.

Division 7—Approved motor vehicle testers and certificates of compliance

1. Appointment of approved motor vehicle testers

For the purposes of section 245(2) of the Act, a prescribed role is approved motor vehicle tester.

1. Authority may require motor vehicle to be tested
   1. For the purposes of ensuring a motor vehicle complies with the requirements of this Part in relation to emissions from motor vehicles, the Authority, by written notice given to the registered owner or the person apparently in lawful possession of the motor vehicle may require that person—
      1. to deliver the motor vehicle to which the notice applies to an approved motor vehicle tester to determine whether the motor vehicle complies with the regulations specified in the notice; and
      2. to obtain a certificate of compliance from the approved motor vehicle tester; and
      3. to give the certificate of compliance to the Authority before the date specified in the notice.
   2. A person must not contravene a vehicle testing notice given by the Authority under subregulation (1).
2. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this subregulation: see regulation 164 and Schedule 10.

* 1. Despite subregulations (1) and (2), a person who receives a vehicle testing notice does not contravene that notice if the person advises the Authority in writing before the date specified in the notice for compliance with it that the vehicle will not be used on a highway after that date.

**Note**

Section 463 of the Act makes it an offence to provide information or make a statement to the Authority that is false or misleading in a material particular.

1. Approved motor vehicle tester to test vehicle
   1. An approved motor vehicle tester—
      1. may make any inspection, measurement or test in relation to a motor vehicle in order to determine whether a motor vehicle delivered to the tester in accordance with a vehicle testing notice complies with the requirements of this Part in relation to emissions from motor vehicles; and
      2. if satisfied that the motor vehicle complies with those requirements, must give a certificate of compliance to the registered owner or the person apparently in lawful possession of the motor vehicle.
   2. A certificate of compliance must be in the form and manner approved by the Authority.
2. Offences to use or supply or sell certain motor vehicles
   1. Except for the purpose of obtaining a certificate of compliance, the registered owner or a person who knows that a motor vehicle is subject to a vehicle testing notice must not use the motor vehicle, or allow it to be used, on a highway after the date specified in the notice for giving a certificate of compliance, until a certificate of compliance in relation to that motor vehicle has been given to the Authority.
3. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this subregulation: see regulation 164 and Schedule 10.

* 1. A person must not, without written permission from the Authority, sell or supply a motor vehicle subject to a vehicle testing notice until a certificate of compliance in relation to that motor vehicle has been given to the Authority.

1. 60 penalty units for a natural person.

300 penalty units for a body corporate.

**Note**

An infringement notice may be served for an offence against this subregulation: see regulation 164 and Schedule 10.

Chapter 6—Environmental audits and financial assurances

Part 6.1—Environmental audit system

1. Functions of environmental auditors

For the purposes of section 190(1)(d) of the Act, the prescribed functions of an environmental auditor are the following—

1. if any one of the following requires verification of a matter by an environmental auditor, to verify that matter (including conducting any necessary tests and analysis)—
2. a notice issued under section 271, 272, 273 or 274 of the Act;
3. an order issued under section 275 of the Act;
4. a condition of a permission;
5. guidelines issued by the Authority under the Act;

**Example**

To verify whether or not a monitoring plan required under an environmental action notice has been implemented in accordance with the plan, the environmental auditor may undertake a site inspection, assess sampling and analysis procedures against relevant guidelines issued by the Authority, and audit a representative sample of monitoring data.

1. to undertake an independent assessment under section 222 of the Act of a matter contained in the prescribed risk assessment criteria where the method for calculating financial assurance amounts published under section 223 of the Act provides that the assessment may be conducted by an environmental auditor;
2. to perform any function conferred on an environmental auditor under a legislative instrument made under any Act;

**Example**

Clause 52.32-5 of the Victoria Planning Provisions confers a function on environmental auditors to verify whether or not an acoustic assessment undertaken for the purpose of the post-construction noise assessment on a wind farm has been conducted in accordance with the relevant standard.

1. any function approved by the Authority in accordance with regulation 160.
2. Authority approval of environmental auditor functions
   1. The Authority may approve functions of an environmental auditor for the purposes of regulation 159(d).
   2. The Authority must not approve a function if it considers that the function would be inconsistent with the purpose of Part 8.3 of the Act.
   3. A notice of approval must—
3. be published in the Government Gazette; and
4. set out the approved functions for environmental auditors; and
5. specify any circumstances which must apply for environmental auditors to undertake the approved function.
6. Prescribed time to apply for reappointment as environmental auditor

For the purposes of section 198(2)(c) of the Act, the prescribed time for an application for reappointment as an environmental auditor is at any time within the period that commences 12 weeks prior to the expiry of the person’s appointment as an environmental auditor and ends 8 weeks prior to the expiry of that appointment.

Part 6.2—Financial assurances

1. Prescribed permissions

For the purposes of section 219(1)(a) of the Act, the following activities set out in the Table in Schedule 1 are prescribed permissions—

1. item 1 (A01—Reportable priority waste management);
2. item 7 (A05a—Landfills - excluding municipal landfills servicing <5000 people);
3. item 19 (A13a—Waste and resource recovery - large);
4. item 20 (A13b—Waste and resource recovery - medium);
5. item 54 (G04—Bulk storage);
6. item 74 (L02—Contaminated sites – on-site soil containment).
7. Risk assessment criteria

The prescribed financial assurance risk assessment criteria are the following—

1. the risk or potential risk of harm to human health and the environment associated with the activity, including consideration of the location of the activity;
2. compliance with the Act, the **Environment Protection Act 1970** (as in force immediately before its repeal by section 63 of the **Environment Protection Amendment Act 2018**), these regulations and environment protection legislation of the Commonwealth, another State or a Territory by—
3. the person undertaking the activity; and
4. in the case of a natural person, any body corporate of which the person was an officer; and
5. in the case of a body corporate, any person who is an officer of the body corporate;
6. whether the person undertaking the activity is a prohibited person under section 88(1) of the Act;
7. the financial capacity of the person undertaking the activity;
8. the likelihood of the person undertaking the activity abandoning the site of the activity, taking into account the ongoing profitability of the activity and the value of the investment in the site;
9. the nature, duration, extent and costs of remediation or clean up activities that may be required under the Act or these regulations in connection with the activity.

**Note**

***Officer*** is defined in section 3(1) of the Act.

Chapter 7—Enforcement

1. Infringement offences and infringement penalties
   1. For the purposes of section 307(1) of the Act, an offence set out in column 2 of Schedule 10 is prescribed as an infringement offence.
   2. For the purposes of section 307(3) of the Act, the prescribed infringement penalty for—
2. an infringement offence referred to in subregulation (1) is the penalty set out in column 3 of Schedule 10 in respect of the infringement offence; and
3. an offence against section 64 of the Act which is an infringement offence is 10 penalty units for a natural person or 50 penalty units for a body corporate.
4. Monetary benefit orders protocol

For purposes of section 329(3)(a) and (4)(b) of the Act, the prescribed protocol is the Protocol for calculating monetary benefits, published by the Authority on its website, as in force from time to time.

1. Council may prosecute specified offences relating to on-site wastewater management systems

For the purposes of section 347(3) of the Act, an offence against any of the following provisions of the Act or regulations is specified to be enforced by a municipal council—

1. section 46 of the Act in relation to engaging in the permit activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 except as authorised by a permit for that activity;
2. section 63(2) of the Act in relation to breaching a condition of a permit for a permit activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1;
3. section 64(a) of the Act in relation to breaching a prescribed condition of a permission which is a permit for a permit activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1;
4. section 64(b) of the Act in relation to breaching a condition of a permission which is a permit for a permit activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 that is included in a prescribed class of conditions;
5. section 64(c) of the Act in relation to breaching a condition of a permission which is a permit for a permit activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 issued or granted to a person in prescribed circumstances;
6. regulation 33(2) in relation to failing to ensure an on-site wastewater management system is not used until the council has approved the system.

Chapter 8—Fees

Part 8.1—Development licences

1. Prescribed application fee for development licence
   1. For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application for a development licence is the greater of—
2. one per cent of the estimated cost of the relevant prescribed development activity set out in the Table in Schedule 1; or
3. 81·83 fee units.
   1. A fee calculated under subregulation (1) must not exceed 4 500 fee units.
   2. In this regulation—

***estimated cost*** means the amount that the applicant reasonably estimates is required to carry out the prescribed development activity set out in the Table in Schedule 1 to which the application for a development licence relates, other than—

1. any amount required for the purchase of land associated with the development; or
2. any amount required to construct or modify any building relating to the development activity which will not or does not give rise to risks—
3. of harm to human health or the environment from pollution or waste; or
4. to the production capacity of the plant.
5. Prescribed transfer fee for development licence

For the purposes of section 56(3)(b) of the Act, the prescribed fee for an application to transfer a development licence is 52.22 fee units.

1. Prescribed amendment fee for development licence
   1. For the purposes of section 57(3)(b) of the Act, the prescribed fee for an application to amend a development licence is—
2. in the case of an application to extend the start date for the prescribed development activity—56.42 fee units; and
3. in any other case—
4. 243.73 fee units; and
5. if the assessment by the Authority exceeds 38.1 hours, an additional fee of 6.4 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1)(b) must not exceed 706.96 fee units.
6. Prescribed exemption fee for development licence
   1. For the purposes of section 80(3)(c) of the Act, the prescribed fee for an application for an exemption from section 44 of the Act in relation to a development licence is—
7. 68.8 fee units; and
8. if the assessment by the Authority exceeds 10.95 hours, an additional fee of 6.29 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 780.32 fee units.

Part 8.2—Operating licences

1. Prescribed application fee for operating licence
   1. For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application for an operating licence is—
2. 84.78 fee units; and
3. if the assessment by the Authority exceeds 13 hours, an additional fee of 6.53 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 965.35 fee units.
   2. Despite subregulation (1), no fee is payable in the case of an application for an operating licence if the person holds a development licence and the Authority has provided a written statement under section 73(1) of the Act that the Authority considers the holder to have completed the activity specified in the development licence to the Authority’s satisfaction.
4. Prescribed annual fee
   1. For the purposes of section 55 of the Act, the prescribed fee for an operating licence for an activity set out in the Table in Schedule 1 is an annual fee which is the sum of—
5. the base fee set out in column 5 of that Table for that activity or, if more than one activity is proposed to be undertaken, the highest of any applicable base fee relating to each activity proposed to be undertaken; and
6. all applicable component fees for the operating licence for each component of any activity specified in Schedule 11 which occurs under the licence calculated in accordance with that Schedule.
   1. A fee calculated under subregulation (1)(b) must not exceed 42 000 fee units in relation to each of the following activities as set out in clauses 1, 2 and 3 of Schedule 11—
7. acceptance of waste;
8. discharge to the atmosphere;
9. discharge to water and land.

**Example**

An absolute maximum fee that may be charged is 42 000 x 3 = 126 000 fee units if 3 activities are carried out.

* 1. The annualfee must be paid to the Authority every year.

1. Prescribed time and period for annual fee

For the purposes of section 55 of the Act—

1. the prescribed time for payment of the annual fee is the time set out in the operating licence for that payment; and
2. the prescribed period for payment of the annual fee is one year or part of a year, if applicable.
3. Prescribed transfer fee for operating licence

For the purposes of section 56(3)(b) of the Act, the prescribed fee for an application to transfer an operating licence is the lesser of—

1. 10 percent of the annual fee; or
2. 52.22 fee units.
3. Prescribed amendment fee for operating licence
   1. For the purposes of section 57(3)(b) of the Act, the prescribed fee for an application to amend an operating licence is—
4. in the case of an application for an administrative amendment, the lesser of—
5. 10 percent of the annual fee; or
6. 58.79 fee units;
7. in any other case, the lesser of—
8. 10 percent of the annual fee; or
9. 126.12 fee units and, if the assessment by the Authority exceeds 20.1 hours, an additional fee of 6.28 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1)(b)(ii) must not exceed 1119.18 fee units.
   2. In this regulation, ***administrative amendment*** means a change to the licence that—
10. does not alter any obligation of the licence holder; or
11. is a minor technical or clerical amendment.

**Examples**

Changes that correct one or more clerical mistakes, unintended omissions, miscalculated amounts or misdescriptions of any person, thing or activity.

1. Prescribed surrender fee for operating licence

For the purposes of section 59(3)(b) of the Act, the prescribed fee for an application for consent to surrender an operating licence is the lesser of—

1. 10 percent of the annual fee; or
2. 152.01 fee units.
3. Prescribed exemption fee for operating licence
   1. For the purposes of section 80(3)(c) of the Act, the prescribed fee for an application for an exemption from section 45 of the Act in relation to an operating licence is—
4. 68.8 fee units; and
5. if the assessment by the Authority exceeds 10.95 hours, an additional fee of 6.29 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 780.32 fee units.

Part 8.3—Pilot project licences

1. Prescribed application fee for pilot project licence
   1. For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application for a pilot project licence is—
2. 1047.39 fee units; and
3. if the assessment by the Authority exceeds 145.9 hours, an additional fee of 7.18 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 2361.11 fee units.
4. Prescribed transfer fee for pilot project licence

For the purposes of section 56(3)(b) of the Act, the prescribed fee for an application to transfer a pilot project licence is 52.22 fee units.

1. Prescribed amendment fee for pilot project licence
   1. For the purposes of section 57(3)(b) of the Act, the prescribed fee for an application to amend a pilot project licence is—
2. in the case of an application to extend the period of time the applicant may undertake the research, development or demonstration activity, 56.42 fee units; and
3. in any other case—
4. 243.73 fee units; and
5. if the assessment by the Authority exceeds 38.1 hours, an additional fee of 6.4 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1)(b) must not exceed 706.96 fee units.

