

ENVIRONMENT PROTECTION ACT 1997

INSTRUMENT NO. 248 OF 2000

Determination of Fees Explanatory Statement

The *Environment Protection Act 1997* (the Act) provides for the protection of the environment from pollution and other forms of environmental harm. Schedule 1 of the Act was amended by the *Environment Protection (Prescribed Activities) Regulations 2000*. The fees referred to in **attachments 1, 2 and 3** relate to the prescribed activities in Schedule 1 of the Act.

Section 165 of the Act provides that the Minister may, by notice in the Gazette, determine fees payable under the Act.

The determination is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Section 47 of the Act provides that a person may apply for an environmental authorisation and that the application shall be accompanied by the determined fee. A fee is determined for the prescribed activities (**Attachment 1**) in Schedule 1 of the Act.

Section 53(3)(a) of the Act provides for the payment of an annual fee where an environmental authorisation is granted for a period exceeding 1 year. A fee is determined for the prescribed activities (**Attachment 2**) in Schedule 1 of the Act.

In addition Section 53(3)(b) of the Act also provides for the calculation by formula or other method for determining the environmental authorisation annual fee. A fee is determined for the prescribed activities (**Attachment 3**) in Schedule 1 of the Act

Section 69 of the Act provides for the payment of a fee when a draft environmental improvement plan is submitted for approval by the Environment Management Authority. A fee of \$157 is determined for the