Part 8.4—Permits

Division 1—Fees for reportable priority waste transport permits

1. Prescribed application fee for permit to transport reportable priority waste

For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application to the Authority for a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste – hazardous) in the Table in Schedule 1 is—

1. in the case of a permit for a period not exceeding three months, 6.21 fee units; and
2. in any other case, 24.83 fee units.

**Note**

Item 15 (A10a—Reportable priority waste – hazardous) in the Table in Schedule 1 sets out transporting reportable priority waste with waste codes B100, E100, G100 or R100. For the prescribed fees for applications that specify the transport of other reportable priority waste, see regulation 193.

1. Prescribed transfer fee for permit to transport reportable priority waste

For the purposes of section 56(3)(b) of the Act, the prescribed fee for an application to the Authority to transfer a permit that specifies an activity set out item 15 (A10a—Reportable priority waste – hazardous) in the Table in Schedule 1 is 8.57 fee units.

1. Prescribed amendment fee for permit to transport reportable priority waste

For the purposes of section 57(3)(b) of the Act, the prescribed fee for an application to the Authority to amend a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste – hazardous) in the Table in Schedule 1 is 13.91 fee units.

1. Prescribed surrender fee for permit to transport reportable priority waste

For the purposes of section 59(3)(b) of the Act, the prescribed fee for an application to the Authority for consent to surrender a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste – hazardous) in the Table in Schedule 1 is 7.13 fee units.

1. Prescribed exemption fee for reportable priority waste transport permit—interstate authorisation

For the purposes of section 68(2)(c) of the Act, the prescribed fee for an application for an exemption from the requirement to hold a permit in connection with an activity set out in item 15 (A10a—Reportable priority waste – hazardous) in the Table in Schedule 1 is 13.91 fee units.

1. Prescribed exemption fee for reportable priority waste transport permit

For the purposes of section 82(2)(c) of the Act, the prescribed fee for an application for an exemption from the application of section 46 of the Act in relation to an activity set out in item 15 (A10a—Reportable priority waste – hazardous) in the Table in Schedule 1 is 13.91 fee units.

1. Prescribed renewal fee for permit to transport reportable priority waste

For the purposes of section 84(3)(b) of the Act, the prescribed fee in relation to a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste – hazardous) in the Table in Schedule 1 is 3.09 fee units.

Division 2—Fees for controlled waste transport permits

1. Prescribed application fee for permit to transport controlled waste into Victoria

For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application to the Authority for a permit that specifies an activity set out in item 17 (A11—Transporting waste into Victoria) in the Table in Schedule 1 is 15.19 fee units.

Division 3—Fees for other permits issued by the Authority

1. Prescribed fees for certain permits
   1. For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application to the Authority for a permit that specifies a relevant activity is 119.54 fee units.
   2. For the purposes of section 56(3)(b) of the Act, the prescribed fee for an application to the Authority to transfer a permit that specifies a relevant activity is 52.22 fee units.
   3. For the purposes of section 57(3)(b) of the Act, the prescribed fee for an application to the Authority to amend a permit that specifies a relevant activity is—
2. 25.2 fee units; and
3. if the assessment by the Authority exceeds 3.9 hours, an additional fee of 6.49 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (3) must not exceed 322.31 fee units.
   2. For the purposes of section 59(3)(b) of the Act, the prescribed fee for an application to the Authority for consent to surrender a permit that specifies a relevant activity is 47.08 fee units.
   3. For the purposes of section 82(2)(c) of the Act, the prescribed fee for an application under section 82(1) of the Act to exempt a permit that specifies a relevant activity is—
4. 45.82 fee units; and
5. if the assessment by the Authority exceeds 6.4 hours, an additional fee of 7.16 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (6) must not exceed 73.03 fee units.
   2. For the purposes of section 84(3)(b) of the Act, the prescribed fee for an application under section 84(1) of the Act to renew a permit that specifies a relevant activity is 28.56 fee units
   3. In this regulation—

***relevant activity*** means an activity set out in the following items in the Table in Schedule 1—

1. item 8 (A05b—Municipal landfills servicing <5000 people);
2. item 18 (A12—Transporting waste out of Victoria);
3. item 20 (A13b—Waste and resource recovery - medium);
4. item 22 (A14—Wastewater supply or use);
5. item 23 (A15—Biosolids supply or use);
6. item 24 (A16—Supply or use of reportable priority waste);
7. item 25 (A17—Containment of Category D waste soil);
8. item 26 (A18—Discharge of waste to aquifer);
9. item 27 (A19—Temporary on-site waste treatment);
10. item 32 (B01a—Animal industries – waste solely to land);
11. item 34 (B02a—Livestock saleyards or holding pens – waste solely to land).
12. Prescribed fees for permits relating to outdoor concerts or events

For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application to the Authority for a permit that specifies an activity set out in item 76 (L05—Operation outside of hours) or item 77 (L06—Conducting more than six outdoor concerts) in the Table in Schedule 1 is 68.56 fee units.

Division 4—Fees for council-issued permits

1. Prescribed application fee for permit to construct, install or alter an on-site wastewater management system
   1. For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application to a council for a permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 is—
2. 25.9 fee units; and
3. if the assessment by the council exceeds 4.1 hours, an additional fee of 6.34 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 69.75 fee units.
4. Prescribed exemption fee for on-site wastewater management system permit
   1. For the purposes of section 83(2)(c) of the Act, the prescribed fee for an application to a council for an exemption from the application of section 46 of the Act in relation to an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1is—
5. 25.9 fee units; and
6. if the assessment by the council exceeds 4.1 hours, an additional fee of 6.34 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 69.75 fee units.

Part 8.5—Registrations

1. Prescribed application fee for registration to transport reportable priority waste

For the purposes of section 50(1)(b) of the Act, the prescribed fee for an application for a registration that specifies the activity set out in item 16 (A10b—Reportable priority waste transport – other) in the Table in Schedule 1 is 14.38 fee units.

1. Prescribed exemption fee for reportable priority waste transport registration—interstate authorisation

For the purposes of section 68(2)(c) of the Act, the prescribed fee for an application seeking an exemption in relation to an activity set out in item 16 (A10b—Reportable priority waste transport – other) in the Table in Schedule 1 is 13.91 fee units.

1. Prescribed renewal fee for registration to transport reportable priority waste

For the purposes of section 86(3)(b) of the Act, the prescribed fee for an application to renew a registration that specifies the activity set out in item 16 (A10b—Reportable priority waste transport – other) in the Table in Schedule 1 is 2.6 fee units.

Part 8.6—Financial assurances

1. Prescribed review fee for financial assurance
   1. The fee for the review by the Authority of the form of the financial assurance under section 225 of the Act on the request of a person under section 225(2)(f) of the Act is—
2. 227.84 fee units; and
3. if the assessment by the Authority exceeds 22.25 hours, an additional fee of 10.24 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 1798.14 fee units.
4. Prescribed fee for requesting release of financial assurance
   1. The fee for an application under section 232(1) of the Act for the release of all or part of a financial assurance is—
5. 84.48 fee units; and
6. if the assessment by the Authority exceeds 9.65 hours, an additional fee of 8.77 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 1147.41 fee units.

Part 8.7—Environmental auditors and audits

1. Prescribed application fee for appointment as environmental auditor
   1. For the purposes of section 191(3)(c) of the Act, the prescribed application fee is 141.69 fee units.

**Note**

Section 196(2) of the Act allows the Authority to exempt a person from the payment of this fee. For example, the Authority may exempt a person from the payment of the prescribed appointment fee if the person is already an environmental auditor in another Australian jurisdiction and is applying under the Mutual Recognition Act 1992 of the Commonwealth.

* 1. If the Authority approves the application for appointment, the person must pay to the Authority for administrative and technical support services a fee of 512.99 fee units.

1. Prescribed fee for reappointment as environmental auditor
   1. For the purposes of section 198(2)(d) of the Act, the prescribed application fee is 176.47 fee units.
   2. If the Authority approves the application for reappointment, the person must pay to the Authority for administrative and technical support services a fee of 458.88 fee units.
2. Prescribed fees to be paid by environmental auditor
   1. For the purposes of section 217(1) of the Act, the prescribed fee is 20.86 fee units.
   2. For the purposes of section 217(2) of the Act, the prescribed fee is 110.26 fee units.

Part 8.8—Other fees

1. Prescribed application fee for authorisation of emergency storage, use etc. of waste
   1. For the purposes of section 157(4)(b) of the Act, the prescribed fee is—
2. 70.77 fee units; and
3. if the assessment by the Authority exceeds 10.95 hours, an additional fee of 6.47 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 840.99 fee units.
   2. The Authority may waive the fee prescribed by subregulation (1) if the Authority is satisfied that the application is for an authorisation for the purposes of—
4. meeting a temporary emergency; or
5. providing for the temporary relief of a public nuisance or community hardship.
6. Prescribed fees for better environment plans
   1. For services provided by the Authority to advise or assist a person to prepare a proposed better environment plan for submission to the Authority under section 181 of the Act, the fee is 6.94 fee units for each hour of assistance provided.

**Example**

Services may include any of the following: providing advice in relation to enquiries regarding guidance or the Authority’s expectations on proposed better environment plans; meeting with proponent(s) to discuss and agree on scope, objectives, participation, responsibilities, reporting requirements, and other matters of proposed better environment plans; review draft better environment plans for assessment and comment prior to formal submission.

* 1. A fee calculated under subregulation (1) must not exceed 593.71 fee units.
  2. For the purposes of section 181(3)(c) of the Act, the prescribed fee is—

1. 103.29 fee units; and
2. if the assessment of the proposed better environment plan by the Authority exceeds 14.9 hours, an additional fee of 6.94 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (3) must not exceed 593.71 fee units.
3. Prescribed amendment fee for better environment plan
   1. The fee for the Authority to amend a better environment plan on application of a participant under section 184(1) of the Act is—
4. 103.29 fee units; and
5. if the assessment by the Authority exceeds 14.9 hours, an additional fee of 6.94 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 593.71 fee units.
6. Prescribed application fee for appointment as accredited consigner

For the purposes of section 245(5) of the Act, the prescribed fee to apply for appointment by the Authority as an accredited consigner is 35.35 fee units.

1. Prescribed fee for revocation or variation of site management order
   1. For the purposes of section 277(2) of the Act, the prescribed fee is—
2. 103.29 fee units; and
3. if the assessment by the Authority exceeds 14.9 hours, an additional fee of 6.94 fee units for each hour (or part of an hour) of assessment.
   1. A fee calculated under subregulation (1) must not exceed 593.71.
4. Prescribed fee for application for exemption from a provision of the regulations or a legislative instrument
   1. For the purposes of section 459(3) of the Act, the prescribed fee is—
5. 45.82 fee units; and
6. if the assessment by the Authority exceeds 6.4 hours, an additional fee of 7.16 fee units for each hour (or part of an hour) of assessment.

**Note**

A different fee applies for an application for an exemption from particular regulations under Chapter 3 (Permissions)—see regulations 170, 177, 185, 186, 189(6), 192 and 194.

* 1. A fee calculated under subregulation (1) must not exceed 888.26 fee units.

Part 8.9—Fees waiver or refund

1. Authority may waive or refund fees

If the Authority is satisfied that in all the circumstances it is reasonable to do so it may, in relation to any fee payable under the Act or these Regulations—

1. waive the fee, in whole or part; or
2. refund the fee paid, in whole or part.

Chapter 9—Administrative matters

Part 9.1—Public Register

1. Additional information to be kept on the Public Register

For the purposes of section 456(1)(n) of the Act, the prescribed information is the following—

1. any authorisation granted by the Authority under section 157 of the Act that is in force;
2. any appointment as an environmental auditor made by the Authority under section 191 of the Act that is in force;
3. any reappointment as an environmental auditor made by the Authority under section 198 of the Act that is in force;
4. any appointment under section 245(2) of the Act by the Authority of a prescribed role of an accredited consigner that is in force;
5. any approval of an alternative electronic system for recording or providing transaction details issued by the Authority under regulation 83 that is in force;
6. any designation issued by the Authority under regulation 86 setting out a waste classification, that is in force.
7. Time and manner for accessing the Public Register
   1. For the purposes of section 457(1)(a) of the Act, the prescribed time is 24 hours a day.
   2. For the purposes of section 457(1)(b) of the Act, the prescribed fee is nil.

Chapter 10—Saving and transitionals

Part 10.1—General transitional provisions

1. Definitions

In this Chapter—

***commencement day*** has the same meaning as in section 468 of the Act;

***old Act*** has the same meaning as in section 468 of the Act.

Part 10.2—Permissions

1. Prescribed equivalent permissions
   1. For the purposes of the Table in section 470 of the Act, the following new permissions are prescribed—
2. in relation to the old permission set out in item 3, an operating licence;
3. in relation to the old permission set out in item 5, a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste transport - hazardous) in the Table in Schedule 1 or a registration that specifies an activity set out in item 16 (A10b—Reportable priority waste transport - other) in the Table in Schedule 1, as appropriate.
   1. For the purposes of item 6 of the Table in section 470 of the Act—
4. a permit, exemption, authorisation or approval specified in column 2 of an item of the Table is a prescribed old permission; and
5. a permission specified in column 3 of an item of the Table is a prescribed new permission.

**Table**

|  |  |  |
| --- | --- | --- |
| **Column 1**  **Item** | **Column 2**  **Prescribed old permission** | **Column 3**  **Prescribed new permission** |
| 1 | A permit under section 53M of the old Act | A permit that specifies an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1 |
| 2 | An exemption under regulation 11(d) or 12(1)(c) of the Environment Protection (Scheduled Premises) Regulations 2017 | A permit that specifies an activity set out in item 22 (A14—Wastewater supply or use) or item 23 (A15—Biosolids supply or use) in the Table in Schedule 1 (as appropriate) |
| 3 | A category specific exemption to the requirements of section 19A or 20(1) of the old Act provided for by regulation 8 of the Environment Protection (Scheduled Premises) Regulations 2017 in relation to an activity described as B01 (Animal Industries) or B02 (Livestock saleyards or holding pens) in column 1 of the Table in Schedule 1 of those Regulations | A permit that specifies an activity set out in item 32 (B01a—Animal industries – waste solely to land) or item 34 (B02a—Livestock saleyards or holding pens – waste solely to land) in the Table in Schedule 1 (as appropriate) |
| 4 | A consignment authorisation to transport controlled waste into Victoria under clause 11 of the Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories) | A permit that specifies an activity set out in item 17 (A11—Transporting waste into Victoria) in the Table in Schedule 1 |
| 5 | An approval to transport prescribed industrial waste from any premises in Victoria to another premises (including a premises in another Australian State or a Territory) under regulation 26 of the Environment Protection (Industrial Waste Resource) Regulations 2009 | A permit that specifies an activity set out in item 18 (A12—Transporting waste out of Victoria) in the Table in Schedule 1 |
| 6 | An approval for later operations of an outdoor venue under clause 27 of State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 | A permit that specifies an activity set out in item 76 (L05—Operation outside of hours) in the Table in Schedule 1 |
| 7 | An approval to conduct more than six concerts in a financial year under clause 30 of State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 | A permit that specifies an activity set out in item 77 (L06—Conducting more than six outdoor concerts) in the Table 1 in Schedule 1 |

1. Pending applications
   1. This regulation applies if—
2. before the commencement day, a person had made an application (the ***old application***) for an old permission; and
3. a person is taken to have made an application (the ***new application***) because of the operation of section 474 of the Act; and
4. the activity that is the subject of the new application is taken to be an activity set out in item 28 (A20—On-site wastewater management systems) in the Table in Schedule 1.
   1. Before deciding the new application in accordance with the Act, the council must give the person a reasonable opportunity to provide the council with any further information the council requires in order to decide the new application.
   2. The council may treat anything done for the purposes of, or in relation to, the old application as having been done for the purposes of, or in relation to, the new application.
5. Prescribed provisions
   1. For the purposes of section 475(1)(b) of the Act, a provision under which an old application set out in an item of column 2 of the Table is made is a prescribed provision.
   2. For the purposes of section 475(2) of the Act, a provision under which a new application set out in an item of column 3 of the Table is made is a prescribed provision.
   3. For the purposes of section 475(2) of the Act, a person who has made an old application set out in an item of column 2 of the Table is taken to have made the corresponding new application set out in column 3 of the Table.

**Table**

|  |  |  |
| --- | --- | --- |
| Column 1  Item | Column 2  Prescribed provision in relation to old application | Column 3  Prescribed provision in relation to new application |
| 1 | An application to amend a licence under section 20A of the old Act | An application to amend a licence under section 57 of the Act |
| 2 | An application to transfer a works approval or licence under section 25 of the old Act | An application to transfer a licence under section 56 of the Act |
| 3 | An application to surrender a licence under section 23A of the old Act | An application to surrender an operating licence under section 59 of the Act |
| 4 | An application to renew a permit under regulation 18 of the Environment Protection (Industrial Waste Resource) Regulations 2009 to transport prescribed industrial waste | An application to renew a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste transport - hazardous) in the Table in Schedule 1 under section 84 of the Act or a registration that specifies an activity set out in item 16 (A10b—Reportable priority waste transport - other) in that Table under section 86 of the Act (as appropriate) |
| 5 | An application to amend a permit under regulation 19 of the Environment Protection (Industrial Waste Resource) Regulations 2009 to transport prescribed industrial waste | An application to amend a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste transport - hazardous) in the Table in Schedule 1 under section 57 of the Act |
| 6 | An application to transfer a permit under regulation 19 of the Environment Protection (Industrial Waste Resource) Regulations 2009 to transport prescribed industrial waste | An application to transfer a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste transport - hazardous) in the Table in Schedule 1 under section 56 of the Act |
| 7 | An application to surrender a permit under regulation 22 of the Environment Protection (Industrial Waste Resource) Regulations 2009 to transport prescribed industrial waste | An application to surrender a permit that specifies an activity set out in item 15 (A10a—Reportable priority waste transport - hazardous) in the Table in Schedule 1 under section 59 of the Act or registration that specifies an activity set out in item 16 (A10b—Reportable priority waste transport - other) in that Table under section 59 of the Act (as appropriate) |

1. Temporary prescribed exemptions – operating activities
   1. For the purposes of section 45(2)(c) of the Act, it is a prescribed exemption in relation to an activity set out in item 19 (A13a—Waste and resource recovery - large) in the Table in Schedule 1 if, immediately before the commencement day, a person is engaging in an activity set out in item 19 (A13a—Waste and resource recovery - large).
   2. An exemption prescribed under subregulation (1) applies to a person for the period beginning on the commencement day and ending on the earlier of—
2. if the person applies for an operating licence under section 50 of the Act in relation to the activity before 1 October 2020, the day on which the Authority issues, or refuses to issue, the licence to the person; or
3. 1 October 2020.
   1. An exemption prescribed under subregulation (1) applies to the extent that the person engages in the activity at the site where the activity was engaged in immediately before the commencement day.
4. Temporary prescribed exemptions – permit activities
   1. For the purposes of section 46(2)(c) of the Act, it is a prescribed exemption in relation to an activity set out in the following items if, immediately before the commencement day, a person is engaging in an activity set out in the item—
      1. item 8 (A05b—Municipal landfills servicing <5000 people) in the Table in Schedule 1;
      2. item 20 (A13b—Waste and resource recovery - medium) in the Table in Schedule 1;
      3. item 24 (A16—Supply or use of reportable priority waste) in the Table in Schedule 1;
      4. item 25 (A17—Containment of Category D waste soil) in the Table in Schedule 1;
      5. item 26 (A18—Discharge of waste to aquifer) in the Table in Schedule 1;
      6. item 27 (A19—Temporary on-site waste treatment) in the Table in Schedule 1.
   2. An exemption prescribed under subregulation (1) only applies in relation to the site at which the activity was being conducted prior to the commencement day.
   3. An exemption prescribed under subregulation (1)(b) applies until the earlier of the following—
      1. if the person applies for a permit under section 50 of the Act in relation to that activity before 1 October 2020, the day on which the Authority issues, or refuses to issue, the permit to the person; or
      2. 1 October 2020.
   4. An exemption prescribed under subregulation (1)(a), (c), (d), (e) or (f) applies until the earlier of the following—
      1. the person applies for a permit under section 50 of the Act in relation to that activity before 1 January 2021, on the day on which the Authority issues, or refuses to issue, the permit to the person; or
      2. 1 January 2021.
5. Temporary prescribed exemptions – registration activities
   1. For the purposes of section 47(2)(c) of the Act, it is a prescribed exemption in relation to an activity set out in the following items if, immediately before the commencement day, a person is engaging in an activity set out in the item—
      1. item 4 (A02c—Other waste treatment – e-waste 500 tonnes or less) in the Table in Schedule 1;
      2. item 11 (A07b—Organic waste processing - small) in the Table in Schedule 1;
      3. item 14 (A09b—Waste tyre storage - small) in the Table in Schedule 1;
      4. item 16 (A10b—Reportable priority waste transport - other) in the Table in Schedule 1 (if the waste being transported is reportable priority waste for the purposes of section 143 of the Act of waste codes K400-H or L200-H);
      5. item 21 (A13c—Waste and resource recovery – small) in the Table in Schedule 1;
      6. item 29 (A21—Temporary storage – biomedical waste) in the Table in Schedule 1;
      7. item 30 (A22— Temporary storage – asbestos) in the Table in Schedule 1;
      8. item 31 (A23—Temporary storage – designated waste) in the Table in Schedule 1;
      9. item 59 (H05c—Glass works – small reprocessing) in the Table in Schedule 1;
      10. item 78 (L07—Dry-cleaning) in the Table in Schedule 1.
   2. An exemption prescribed under subregulation (1) only applies to the extent that the person engages in the activity—
      1. at the site where the activity was engaged in immediately before the commencement day; or
      2. in the case of an exemption under subregulation (1)(d), using the vehicle that was transporting the waste immediately before the commencement day.
   3. An exemption prescribed under subregulation (1) applies until 1 January 2021.

Schedules

Schedule 1—Prescribed permission activities, exemptions and fees

Regulations 4, 5, 16, 20, 23, 25-30, 32-34, 36-37, 42-44, 53, 63, 64, 129, 131, 162, 165, 166, 167, 172, 181-195, 211-216 and Schedules 4 and 11

**Table**

**Permission activities and operating licence base fees**

| ***Column 1*** | ***Column 2*** | ***Column 3*** | ***Column 4*** | ***Column 5*** |
| --- | --- | --- | --- | --- |
| ***Item*** | ***Activity type and summary description*** | ***Description of prescribed permission activity*** | ***Type of prescribed permission activity*** | ***Operating licence base fee in fee units (if applicable)*** |
| **A: Waste treatment, disposal, transport and recycling** | | | | |
| 1 | A01 (Reportable priority waste management) | Storing, treating, reprocessing, containing or disposing of any reportable priority waste for the purposes of section 143 of the Act generated at another location, other than the following activities set out in this Table—   1. item 29 (A21— Temporary storage – biomedical waste); or 2. item 30 (A22- Temporary storage – asbestos); or 3. item 31 (A23- Temporary storage – designated waste) | * Prescribed development activity * Prescribed operating activity |  |
| 2 | A02a (Other waste treatment - incineration) | Immobilising, thermally degrading or incinerating waste | * Prescribed development activity * Prescribed operating activity | * 490.25 fee units |
| 3 | A02b (Other waste treatment – e-waste >500 tonnes) | Reprocessing specified electronic waste at a design capacity of more than 500 tonnes per year | * Prescribed development activity * Prescribed operating activity | Activities with a design capacity of—   1. up to 1 000 tonnes per year – 70 fee units 2. 1 000 tonnes per year or more, but less than 3000 tonnes per year – 297.5 fee units 3. 3 000 tonnes per year or more – 490.25 fee units |
| 4 | A02c (Other waste treatment – e-waste 500 tonnes or less) | Reprocessing specified electronic waste at a design capacity of less than or equal to 500 tonnes per year | * Prescribed registration activity |  |
| 5 | A03 (Sewage treatment) | Treating, discharging or depositing sewage (including sullage), exceeding a design or actual flow rate of 5000 litres per day or more | * Prescribed development activity * Prescribed operating activity | Activities exceeding a design flow rate of—   1. 5000 L per day or more but less than 100 000 L per day - 70 fee units (or 35 fee units if disposal to land only) 2. 0·1 megalitre (ML) per day or more but less than 5 ML per day - 297·5 fee units (or 148·75 fee units if disposal to land only) 3. 5 ML per day or more but less than 50 ML per day - 490·25 fee units (or 245·13 fee units if disposal to land only) 4. 50 ML per day or more - 910·25 fee units (or 455·13 fee units if disposal to land only) |
| 6 | A04 (Industrial wastewater treatment) | Discharging or depositing industrial wastewater generated at another location, exceeding a design or actual flow rate of 5000 litres per day or more | * Prescribed development activity * Prescribed operating activity | Activities exceeding a design flow rate of—   1. 5000 L per day or more but less than 100 000 L per day - 70 fee units (or 35 fee units if disposal to land only) 2. 0·1 megalitre (ML) per day or more but less than 5 ML per day - 297·5 fee units (or 148·75 fee units if disposal to land only) 3. 5 ML per day or more but less than 50 ML per day - 490·25 fee units (or 245·13 fee units if disposal to land only) 4. 50 ML per day or more - 910·25 fee units (or 455·13 fee units if disposal to land only) |
| 7 | A05a (Landfills - excluding municipal landfills servicing <5000 people) | Operating a landfill that receives, discharges and deposits solid waste (including solid industrial wastes) to land, including waste containment and management operations after the landfill has ceased accepting new waste, but not including—   1. operating municipal landfill facilities occupied by a council serving less than 5000 people; or 2. landfills previously licensed by the Authority that ceased depositing solid waste to land prior to 1 July 2020 and did not hold an operating licence on 1 July 2020; or 3. landfills used only for the discharge or deposit of mining or extractive industry wastes in accordance with the **Mineral Resources (Sustainable Development) Act 1990** that discharge or deposit waste solely to land | * Prescribed development activity * Prescribed operating activity |  |
| 8 | A05b (Municipal landfills servicing <5000 people) | Operating a municipal landfill facility occupied by a council serving less than 5000 people that receives, discharges and deposits solid waste (including solid industrial wastes) to land, but not including landfills used only for the discharge or deposit of mining or extractive industry wastes in accordance with the **Mineral Resources (Sustainable Development) Act 1990** that discharge or deposit waste solely to land | * Prescribed development activity * Prescribed permit activity |  |
| 9 | A06 (Disposal to land) | Disposing septic tank sludge or sewage treatment plant sludge to land | * Prescribed development activity * Prescribed operating activity | 140 fee units |
| 10 | A07a (Organic waste processing - large) | Processing organic waste by aerobic or anaerobic biological conversion if—   1. more than 100 tonnes or 200 cubic metres of organic waste is accepted in any month; or 2. more than 70 tonnes or 140 cubic metres of organic waste is accepted in any month and more than 50 tonnes of pasteurised material, compost or digestate is produced in any month,   but not including, operations processing organic waste generated on-site and that retain the processed organic waste on-site | * Prescribed development activity * Prescribed operating activity | Activities that—   1. accept up to 3600 tonnes or 7200 cubic metres of organic waste, or produce up to 1800 tonnes of pasteurised material, compost or digestate, per year – 140 fee units 2. accept more than 3600 and up to 12 000 tonnes or more than 7200 and up to 24 000 cubic metres of organic waste, or produce more than 1800 and up to 6000 tonnes of pasteurised material, compost or digestate, per year – 297.5 fee units 3. accept more than 12 000 and up to 36 000 tonnes or more than 24 000 and up to 72 000 cubic metres of organic waste, or produce more than 6000 and up to 18 000 tonnes of  pasteurised material, compost or digestate, per year – 490.25 fee units 4. accept more than 36 000 tonnes or 72 000 cubic metres of organic waste, or produce more than 18 000 tonnes of pasteurised material, compost or digestate, per year – 910.25 fee units |
| 11 | A07b (Organic waste processing - small) | Processing organic waste by aerobic or anaerobic biological conversion if–   1. less than or equal to 100 tonnes or 200 cubic metres of organic waste is accepted in any month; or 2. less than or equal to 70 tonnes or 140 cubic metres of organic waste is accepted in any month and less than 50 tonnes of pasteurised material, compost or digestate is produced in any month,   but not including,   1. operations processing organic waste generated on-site and that retain the processed organic waste on-site; or 2. if less than 5m3 of organic waste is stored on site at any time | * Prescribed registration activity |  |
| 12 | A08 (Waste to energy) | Recovering energy from waste at a rated capacity of at least 3 megawatts (MW) of thermal capacity or at least 1 MW of electrical power | * Prescribed development activity * Prescribed operating activity | Activities recovering energy from waste at a rated capacity of at least one MW with an installed capacity of—   1. less than 15 MW – 70 fee units 2. 15 MW or more but less than 100 MW – 490.25 fee units 3. 100 MW or more but less than 200 MW – 910.25 fee units 4. 200 MW or more – 1820.5 fee units |
| 13 | A09a (Waste tyre storage - large) | Storing more than 40 tonnes or 5000 EPU of waste tyres on a site at any time and for any purpose | * Prescribed development activity * Prescribed operating activity | 210 fee units |
| 14 | A09b (Waste tyre storage - small) | Storing less than or equal to 40 tonnes or 5000 EPU of waste tyres on a site at any time and for any purpose but not including—   1. if less than 5m3 of waste tyres are stored on site at any time; or 2. if the waste tyres are used in accordance with a declaration of use | * Prescribed registration activity |  |
| 15 | A10a (Reportable priority waste transport - hazardous) | Transporting reportable priority waste for the purposes of section 143 of the Act of waste codes B100, E100, G100 or R100 | * Prescribed permit activity |  |
| 16 | A10b (Reportable priority waste transport - other) | Transporting reportable priority waste for the purposes of section 143 of the Act, but not including the following waste codes B100, E100, G100 or R100 | * Prescribed registration activity |  |
| 17 | A11 (Transporting waste into Victoria) | Transporting controlled waste into Victoria | * Prescribed permit activity |  |
| 18 | A12 (Transporting waste out of Victoria) | Transporting any solid reportable priority waste for the purposes of section 143 of the Act out of Victoria | * Prescribed permit activity |  |
| 19 | A13a (Waste and resource recovery - large) | Receiving, storing, or processing waste generated at another location, including specified combustible recyclable and waste material but excluding reportable priority waste for the purposes of section 143 of the Act, for the purposes of resource recovery or off-site disposal, if—   1. 4,000 tonnes or more of waste is received in any month; or 2. 10 000m3 or more of waste is stored on the premises at any time | * Prescribed development activity * Prescribed operating activity | 210 fee units |
| 20 | A13b (Waste and resource recovery - medium) | (1) Receiving, storing, or processing waste generated at another location, excluding specified combustible recyclable and waste material and reportable priority waste for the purposes of section 143 of the Act, for the purposes of resource recovery or off-site transfer or disposal, if—   1. 4 000 tonnes or more waste is received in any month; or 2. 10 000m3 or more of waste is stored on the premises at any time.   (2) Receiving, storing, or processing waste generated at another location, including specified combustible recyclable and waste material but excluding reportable priority waste for the purposes of section 143 of the Act, for the purposes of resource recovery or off-site transfer or disposal, if—   1. less than 4 000 tonnes waste is received in any month; and 2. between 5 000 m3 and 10 000 m3 of waste is stored on the premises at any time | * Prescribed development activity * Prescribed permit activity |  |
| 21 | A13c (Waste and resource recovery - small) | Receiving, storing, or processing waste generated at another location, including specified combustible recyclable and waste material but excluding reportable priority waste for the purposes of section 143 of the Act, for the purpose of resource recovery or off-site transfer or disposal, if between 5 m3 and 5 000 m3 of any waste is stored on the premises at any time | * Prescribed registration activity |  |
| 22 | A14 (Wastewater supply or use) | Supplying or using wastewater, except if in accordance with a licence issued for an activity set out in item 5 (A03—Sewage treatment) or item 38 (D01— Abattoirs) | * Prescribed permit activity |  |
| 23 | A15 (Biosolids supply or use) | Supplying or using biosolids, except if in accordance with a licence issued for an activity set out in item 5 (A03—Sewage treatment) | * Prescribed permit activity |  |
| 24 | A16 (Supply or use of reportable priority waste) | Supply or use of any waste classified as reportable priority waste for the purposes of section 143 of the Act or liquid organic waste | * Prescribed permit activity |  |
| 25 | A17 (Containment of Category D waste soil) | Containment of Category D waste soil on a project site | * Prescribed permit activity |  |
| 26 | A18 (Discharge of waste to aquifer) | Discharge of waste to aquifer, except if—   1. the discharge is undertaken in accordance with a licence issued under the Act; or 2. injection of water or remediation chemicals is undertaken for the remediation of groundwater in the aquifer in accordance with relevant guidelines published or approved by the Authority; or 3. the discharge is undertaken in accordance with the **Greenhouse Gas Geological Sequestration Act 2008** | * Prescribed permit activity |  |
| 27 | A19 (Temporary on-site waste treatment) | Operating a temporary plant for the on-site treatment of industrial waste generated at the premises, if the operation of the temporary plant is limited to a maximum cumulative operating time of 12 months within any 3 year period | * Prescribed permit activity |  |
| 28 | A20 (On-site wastewater management systems) | Constructing, installing or altering an on-site wastewater management system with a design or actual flow rate of sewage not exceeding 5000 litres on any day | * Prescribed permit activity (issued by council) |  |
| 29 | A21 (Temporary storage – biomedical waste) | Storage of 40 cubic metres or less of any biomedical waste not generated at the premises by a council, a health service or an ambulance service | * Prescribed registration activity |  |
| 30 | A22 (Temporary storage – asbestos) | Temporary storage of less than 10 cubic metres of double wrapped, non-friable asbestos not generated at the premises for a period of no more than 60 days on land—   1. permitted under a planning scheme made under the **Planning and Environment Act 1987** for use as a transfer station and which is allowed to accept asbestos; or 2. used as a public utility depot, storing only asbestos generated by the public utility and which is 100 metres or more from sensitive land uses including residential premises, health services, child care centres and education centres—   provided that the asbestos is then transported to a place or premises licensed by the Authority to receive it | * Prescribed registration activity |  |
| 31 | A23 (Temporary storage – designated waste) | Temporary storage of 1000 litres or less of designated waste not generated at the premises if—   1. the storage is for a period of no more than 60 days; and 2. the method of storage is in accordance with specifications acceptable to the Authority;   provided that the substance is then transported to a premise licensed by the Authority to receive it  (Note, a determination may be made by the Authority under regulation 5(3)(f) for the purposes of this item) | * Prescribed registration activity |  |
| **B: Primary industry and allied operations** | | | | |
| 32 | B01a (Animal industries – waste solely to land) | Operating a piggery, cattle feedlot, sheep feedlot, goat feedlot, goat dairy or dairy freestall that—   1. has more than 5000 animals (of any combination of pigs, cattle, sheep or goats) are concentrated for the purposes of agricultural production; and 2. discharges or deposits waste solely to land | * Prescribed development activity * Prescribed permit activity |  |
| 33 | B01b (Animal industries – waste not solely to land) | Operating a piggery, cattle feedlot, sheep feedlot, goat feedlot, goat dairy or dairy freestall that—   1. has more than 5000 animals (of any combination of pigs, cattle, sheep or goats) are concentrated for the purposes of agricultural production; and 2. does not discharge or deposit waste solely to land | * Prescribed development activity * Prescribed operating activity | 140 fee units |
| 34 | B02a (Livestock saleyards or holding pens – waste solely to land) | Operating livestock saleyards or holding pens which—   1. are designed to have a throughput of at least 10 000 animal units per year; and 2. discharge or deposit waste solely to land | * Prescribed development activity * Prescribed permit activity |  |
| 35 | B02b (Livestock saleyards or holding pens – waste not solely to land) | Operating livestock saleyards or holding pens which are—   1. designed to have a throughput of at least 10 000 animal units per year; and 2. does not discharge or deposit waste solely to land | * Prescribed development activity * Prescribed operating activity | 70 fee units |
| 36 | B03 (Fish farms) | Cultivating fish or other edible aquatic organisms in a land-based or on-shore facility with a design water flow rate of 0.2 or more megalitres per day | * Prescribed development activity * Prescribed operating activity | Activities discharging to—   1. inland waters – 70 fee units 2. marine waters with greater than 0.5mg per litre of ammonia – 140 fee units 3. marine waters with 0.5mg per litre of ammonia or less – 70 fee units |
| **C: Extractive industry and mining** | | | | |
| 37 | C01 (Extractive industry and mining) | Extractive industry and mining, but excluding –   1. eductor dredging; or 2. activities discharging or depositing mining or extractive industry wastes solely to land, and that are in accordance with the **Mineral Resources (Sustainable Development) Act 1990** | * Prescribed development activity * Prescribed operating activity | 70 fee units |
| **D: Animal derived by-products and food** | | | | |
| 38 | D01 (Abattoirs) | Slaughtering or processing animals (including poultry) at a designed throughput or more than 200 tonnes per year | * Prescribed development activity * Prescribed operating activity | Activities with a throughput of—   1. less than 5000 tonnes per year – 140 fee units 2. 5000 tonnes or more per year – 490.25 fee units |
| 39 | D02 (Rendering) | Rendering, in which substances derived from animals are manufactured or extracted at a designed throughput of more than 200 tonnes per year | * Prescribed development activity * Prescribed operating activity | Activities with a total product input capacity of—   1. less than 5 tonnes per hour – 140 fee units 2. 5 tonnes per hour or more, but less than 10 tonnes per hour – 490.25 fee units 3. 10 tonnes per hour or more, but less than 15 tonnes per hour – 910.25 fee units 4. 15 tonnes per hour or more – 1820.5 fee units |
| 40 | D03 (Animal skin tanning) | Tanning or re-tanning animal skins | * Prescribed development activity * Prescribed operating activity | Activities in which—   1. chromium is used – 910.25 fee units 2. chromium is not used – 210 fee units |
| 41 | D04 (Seafood processing) | Processing seafood with a designed processing capacity of more than 200 tonnes per year of seafood | * Prescribed development activity |  |
| 42 | D05 (Pet food processing) | Pet food processing or pet food manufacturing with a designed production capacity of at least 200 tonnes per year of pet food | * Prescribed development activity * Prescribed operating activity | Activities designed to produce—   1. up to 1000 tonnes per year – 140 fee units 2. 1000 tonnes or more per year – 490.25 fee units |
| 43 | D06 (Food processing) | Preserving, canning, bottling or drying of food by means of a fuel fired plant, at a designed production capacity of at least 200 tonnes per year of food | * Prescribed development activity * Prescribed operating activity | 70 fee units |
| 44 | D07 (Milk processing) | Processing milk or manufacturing dairy products with a designed throughput of at least 200 tonnes per year of product(s) | * Prescribed development activity * Prescribed operating activity | 70 fee units |
| 45 | D08 (Edible oil or fat processing) | Edible oil or fat processing, involving any of the following—   1. seed crushing; 2. solvent extraction; 3. edible oil or fat deodorising   at a designed rate of production exceeding 2000 tonnes per year of product(s) | * Prescribed development activity * Prescribed operating activity | 910·25 fee units |
| 46 | D09 (Beverage manufacturing) | Manufacturing or processing beverages, other than—   1. wineries processing less than 300 tonnes per year of grapes and discharging or depositing waste solely to land; or 2. other types of beverage manufacturing or processing with a production capacity of less than 300 kilolitres per year that discharge or deposit waste solely to land | * Prescribed development activity * Prescribed operating activity | 70 fee units |
| **E: Textiles** | | | |  |
| 47 | E01 (Textiles) | Manufacturing or processing textiles, including carpet manufacturing, wool scouring, textile bleaching, textile dyeing and textile finishing. | * Prescribed development activity * Prescribed operating activity | 210 fee units |
| **F: Wood and wood derivatives** | | | |  |
| 48 | F01 (Timber preserving works) | Operating timber reserving works | * Prescribed development activity |  |
| 49 | F02 (Fibreboard) | Processing wood, wood products or other cellulose materials to form fibreboard, particle board or plywood. | * Prescribed development activity * Prescribed operating activity | 910·25 fee units |
| 50 | F03 (Paper pulp mills) | Processing wood, wood products, waste paper or other cellulose materials to form pulp, paper or cardboard | * Prescribed development activity * Prescribed operating activity | 1820·5 fee units |
| **G: Chemicals including petroleum** | | | |  |
| 51 | G01 (Chemical works) | Manufacturing –   1. products by any chemical process with a designed production capacity of at least 2000 tonnes per year of chemical products; or 2. where acrylic compounds, herbicides, insecticides or pesticides are manufactured by any chemical process. | * Prescribed development activity * Prescribed operating activity | Activities with a design production rate of—   1. less than 500 tonnes per annum – 297.5 fee units 2. 500 tonnes per annum or more but less than 5000 tonnes – 490.25 fee units 3. 5000 tonnes per annum or more but less than 20 000 tonnes – 910.25 fee units 4. 20 000 tonnes per annum or more – 1820.5 fee units |
| 52 | G02 (Coal processing) | Coal processing, in which coal is converted to gaseous, liquid or solid products. | * Prescribed development activity * Prescribed operating activity | Activities with a design production rate of—   1. 500 tonnes per annum or more but less than 5000 tonnes – 910.25 fee units 2. 5000 tonnes per annum or more – 1820.5 fee units |
| 53 | G03 (Oil and gas refining) | Oil or gas refining, in which crude oil or gas is refined or hydrocarbon fractions are produced. | * Prescribed development activity * Prescribed operating activity | 1820.5 fee units |
| 54 | G04 (Bulk storage) | Storing, in tanks exceeding 10 000 litres capacity and at a total design capacity of 1 megalitre, compounds of carbon (including petroleum products or oil) which -   1. contain at least one carbon to carbon bond, as well as derivatives of methane; and 2. are liquid at Standard Temperature and Pressure; or 3. contain any substance classified as a Class 3 substance | * Prescribed development activity * Prescribed operating activity | Activities with a total design capacity (in tanks exceeding 10 000 litres capacity) of—   1. 1 ML or more but less than 10 ML – 140 fee units 2. 10 ML or more – 490.25 fee units |
| 55 | G05 (Container washing) | Internal washing or cleansing of bulk transport containers that have contained–   1. reportable priority waste for the purposes of section 143 of the Act; or 2. any material that is classified as dangerous goods under the **Dangerous Goods Act 1985** | * Prescribed development activity * Prescribed operating activity | 140 fee units |
| **H: Non-metallic minerals** | | | |  |
| 56 | H01 (Cement) | Using clays or limestone materials in either a furnace or a kiln in the production of cement clinker, or grinding cement clinker, clays, limestone or like materials | * Prescribed development activity * Prescribed operating activity | 910.25 fee units |
| 57 | H02 (Bitumen or asphalt batching) | Bitumen or asphalt batching at a designed throughput of at least 100 tonnes per week | * Prescribed development activity |  |
| 58 | H03 (Ceramics) | Processing bricks, tiles, pipes, pottery goods or refractories in dryers or kilns at a designed throughput of at least 10 000 tonnes per year of ceramic product(s) | * Prescribed development activity * Prescribed operating activity | 490.25 fee units |
| 59 | H04 (Mineral wool) | Manufacturing mineral wool or ceramic fibre | * Prescribed development activity * Prescribed operating activity | 297.5 fee units |
| 60 | H05a (Glass works - manufacturing) | Manufacturing glass by the melting of raw materials | * Prescribed development activity * Prescribed operating activity | 490.25 fee units |
| 61 | H05b (Glass works – large reprocessing) | Reprocessing glass waste at a design capacity of more than 10 000 tonnes per year | * Prescribed development activity * Prescribed operating activity | Activities with a design capacity of—   1. up to 20 000 tonnes per year – 70 fee units 2. 20 000 tonnes per year or more, but less than 50 000 tonnes per year – 297.5 fee units 3. 3 000 tonnes per year or more – 490.25 fee units |
| 62 | H05c (Glass works – small reprocessing) | Reprocessing glass waste at a design capacity of less than or equal to 10 000 tonnes per year | * Prescribed registration activity |  |
| **I: Metals and engineering** | | | |  |
| 63 | I01 (Primary metallurgical) | Processing or smelting ores or ore concentrates to produce metal | * Prescribed development activity * Prescribed operating activity | Activities with a design production rate of—   1. 500 tonnes per annum or more, but less than 5000 tonnes – 490.25 fee units 2. 5000 tonnes per annum or more but less than 20 000 tonnes – 910.25 fee units 3. 20 000 tonnes per annum or more – 1820.5 fee units |
| 64 | I02 (Metal melting) | Metal melting, in which any melting is performed in furnaces, having a design rate of at least 10 tonnes per hour for ferrous foundries, or 2 tonnes per hour for non-ferrous foundries | * Prescribed development activity * Prescribed operating activity | Activities with a design production rate of—   1. 1000 tonnes per annum or more, but less than 20 000 tonnes – 297.5 fee units 2. 20 000 tonnes per annum or more but less than 100 000 tonnes – 490.25 fee units 100 000 tonnes per annum or more – 910.25 fee units |
| 65 | I03 (Metal galvanising) | Metal galvanising at designed throughput of at least 5000 tonnes per year of steel | * Prescribed development activity * Prescribed operating activity | 297.5 fee units |
| 66 | I04 (Metal finishing) | Metal finishing, including electroplating of metal of plastic, anodising, electroforming or printed circuit board manufacturing | * Prescribed development activity * Prescribed operating activity | 490.25 fee units |
| 67 | I05 (Can and drum coating) | Can and drum coating, in which surface coating is applied to metal before or after the metal is formed into cans, closures, coils or drums | * Prescribed development activity * Prescribed operating activity | 297.5 fee units |
| 68 | I06 (Vehicle assembly) | Vehicle assembly or sub-assembly with a designed production capacity of at least 2000 units per year | * Prescribed development activity * Prescribed operating activity | 910.25 fee units |
| **J: Printing** | | | |  |
| 69 | J01 (Printing) | Printing, where more than 100 kilograms per day of volatile organic compounds are emitted | * Prescribed development activity * Prescribed operating activity | 210 fee units |
| **K: Utilities** | | | | |
| 70 | K01 (Power generation) | Generating electrical power from the consumption of a fuel at a rated capacity of at least 5 MW of electrical power | * Prescribed development activity * Prescribed operating activity | Operating such power stations with an installed capacity of—   1. less than 15 MW – 70 fee units 2. 15 MW or more but less than 100 MW – 210 fee units 3. 100 MW or more but less than 200 MW – 490.25 fee units 200 MW or more – 1820.5 fee units |
| 71 | K02 (Carbon geosequestration) | Capturing, separating, processing or storing waste carbon dioxide for the purpose of geological disposal, not including –   1. where only greenhouse gas sequestration operations, as defined by the **Greenhouse Gas Geological Sequestration Act 2008**, are conducted on-site; and 2. these operations are carried out in accordance with that Act | * Prescribed development activity * Prescribed operating activity | 910.25 fee units |
| 72 | K04 (Water desalination) | Removing salt from water for potable or other uses using a system with a design capacity to process more the 1 ML per day of feed water | * Prescribed development activity * Prescribed operating activity | Operating such premises that have a design capacity to process—   1. 1–10 ML per day – 140 fee units 2. 10–50 ML per day – 297.5 fee units 3. 50 ML or more per day – 490.25 fee units |
| **L: Other** | | | |  |
| 73 | L01 (General emissions to air) | Activities which discharge or emit, or from which it is proposed to discharge or emit, to the atmosphere any of the following—   1. at least 100 kilograms per day of— 2. volatile organic compounds; or 3. particles; or 4. sulphur oxides; or 5. nitrogen oxides; or 6. other acid gases (excluding carbon dioxide); 7. at least 500 kilograms per day of carbon monoxide; 8. any quantity from any industrial plant or fuel burning equipment of any substance classified as a Class 3 substance | * Prescribed development activity * Prescribed operating activity | 210 fee units |
| 74 | L02 (Contaminated sites – on-site soil containment) | On-site retention of contaminated soil in a facility designed for the purpose of containing or preventing further contamination and which can hold at least 1000m3 of contaminated soil | * Prescribed development activity |  |
| 75 | L03 (Tunnel ventilation systems) | Operating road tunnel ventilation systems | * Prescribed development activity * Prescribed operating activity | 297.5 fee units |
| 76 | L05 (Operation outside of hours) | Operating an outdoor entertainment venue or outdoor entertainment event outside of the prescribed operating hours set out in regulation 129 | * Prescribed permit activity |  |
| 77 | L06 (Conducting more than six outdoor concerts) | Conducting more than six concerts at an outdoor entertainment venue occupied by the applicant or more than 6 outdoor entertainment events in the same location in a financial year | * Prescribed permit activity |  |
| 78 | L07 (Dry-cleaning) | Commercial dry- cleaning activities being the cleaning of garments using a chemical solvent other than water for commercial purposes | * Prescribed registration activity |  |

Schedule 2—EPU values table

Regulation 4

|  |  |  |
| --- | --- | --- |
| ***Column 1 Item*** | ***Column 2 Type of tyre*** | ***Column 3 EPU value*** |
| 1 | Motor cycle or motor trike | 0·5 |
| 2 | Passenger car | 1 |
| 3 | Light truck | 2 |
| 4 | Truck | 5 |
| 5 | Super single | 10 |
| 6 | Solid small (diameter ≤ 0·3 m high) | 3 |
| 7 | Solid medium (diameter > 0·3 m ≤ 0·45 m high) | 5 |
| 8 | Solid large (diameter > 0·45 m ≤ 0·6 m high) | 7 |
| 9 | Solid extra-large (diameter > 0·6 m high) | 9 |
| 10 | Tractor small (diameter ≤ 1 m high) | 15 |
| 11 | Tractor large (diameter > 1 m ≤ to 2 m high) | 25 |
| 12 | Forklift small (diameter ≤ 0·3 m high) | 2 |
| 13 | Forklift medium (diameter > 0·3 m ≤ 0·45 m high) | 4 |
| 14 | Forklift large (diameter > 0·45 m ≤ 0·6 m high) | 6 |
| 15 | Grader | 15 |
| 16 | Earthmover small (diameter ≤ 1 m high) | 20 |
| 17 | Earthmover medium (diameter > 1 m ≤1·5 m high) | 50 |
| 18 | Earthmover large (diameter >1·5 m ≤ 2 m high) | 100 |
| 19 | Earthmover extra-large (diameter > 2 m ≤ 3 m high) | 200 |
| 20 | Earthmover giant (diameter > 3 m ≤ 4 m high) | 400 |
| 21 | Bobcat | 2 |

Schedule 3—Methane gas action levels

Regulation 20

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | ***Location for assessing methane gas concentration action levels*** | ***Methane gas concentration action level*** |
| 1 | Landfill surface final cap—measured at 50mm above the surface | 100 parts per million |
| 2 | Landfill surface final cap—measured within 50mm of penetrations through the final cap | 100 parts per million |
| 3 | Landfill surface intermediate cover areas—measured at 50mm above the surface | 200 parts per million |
| 4 | Landfill surface intermediate cover areas—measured within 50mm of penetrations through the intermediate cover | 1000 parts per million |
| 5 | Subsurface geology—perimeter monitoring bores approximately 20m from the edge of the waste | 1% v/v above background, where ***v/v*** means the volume of methane within the total volume of gas expressed as a percentage |
| 6 | Subsurface services on, and adjacent to, the waste | 10,000 parts per million |
| 7 | Buildings and structures on, and adjacent to, the waste | 5,000 parts per million |

Schedule 4—Class 1, 2 and 3 substances

Regulation 4

***Class 1 substances***

Carbon monoxide

Nitrogen dioxide

Sulfur dioxide

Particles as PM10 1

Lead

***Class 2 substances (toxicity-based substances)***

Acetone

Acrylic acid

Ammonia

Aniline

Antimony and compounds

Asphalt (petroleum) fumes

Barium (soluble compound)

Biphenyl

Bromochloromethane

Bromoform (tribromomethane)

Bromotrifluoromethane

Carbon black

Carbon tetrachloride (tetrachloromethane)

Chlorine

Chlorine dioxide

Chloroform (Trichloromethane)

Chloromethane (methyl chloride)

Chromium (III) compounds

Copper fume

Copper dusts and mists

Cotton dust (raw)

Crotonaldehyde

Cynanide (as CN)

Cyclohexane

Cyclohexanol

o-Dichlorobenzene

1,2-Dichloroethylene

Dichlorvos

Dinitrobenzene (all isomers)

Dinitrotoluene

Ethanolamine

Ethylbenzene

Ethyl butyl ketone

Ethyl chloride (chloroethane)

Ethylene glycol (vapour)

Fluoride 2

Fluorine

Formaldehyde 3

n-Hexane

2-Hexanone

Hydrogen chloride

Iron oxide fume

Magnesium oxide fume

Maleic anhydride

Manganese and compounds

Mercury (organic)

Mercury (inorganic)

Methyl acrylate

Methyl bromide (bromomethane)

Methylene chloride (dichloromethane)

Nitric acid

Particles as PM2.5 1

n-Pentane

2-Pentanone

Phthalic anhydride

Propylene glycol monomethyl ether

Silver metal

Silver, soluble compounds (as Ag)

Sulfuric acid

1,1,1-Trichloroethane (methyl chloroform)

1,1,2-Trichloroethane

Trichlorofluoromethane

Trimethylbenzene (mixed isomers)

Vinyl toluene

Welding fume (total particulate)

Wood dust (hardwoods)

Wood dust (softwoods)

Zinc chloride fume

Zinc oxide fume

***Class 2 substances (odour-based substances)***

Acetaldehyde

Acetic acid

n-Butanol

n-Butyl acetate

Butyl acrylate

Butyl mercaptan

Carbon disulphide

Chlorobenzene

Cumene (isopropyl benzene)

Cyclohexanone

Diacetone alcohol

Diethylamine

Dimethylamine

Diphenyl ether

Ethanol

Ethyl acetate

Ethyl acrylate

Hydrogen sulfide

Methanol

Methylamine

Methyl ethyl ketone

Methyl mercaptan

Methyl methacrylate

Methyl styrene

Methyl isobutyl ketone

Nitrobenzene

Perchloroethylene (tetrachloroethylene)

Phenol

Phosphine

n-Propanol

Pyridine

Styrene (Monomer)

Toluene

Triethylamine

Xylenes

***Class 3 substances***

Acrolein

Acrylonitrile

Alpha chlorinated toluenes and benzoyl chloride

Arsenic and compounds

Benzene

Beryllium and beryllium compounds

1,3-butadiene

Cadmium and cadmium compounds

Chromium VI compounds

1,2-dichloroethane (ethylene dichloride)

Dioxins and Furans (as TCDD I-TEQs)3

Epichlorohydrin

Ethylene oxide

Hydrogen cyanide

MDI (Diphenylmethane diisocyanate)

Nickel and nickel compounds

PAH (as BaP)

Pentachlorophenol

Phosgene

Propylene oxide

Radionuclides

Respirable crystalline silica (inhaled in the form of quartz or crystobalite) (measured as PM2.5)

TDI (toluene-2,4-diisocyanate and toluene-2,6-diisocyanate)

Trichloroethylene

Vinyl chloride

**Notes**

1 Applies to point sources only. For area-based sources and roads, applicable criteria are specified in the relevant industry PEM.

2 The fluoride content is calculated by dry weight and expressed as fluoride (F-) ppm.

3 TCDD I-TEQ means 2,3,7,8-tetrachloro-dibenzodioxin as international toxic equivalents.

Schedule 5—Waste classification

Regulations 4, 5, 61, 63, 64, 66, 67 and 86

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| ***Column 1*** | ***Column 2*** | ***Column 3*** | ***Column 4*** | ***Column 5*** | ***Column 6*** | ***Column 7*** | ***Column 8*** |
| ***Item*** | ***Section*** | ***Description of waste*** | ***Waste code*** | ***Pre-classified (Pre) or Mirror code (M)*** | ***Priority waste*** | ***Reportable priority waste for the purposes of section 142 of the Act*** | ***Reportable priority waste for the purposes of section 143 of the Act*** |
|  | Cyanides | Cyanide-containing waste resulting from surface treatment of metals and plastics | A100 | Pre | Yes | Yes | Yes |
|  | Cyanides | Waste from heat treatment and tempering operations containing cyanides | A110 | Pre | Yes | Yes | Yes |
|  | Cyanides | Cyanides (inorganic) | A130 | Pre | Yes | Yes | Yes |
|  | Acids | Acids in a solid form or acidic solutions with pH value 4 or less | B100 | Pre | Yes | Yes | Yes |
|  | Alkaline Wastes | Alkaline solids or alkaline solutions with pH value of 9 or more, including caustic soda, alkaline cleaners and waste lime | C100 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Metal Carbonyls | D100 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Inorganic fluorine compounds, excluding calcium fluoride | D110 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Mercury and mercury compounds | D120 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Arsenic and arsenic compounds | D130 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Chromium compounds including hexavalent and trivalent | D140 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Cadmium and cadmium compounds | D150 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Beryllium and Beryllium compounds | D160 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Antimony and antimony compounds | D170 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Thallium and thallium compounds | D180 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Copper compounds | D190 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Cobalt & cobalt compounds | D200 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Nickel compounds | D210 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Lead and lead based compounds | D220 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Zinc compounds | D230 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Selenium & selenium compounds | D240 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Tellurium & tellurium compounds | D250 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Vanadium compounds | D270 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Barium compounds (excluding barium sulphate) | D290 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Non-toxic salts including sodium chloride, calcium chloride | D300 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Boron compounds | D310 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Inorganic sulfides | D330 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Perchlorates | D340 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Chlorates | D350 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Phosphorus compounds excluding mineral phosphates | D360 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Inorganic chemicals not otherwise specified in items 6 to 29 or 31 of this Table | D390 | Pre | Yes | Yes | Yes |
|  | Inorganic Chemicals | Smelter waste containing hazardous substances including priority wastes | D400 | Pre | Yes | Yes | Yes |
|  | Reactive Chemicals | Oxidising agents (including peroxides) | E100 | Pre | Yes | Yes | Yes |
|  | Paints, lacquers, varnish, resins, inks, dyes, pigments, adhesives | Aqueous-based wastes from the production, formulation and use of paints, lacquers, varnish, inks, dyes and pigments | F100 | Pre | Yes | Yes | Yes |
|  | Paints, lacquers, varnish, resins, inks, dyes, pigments, adhesives | Aqueous-based wastes from the production, formulation and use of resins, latex, plasticisers, glues and adhesives | F110 | Pre | Yes | Yes | Yes |
|  | Paints, lacquers, varnish, resins, inks, dyes, pigments, adhesives | Solvent-based wastes from the production, formulation and use of paints, lacquers, varnish, inks, dyes and pigments | F120 | Pre | Yes | Yes | Yes |
|  | Paints, lacquers, varnish, resins, inks, dyes, pigments, adhesives | Solvent-based wastes from the production, formulation and use of resins, latex, plasticisers, glues and adhesives | F130 | Pre | Yes | Yes | Yes |
|  | Organic Solvents | Ethers and highly flammable hydrocarbons, including petrol and jet fuel | G100 | Pre | Yes | Yes | Yes |
|  | Organic Solvents | Organic solvents excluding halogenated solvents | G110 | Pre | Yes | Yes | Yes |
|  | Organic Solvents | Halogenated organic solvents | G150 | Pre | Yes | Yes | Yes |
|  | Organic Solvents | Wastes from the production, formulation and use of organic solvents, not otherwise specified in items 37 to 39 of this Table | G160 | Pre | Yes | Yes | Yes |
|  | Pesticides including herbicides and insecticides | Waste from the production, formulation and use of biocides, fungicides and phytopharmaceuticals, not otherwise specified in items 42 to 44 of this Table | H100 | Pre | Yes | Yes | Yes |
|  | Pesticides including herbicides and insecticides | Organophosphorus pesticides | H110 | Pre | Yes | Yes | Yes |
|  | Pesticides including herbicides and insecticides | Organochlorine pesticides | H120 | Pre | Yes | Yes | Yes |
|  | Pesticides including herbicides and insecticides | Waste from manufacture, formulation and use of wood-preserving chemicals | H170 | Pre | Yes | Yes | Yes |
|  | Oils, hydrocarbons and emulsions | Waste oils, hydrocarbons, emulsions and transformer fluids excluding polychlorinated biphenyls | J100 | Pre | Yes | Yes | Yes |
|  | Oils, hydrocarbons and emulsions | Waste oil/ water, hydrocarbons/ water mixtures or emulsions | J120 | Pre | Yes | Yes | Yes |
|  | Oils, hydrocarbons and emulsions | Triple interceptor waste and stormwater contaminated with oil or hydrocarbon | J130 | Pre | Yes | Yes | Yes |
|  | Oils, hydrocarbons and emulsions | Waste tarry residues arising from refining, distillation, and any pyrolytic treatment | J160 | Pre | Yes | Yes | Yes |
|  | Oils, hydrocarbons and emulsions | Used oil filters | J170 | Pre | Yes | Yes | Yes |
|  | Putrescible/ organic wastes | Animal effluent and residues, including abattoir wastes and other wastes from animal processing | K100 | Pre | Yes | Yes | Yes |
|  | Putrescible/ organic wastes | Grease trap waste | K110 | Pre | Yes | Yes | Yes |
|  | Putrescible/ organic wastes | Tannery wastes (not containing chromium) | K140 | Pre | Yes | Yes | Yes |
|  | Putrescible/ organic wastes | Wool scouring wastes | K190 | Pre | Yes | Yes | Yes |
|  | Putrescible/ organic wastes | Liquid organic wastes including food and beverage processing wastes, not containing other priority wastes listed in items 50 to 53 or 55 to 64 of this Table | K200 | Pre | Yes | No | No |
|  | Putrescible/ organic wastes | Solid commercial food wastes, not otherwise specified in this schedule | K210 | Pre | No | No | No |
|  | Putrescible/ organic wastes | Manures including any mixture of manure and biodegradable animal bedding such as straw | K220 | Pre | No | No | No |
|  | Putrescible/ organic wastes | Processed solid organic waste that does not meet specifications acceptable to the Authority, including unpasteurised or otherwise contaminated material | K230 - H | M | Yes | No | No |
|  | Putrescible / organic wastes | Processed solid organic waste that meets specifications acceptable to the Authority set out in a determination made under regulation 5(3)(g) | K230 - NH | M | No | No | No |
|  | Putrescible / organic wastes | Commercial garden & landscaping organics that does not contain any physical or chemical contamination | K300 | Pre | No | No | No |
|  | Putrescible / organic wastes | Timber treated with hazardous substances, including sawdust | K310 - H | M | Yes | No | No |
|  | Putrescible / organic wastes | Untreated timber, including sawdust | K310 - NH | M | No | No | No |
|  | Putrescible / organic wastes | Treated sewage, solids and sludge that does not meet the permit conditions in the permit in relation to item 23 (A15—Biosolids supply or use) in the Table in Schedule 1 | K400 - H | M | Yes | Yes | Yes |
|  | Putrescible / organic wastes | Biosolids that meet the permit conditions in the permit in relation to item 23 (A15—Biosolids supply or use) in the Table in Schedule 1 | K400 - NH | M | Yes | No | No |
|  | Putrescible / organic wastes | Septic tank waste | K410 | Pre | Yes | No | No |
|  | Industrial washwaters and wastewaters | Car and truck washwaters | L100 | Pre | Yes | Yes | Yes |
|  | Industrial washwaters and wastewaters | Industrial washwaters from cleaning, rinsing or washing operations other than item 65 of this Table | L150 | Pre | Yes | Yes | Yes |
|  | Industrial washwaters and wastewaters | Industrial wastewater (excluding sewage) not otherwise specified in this Schedule, which does not meet the permit conditions in the permit in relation to item 22 (A14— Wastewater supply or use) in the Table in Schedule 1 | L200-H | M | Yes | Yes | Yes |
|  | Industrial washwaters and wastewaters | Industrial wastewaters (excluding sewage) not otherwise specified in this Schedule, which meets the permit conditions in the permit in relation to item 22 (A14— Wastewater supply or use) in the Table in Schedule 1 | L200-NH | M | Yes | No | No |
|  | Organic chemicals | Solvents, oils and materials contaminated with polychlorinated biphenyls at a concentration of 50 mg per kg or greater | M100 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Solvents, oils and materials contaminated with polychlorinated biphenyls at a concentration greater than 2 mg per kg and up to 50 mg per kg | M120 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Non-halogenated, non-solvent organic chemicals, not otherwise specified in this Schedule | M130 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Phenols, phenol compounds including chlorophenols | M150 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Organo halogen compounds—other than substances referred to in this Table | M160 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Polychlorinated dibenzo-furan (any congener) | M170 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Polychlorinated dibenzo-p-dioxin (any congener) | M180 | Pre | Yes | Yes | Yes |
|  | Cyanides | Cyanides (organic) | M210 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Isocyanate compounds | M220 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Amines and other nitrogen compounds | M230 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Surface active agents (surfactants), containing principally organic constituents and which may contain metals and inorganic materials | M250 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Highly odorous organic chemicals (including mercaptans and acrylates) | M260 | Pre | Yes | Yes | Yes |
|  | Organic chemicals | Per- and poly-fluoroalkyl substances (PFAS) contaminated materials, including PFAS-containing wastes, waste products and contaminated containers | M270 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Hazardous residues, including priority wastes, in rigid steel or plastic containers with an original volume less than 200 litres | N100 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Hazardous residues, including priority wastes, in rigid steel or plastic containers with an original volume greater than or equal to 200 litres | N105 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Hazardous residues, including priority wastes, in bags or containers not covered by the description of waste for items 82 and 83 of this Table | N110 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Soils contaminated with hazardous substances, including asbestos and/or priority wastes | N120 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Excavated material or engineered fill including fill material, other than item 85 of this Table | N122 | Pre | No | No | No |
|  | Solid and sludge wastes requiring special handling | Spent catalysts not otherwise specified in this Schedule | N130 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Fire debris and fire wash-waters excluding anything covered under item 81 of this Table | N140 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Fly ash | N150 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Encapsulated, chemically-fixed, solidified or polymerised hazardous wastes including priority wastes | N160 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Filter cake contaminated with residues of hazardous substances including priority wastes | N190 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Residues from industrial waste treatment/disposal operations, including digestate, bottom ash and char | N205 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Residue from pollution control operations, including baghouse dust and activated carbon | N210 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Waste asbestos | N220 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos | N230 | Pre | Yes | Yes | Yes |
|  | Solid and sludge wastes requiring special handling | Absorbents contaminated with hazardous residues including priority wastes | N250 | Pre | Yes | Yes | Yes |
|  | Clinical and pharmaceutical wastes | Clinical and related wastes, including biomedical waste, not otherwise specified in items 98, 99 or 100 of this Table | R100 | Pre | Yes | Yes | Yes |
|  | Clinical and pharmaceutical wastes | Waste from the use of pharmaceutical products, not otherwise specified in items 97, 99 or 100 of this Table | R120 | Pre | Yes | Yes | Yes |
|  | Clinical and pharmaceutical wastes | Cytotoxic substances | R130 | Pre | Yes | Yes | Yes |
|  | Clinical and pharmaceutical wastes | Waste from the production of pharmaceutical products and cosmetics, not otherwise specified in items 97, 98 or 99 of this Table | R140 | Pre | Yes | Yes | Yes |
|  | Miscellaneous | Waste chemical substances arising from laboratories, research and development, or teaching activities | T100 | Pre | Yes | Yes | Yes |
|  | Miscellaneous | Waste from the production, formulation and use of photographic chemicals and processing materials not otherwise specified in items 101 or 103 to 110 of this Table | T120 | Pre | Yes | Yes | Yes |
|  | Miscellaneous | Sludges or slurries, including drilling muds containing hazardous substances including priority wastes | T130 - H | M | Yes | Yes | Yes |
|  | Miscellaneous | Sludges or slurries, including drilling muds other than item 103 of this Table | T130-NH | M | Yes | No | No |
|  | Miscellaneous | Tyres | T140 | Pre | Yes | Yes | No |
|  | Miscellaneous | Household chemicals consolidated as part of a Victorian Government program | T170 | Pre | Yes | Yes | Yes |
|  | Miscellaneous | Waste of an explosive nature not subject to other legislation | T200 | Pre | Yes | Yes | Yes |
|  | Miscellaneous | E-waste | T300 | Pre | Yes | No | No |
|  | Miscellaneous | Shredder floc | T320 | Pre | Yes | No | No |
|  | Miscellaneous | Leachate from waste treatment/disposal operations | T330 | Pre | Yes | Yes | Yes |
|  | Leather and textiles, rubber excluding tyres | Textiles | X100 | Pre | No | No | No |
|  | Leather and textiles, rubber excluding tyres | Leather and rubber, other than tyres | X200 | Pre | No | No | No |
|  | Masonry materials | Concrete | Y100 | Pre | No | No | No |
|  | Masonry materials | Bricks | Y110 | Pre | No | No | No |
|  | Masonry materials | Rubble (including non-hazardous foundry sands) | Y120 | Pre | No | No | No |
|  | Masonry materials | Plaster board and cement sheeting | Y130 | Pre | No | No | No |
|  | Masonry materials | Asphalt | Y140 | Pre | No | No | No |
|  | Glass | Glass | Z100 | Pre | No | No | No |
|  | Metals | Steel | Z300 | Pre | No | No | No |
|  | Metals | Aluminium | Z310 | Pre | No | No | No |
|  | Metals | Non-ferrous metals, other than Aluminium | Z320 | Pre | No | No | No |
|  | Paper and cardboard | Cardboard | Z400 | Pre | No | No | No |
|  | Paper and cardboard | Liquid paperboard | Z410 | Pre | No | No | No |
|  | Paper and cardboard | Newsprint & magazines | Z420 | Pre | No | No | No |
|  | Paper and cardboard | Office paper | Z430 | Pre | No | No | No |
|  | Plastic | Plastics, PIC #1 through #7 | Z500 | Pre | No | No | No |

Schedule 6—Categories of priority waste

Regulations 67 and 68

***Category A waste***

Category A waste is industrial waste—

1. that can be classified as dangerous goods under the **Dangerous Goods Act 1985** and falls within one or more of the following UN classes under that Act—
2. Class 1 (Explosives);
3. Class 4 (Flammable solids; substances liable to spontaneous combustion; substances which in contact with water emit flammable gases);
4. Class 5 (Oxidising substances and organic peroxides);
5. Class 6 (Toxic and infectious substances);
6. Class 8 (Corrosive substances); or
7. that generates gases that can be classified as UN Division 2.3 (Toxic Gases) dangerous goods under the **Dangerous Goods Act 1985** when it comes into contact with air or water; or
8. with any contaminant concentration greater than the upper limits for Category B waste contaminant concentrations specified in the Waste Disposal Categories - Characteristics and Thresholds; or
9. with any leachable concentration greater than the upper limits for Category B waste leachable concentrations specified in the Waste Disposal Categories - Characteristics and Thresholds; or
10. for which the Authority has issued a designation classifying the waste as Category A waste.

***Category B waste***

Category B waste is industrial waste (other than Category A waste)—

1. with any contaminant concentration greater than the upper limits for Category C waste contaminant concentrations specified in the Waste Disposal Categories - Characteristics and Thresholds, but not exceeding the upper limits for Category B waste contaminant concentrations; or
2. with any leachable concentration greater than the upper limits for Category C waste leachable concentrations specified in the Waste Disposal Categories – Characteristics and Thresholds, but not exceeding the upper limits for Category B waste leachable concentrations; or
3. for which the Authority has issued a designation classifying the waste a Category B waste.

***Category C waste***

Category C waste is industrial waste (other than Category A waste or Category B waste)—

1. with any contaminant concentration greater than the upper limits for Category D waste contaminant concentrations specified in the Waste Disposal Categories – Characteristics and Thresholds, as in force from time to time, but not exceeding the upper limits for Category C waste contaminant concentrations; or
2. with any leachable concentration greater than the upper limits for Category D waste leachable concentrations specified in the Waste Disposal Categories – Characteristics and Thresholds, as in force from time to time, but not exceeding the upper limits for Category C waste leachable concentrations; or
3. for which the Authority has issued a designation classifying the waste as Category C waste.

***Category D waste***

Category D waste is industrial waste (other than Category A waste or Category B waste or Category C waste) that is soil—

1. with any contaminant concentration greater than the upper limits for fill material contaminant concentrations specified in the Waste Disposal Categories – Characteristics and Thresholds, as in force from time to time, but not exceeding the upper limits for Category D waste contaminant concentrations; or
2. with any leachable concentration greater than the upper limits for fill material leachable concentrations specified in the Waste Disposal Categories – Characteristics and Thresholds, as in force from time to time, but not exceeding the upper limits for Category D waste leachable concentrations; or
3. for which the Authority has issued a designation classifying the waste as Category D waste.

***Soil containing asbestos only***

Soil containing asbestos only is industrial waste that is soil if the only contaminant is asbestos.

***Packaged waste asbestos***

Packaged waste asbestos is waste asbestos (other than soil containing asbestos) contained in a manner so as to eliminate the release of airborne asbestos fibres.

Schedule 7—Reportable priority waste transaction details

Regulations 75, 76 and 77

**Definitions**

In this Schedule—

***Packing Group*** has the same meaning as in the Dangerous Goods (Transport by Road or Rail) Regulations 2018;

***transport permission number*** means the unique identifier for the permission under which the waste is transported;

***treatment option*** means the type of treatment, disposal, storage, reuse, recycling, reprocessing, recovery of energy or other resources, containment or alternative use intended to occur to the waste at the receiving place or premises;

***UN Class*** has the same meaning as in the Dangerous Goods (Transport by Road or Rail) Regulations 2018;

***UN Number*** has the same meaning as in the Dangerous Goods (Transport by Road or Rail) Regulations 2018;

***waste form*** means the physical nature of the waste, being a liquid, solid, sludge or a mixture or assortment of wastes.

**Part A: To be supplied by the person in management or control of the place or premises at which the reportable priority waste is consigned for transport**

Unique identifier for consignment

Name of person in management or control of the place or premises at which the reportable priority waste is consigned for transport

Address of the place or premises of waste source

Name of emergency contact

Emergency contact phone number

Name of accredited consigner (if applicable)

Accredited Consigner ID number (if applicable)

Waste form or physical state

Waste code

Description of the waste

Disposal category or soil category determined in accordance with regulation 67 or 68 (if applicable)

Contaminant(s) (if applicable)

UN Number (if applicable)

UN Class(es) and subsidiary risk (if applicable)

Packing Group number (if applicable)

Type of activity which generated the waste (ANZSIC code)

Amount of waste(s) consigned for transport

Type of package (e.g. bulk) and number of packages (if applicable)

Date and time of dispatch

Proposed place or premises at which the waste is received (include the registered business name and permission number where applicable)

Intended treatment option at the place or premises at which the waste is to be received

Information supporting the basis for the waste classification (if applicable)

**Part B: To be supplied by the person transporting the reportable priority waste**

Transport permission number (if applicable)

Registered business name of transport business

Registered address of business

Name and driver licence number of driver of vehicle

Vehicle registration number (or trailer registration number if applicable)

Vehicle Identification Number (VIN)

Date and time of dispatch

**Part C: To be supplied by the person in management or control of the place or premises at which the reportable priority waste is received**

Address of place or premises at which the waste is received (include registered business name where applicable)

Basis for receiving place or premises being authorised to receive industrial waste of the type received

Date and time of receipt

Amount of waste(s) received

Type of package (e.g. bulk) and number of packages (if applicable) received

Intended treatment option(s) or treatment code(s)

Discrepancies in information provided in Part A or Part B (if applicable)

**Example**

The amount or type of waste received is different to the amount or type provided in Part A or Part B.

Schedule 8—Restricted areas for landfill infrastructure

Regulation 101

|  |
| --- |
| Area |
| 1. A declared Ramsar wetland which has the meaning given by section 17 of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth. |
| 1. An area of significance for spawning, nursery, breeding, roosting and feeding areas of aquatic species, or fauna listed under the China–Australia Migratory Bird Agreement and Japan–Australia Migratory Bird Agreement, Korea–Australia Migratory Bird Agreement, the Convention on Migratory Species of Wild Animals (Bonn, Germany, 1979) or under the Flora and Fauna Guarantee Act 1988. |
| 1. A reservation in relation to a marine or coastal area under the National Parks Act 1975. |
| 1. A State Wildlife Reserve listed under the Wildlife Act 1975. |
| 1. A critical habitat of taxa and communities of flora and fauna listed under the Flora and Fauna Guarantee Act 1988. |
| 1. An area identified as a matter of national environmental significance in the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth. |
| 1. Surface waters. |

Schedule 9— Method for determining the concentration of carbon monoxide and hydrocarbons in the exhaust gases of a motor vehicle

Regulations 137 and 138

Part A—Idle test

1. An idle test of a motor vehicle must be conducted in the following manner, using the equipment set out in Part C—

(a) the engine of the vehicle must be running and be at normal operating temperature; and

(b) the inlet end of a sampling probe must be positioned in the exhaust pipe of the vehicle at any point between 35 centimetres and 50 centimetres from the discharge end of the exhaust pipe; and

(c) the accelerator pedal of the vehicle must not be depressed; and

(d) if the vehicle is equipped with a manual transmission, the transmission must be kept in neutral gear with the clutch engaged; and

(e) if the vehicle is equipped with automatic or semi-automatic transmission, the transmission must be kept with the gear selector engaged in the drive position with the vehicle's handbrake in the fully on position; and

(f) if the vehicle is equipped with a manual choke, the choke must be off.

2. The measurement must be taken by noting the maximum value of the concentration of carbon monoxide [in %vol] and total hydrocarbons [in ppm] as determined by the analyser over a period of between 30 seconds and 60 seconds beginning not earlier than 60 seconds after the probe has been inserted in the exhaust pipe.

3. If the motor vehicle is equipped with more than one exhaust pipe, the concentration must be measured in each exhaust pipe and the maximum value is taken to be the average value from all pipes.

4. If required for the purposes of testing, the exhaust pipe may be temporarily extended by an extension piece connected to the designed discharge outlet by means of a suitable connection which does not allow dilution of the exhaust gases by air.

Part B—High idle test

5. A high idle test of a motor vehicle must be conducted in the following manner, using the equipment set out in Part C—

(a) the engine of the vehicle must be running and be at normal operating temperature; and

(b) the inlet end of a sampling probe must be positioned in the exhaust pipe of the vehicle at any point between 35 centimetres and 50 centimetres from the discharge end of the exhaust pipe; and

(c) the accelerator pedal of the vehicle must be depressed and the engine rotational speed must be stabilised within the range of 2500 rpm to 3000 rpm; and

(d) if the vehicle is equipped with a manual transmission, the transmission must be kept in neutral gear with the clutch engaged; and

(e) if the vehicle is equipped with automatic or semi-automatic transmission, the transmission must be kept with the gear selector engaged in the neutral or park position with the handbrake in the fully on position; and

(f) if the vehicle is equipped with a manual choke, the choke must be off.

6. The measurement must be taken by noting the maximum value of the concentration of carbon monoxide [in %vol] and total hydrocarbons [in ppm] as determined by the analyser over a period of between 30 seconds and 60 seconds beginning not earlier than 60 seconds after the probe has been inserted in the exhaust pipe.

7. If the motor vehicle is equipped with more than one exhaust pipe, the concentration must be measured in each exhaust pipe and the maximum value is taken to be the average value from all pipes.

8. If required for the purposes of testing, the exhaust pipe may be temporarily extended by an extension piece connected to the designed discharge outlet by means of a suitable connection which does not allow dilution of the exhaust gases by air.

Part C—Equipment for idle test and  
high idle test

9. The concentration of carbon monoxide and total hydrocarbons in the exhaust gases of the motor vehicle is to be measured with a non-dispersive infrared carbon monoxide and hydrocarbon analyser which must be—

1. calibrated within the preceding 12 months by being zeroed with dry nitrogen or air containing less than 10 ppm carbon monoxide, or 6 ppm total hydrocarbon (equivalent carbon response), as applicable; and
2. spanned with a carbon monoxide or total hydrocarbon mixture, as applicable, which will result in a response equivalent to not less than 70 per cent of the full-scale deflection for each gas; and
3. zeroed and spanned using a secondary electronic or mechanical system prior to each measurement.

Schedule 10—Infringement offences and infringement penalties

Regulation 164

|  |  |  |
| --- | --- | --- |
| ***Column 1*** | ***Column 2*** | ***Column 3*** |
| ***Item*** | ***Act section or regulation*** | ***Infringement penalty*** |
|  | Section 115(1) | 2 penalty units in the case of a natural person  10 penalty units in the case of a body corporate |
|  | Section 115(2) | 4 penalty units in the case of a natural person 20 penalty units in the case of a body corporate |
|  | Section 115(3) | 6 penalty units in the case of a natural person 30 penalty units in the case of a body corporate |
|  | Section 115(4) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Section 119 | 2 penalty units in the case of a natural person  10 penalty units in the case of a body corporate |
|  | Section 121(5) | 6 penalty units in the case of a natural person 30 penalty units in the case of a body corporate |
|  | Section 121(7) | 6 penalty units in the case of a natural person 30 penalty units in the case of a body corporate |
|  | Section 125(3) | 2 penalty units |
|  | Section 125(4) | 2 penalty units |
|  | Section 125(6) | 2 penalty units |
|  | Section 127(3) | 2 penalty units |
|  | Section 142(2) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Section 143(2), constituted by a contravention of the duty set out in section 143(1)(a) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Section 167(1), in the circumstances set out in section 167(2) (use of a prescribed item during a prohibited time) | 2 penalty units in the case of a natural person  10 penalty units in the case of a body corporate |
|  | Section 169(3) | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Section 172(6) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Section 175(4) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Section 205(2) | 5 penalty units |
|  | Section 209 | 5 penalty units |
|  | Section 210(2) | 5 penalty units |
|  | Section 213(3) | 5 penalty units |
|  | Section 255(2) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Section 259(3) | 2 penalty units |
|  | Section 288 | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Section 289(2) | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Section 290(3) | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Section 292(2) | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Regulation 33(2) | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Regulation 55(1) | 2 penalty units in the case of a natural person  10 penalty units in the case of a body corporate |
|  | Regulation 55(3) | 2 penalty units in the case of a natural person  10 penalty units in the case of a body corporate |
|  | Regulation 57 | 4 penalty units in the case of a natural person  20 penalty units in the case of a body corporate |
|  | Regulation 58(1) | 4 penalty units in the case of a natural person  20 penalty units in the case of a body corporate |
|  | Regulation 58(2) | 4 penalty units in the case of a natural person  20 penalty units in the case of a body corporate |
|  | Regulation 64(7) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 69 | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 70 | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 82(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 82(2) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 98(2) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 99(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 102(2) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 104(3) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 106(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 106(2) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 132(1) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 133 | 2 penalty units in the case of a natural person  10 penalty units in the case of a body corporate |
|  | Regulation 136(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 137(2) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 138(2) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 139(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 140(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 142 | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 143(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 144(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 144(3) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 145(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 146 | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 147(1) | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Regulation 147(3) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 148 | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Regulation 149(1) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 149(2) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 149(3) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 152(1) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 152(2) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 152(3) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 153 | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 154(1) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 154(2) | 5 penalty units in the case of a natural person  25 penalty units in the case of a body corporate |
|  | Regulation 156(2) | 6 penalty units in the case of a natural person  30 penalty units in the case of a body corporate |
|  | Regulation 158(1) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |
|  | Regulation 158(2) | 10 penalty units in the case of a natural person  50 penalty units in the case of a body corporate |

Schedule 11—Component fees

Regulation 172 and Schedule 1

1. Acceptance of waste
   1. The component fee for an activity of a type set out in item 7 (A05a—Landfills - excluding municipal landfills servicing <5000 people) in the Table in Schedule 1 is the greater of—
2. the amount expressed in fee units calculated by multiplying 0·0103 by the number of tonnes of waste received by the person in a year; or
3. 81·83 fee units.

**Note**

This figure does not include priority waste which is calculated using a multiplier of 0.103; see subclause (2).

* 1. The component fee for an activity of a type set out in item 1 (A01—Reportable priority waste management) in the Table in Schedule 1 is the greater of—

1. the amount expressed in fee units calculated by multiplying 0·103 by the number of tonnes of reportable priority waste for the purposes of section 143 of the Act received by the person in a year; or
2. 81·83 fee units.

**Note**

“Reportable priority waste for the purposes of section 143 of the Act” is a defined term – see regulation 4.

* 1. A component fee calculated under this clause must not exceed 42 000 fee units.

1. Discharge to the atmosphere
   1. In this clause, ***annual load*** means the maximum amount of waste permitted under a licence to be discharged into the atmosphere, expressed in tonnes per year—

(a) as specified in the licence; or

(b) in the case of a licence that specifies a maximum amount of waste permitted to be discharged in grams per minute, calculated by converting that amount to tonnes per year; or

(c) calculated using an emissions estimation technique which has been approved by the Authority under clause 4.

* 1. The component fee for discharges to the atmosphere is the greater of—
     1. the amount expressed in fee units calculated in accordance with the formula—

Annual load × C

Where—

C is the component rate specified in column 2 of Table 1 to this clause that corresponds to the class indicator for the component to be discharged under the licence specified in column 1 of that Table; or

* + 1. one fee unit.
  1. If volatile organic compounds or total organic compounds are specified in a licence, the component fee is calculated using the component rate for Class 2 substances specified in Table 1 to this clause.
  2. If particles are specified in a licence, but the particle size or the particle chemical composition is not specified, the component fee is calculated using the component rate for Class 1 substances specified in Table 1 to this clause.

**Table 1**

| *Column 1*  *Component* | *Column 2*  *Component rate* |
| --- | --- |
| Class 1 substance | 0·412 |
| Class 2 substance | 4·12 |
| Class 3 substance | 412 |

* 1. In the case of an electricity generating power station that only operates during times of peak network load, the component fee is calculated using the following capacity factor formula—

(Total power generated in a financial year (MWh)) / (365 days x 24 hours x Installed capacity of the power station (MW))

* 1. A component fee calculated under this clause must not exceed 42 000 fee units.

1. Discharge to water and land
   1. In this clause, ***annual flow*** means the volume of water permitted under a licence to be discharged onto land or into water, expressed in megalitres per year, calculated by—

(a) multiplying the mean daily flow rate as specified in the licence by 365; or

(b) using an emissions estimation technique which has been approved by the Authority under clause 4.

* 1. For the purposes of subclause (1), if the licence does not specify a mean daily flow, the maximum daily flow specified in the licence must be used.
  2. The component fee for discharges onto land or into water is the greater of—
     1. the amount expressed in fee units calculated in accordance with the formula—

Annual flow × C

where—

C is the component rate specified in column 2 of Table 2 to this clause that corresponds to the component to be discharged under the licence specified in column 1 of that Table; or

* + 1. one fee unit.
  1. If a discharge of any of components in Table 2 to this clause is licensed to be discharged on to land rather than into water, the relevant fee for that component must be reduced by 50%.
  2. If a licence specifies electrical conductivity, the fee is the component fee for total dissolved solids multiplied by two thirds of the electrical conductivity specified under licence.
  3. If a licence specifies both electrical conductivity and total dissolved solids, no fee is to be charged for electrical conductivity.
  4. If more than one of the parameters defined as organic matter is specified under a licence, the greater limit must be used for fee calculations.

**TABLE 2**

| *Column 1*  *Component* | *Column 2*  *Component rate* |
| --- | --- |
| 1. If the licence specifies an amount of waste permitted to be discharged under the licence— 2. for each milligram per litre of the amount of waste permitted to be discharged under the licence of— 3. total dissolved solids, discharged to anywhere other than the ocean (see subclauses (5) and (6) above); | 0·000618 |
| 1. suspended solids; | 0·00309 |
| 1. organic matter (see subclauses (7) and (10)); | 0·00309 |
| 1. total phosphorus; | 0·00515 |
| 1. total nitrogen (excluding ammonia); | 0·00515 |
| 1. ammonia; | 0·0515 |
| 1. for item 33 (B03—Fish farms) in the Table in Schedule 1 only, ammonia at greater than 0.5 mg/l; | 0·00515 |
| 1. toxicant (including heavy metals) (see subclause (10)); | 0·309 |
| 1. any other waste component not specified elsewhere | 0·0515 |
| 1. for each platinum cobalt unit of colour that may be discharged under licence | 0·000309 |
| 1. for each degree Celsius of temperature above ambient temperature that may be discharged under a licence | 0·00309 |
| 1. If a licence permits discharges of bacteria (E. coli) at a concentration of— |  |
| 1. greater than 10 organisms per 100 millilitres or more but not greater than 200 organisms per 100 millilitres; | 0·00103 |
| 1. greater than 200 organisms per 100 millilitres or more, but not greater than 2000 organisms per 100 millilitres; | 0·0103 |
| 1. greater than 2000 organisms per 100 millilitres | 0·103 |

* 1. The amount of waste is the median amount of waste permitted to be discharged under the licence, however, if the median amount is not specified in the licence, the next lowest value specified in the licence must be used.

**Examples**

1. If a licence specifies that 20mg/L of suspended solids is permitted to be discharged, the component fee is calculated by multiplying the annual flow × 20 × 0·00309.

2. If a licence permits a discharge of 5 platinum units of colour, the component fee is calculated by multiplying the annual flow × 5 × 0·000309.

3. If a licence permits the discharge at a temperature 2 degrees above ambient temperature, the component fee is calculated by multiplying the annual flow × 2 × 0·00309.

4. If a licence permits the discharge of bacteria, specifying that a concentration of 250 organisms per 100 millilitres may be discharged, the component fee is calculated by multiplying the annual flow × 0·0103.

* 1. A component fee calculated under this clause must not exceed 42 000 fee units.
  2. In this clause—

***above ambient temperature*** means, for any particular season, any temperature level of the waters receiving the licensed discharge higher than the average temperature for that season;

***organic matter*** means total organic carbon, biochemical oxygen demand, or chemical oxygen demand that may be discharged under a licence;

***toxicant*** meansa substance which is poisonous to living things.

1. Authority may approve emissions estimation technique
   1. For the purposes of clauses 2(1)(c) and 3(1)(b), the Authority may approve an emissions estimation technique having regard to the activity being undertaken and the nature of the emissions.
   2. An approval under subclause (1) must be in writing.

Endnotes

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

|  |  |  |
| --- | --- | --- |
| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4, definition of ***ADR 83/00*** | *Vehicle Standard (Australian Design Rule 83/00 – External Noise) 2005*, determined under section 7 of the Motor Vehicle Standards Act 1989 of the Commonwealth | The whole |
| Regulation 4, definitions of  ***A-frequency weighting, alternative assessment criterion, alternative assessment location, background level***, ***dB(A), decibel, effective noise level, LAeq,***  ***measurement point***, ***noise limit, Noise Protocol,*** and regulations 113, 118, 119, 121, 123, 125, 126, 127, 129, 130 and 131 | *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises, and entertainment venues*,published by the Authority on its website, | The whole |
| Regulation 4, definition of **AS/NZS 4012** and ***solid fuel heater*** andregulations 109 and 110 | AS/NZS 4012 - Australian/New Zealand Standard 4012:2014, Domestic solid fuel burning appliances – Method for determination of power output and efficiency, published by Standards Australia and Standards New Zealand in 2014 | The whole |
| Regulation 4, definitions of **AS/NZS 4013** and ***solid fuel heater*** and regulations 109 and 110 | AS/NZS 4013 - Australian/New Zealand Standard 4013:2014, Domestic solid fuel burning appliances – Method for determination of flue gas emission, published by Standards Australia and Standards New Zealand in 2014 | The whole |
| Regulation 4, definition of ***Australian Light Vehicle Standards (ALVS) Rules***, ***DT80 test cycle*** and ***heavy vehicle*** and regulation 139 and 140 | The Australian Light Vehicle Standards Rules published by the National Transport Commission in 2015 | The whole |
| Regulation 4, definitions of ***APCO***, ***Australian Packaging Covenant*** and ***signatory*** and regulation 93 | Australian Packaging Covenant 2017, agreed between the Australian Packaging Covenant Organisation Ltd, the representative body for signatories to the Covenant, and Commonwealth, state and territory governments, and is endorsed by the National Environment Protection Council and published in 2017 | The whole |
| Regulation 4, definitions of ***average threshold***, ***contaminant***, ***HIL***, ***HSL, localised elevated values threshold***,  **NEPM (ASC)** and regulations 8, 11 and 13 | National Environment Protection (Assessment of Site Contamination) Measure made under the **National Environment Protection Council Act (Victoria) 1995** | The whole |
| Regulation 4, definition of ***ESMP data manual*** and regulation 141 | *ESMP data manual 1992: Engine speed at maximum power and noise test engine speeds for vehicles 1970 to 2005,* published by the Authority on its website | The whole |
| Regulation 4, definitions of ***National Environment Protection (National Pollutant Inventory) Measure*** or **NEPM (NPI), *National Pollutant Inventory*** or ***NPI, substance*** and regulations 104 and 107 | National Environment Protection (National Pollutant Inventory) Measure made under the **National Environment Protection Council Act (Victoria) 1995** and the equivalent legislation of the participating jurisdictions | The whole |
| Regulation 4, definition of ***ANZSIC codes for NPI reporting*** and regulation 103, definition of ***reporting facility*** | *National Pollutant Inventory; List of Australian and New Zealand Standard Industrial Classification (ANZSIC), 2006; Table 2 Alphabetic Index of primary activities* published by the Commonwealth Department of Environment and Energy | The whole |
| Regulation 4, definition of ***National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles*** and regulation 141 | ***National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles***, published by the National Transport Commission in September 2006 | The whole |
| Regulation 4, definitions of ***forward-control passenger vehicle, off-road passenger vehicle, passenger vehicle and relevant design rules*** | Vehicle Standard (Australian Design Rule - Definitions and Vehicle Categories) 2005 of the Commonwealth | Clause 4.3 |
| Regulation 4, definition of ***vapour pressure*** | ASTM D4953‑*15 Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)* published by ASTM International in 2015 | The whole |
| Regulation 4, definition of ***Waste Classification Assessment Protocol*** and regulations 61 and 66 | *Waste Classification Assessment Protocol* published by the Authority on its website | The whole |
| Regulation 165 | The *Protocol for calculating monetary benefits* published by the Authority on its website | The whole |
| Regulation 4, definition of ***fill material*** and ***Waste Disposal Categories—Characteristics and Thresholds***, regulation 62 and Schedule 6 | *Waste Disposal Categories— Characteristics and* *Thresholds* published by the Authority on its website | The whole |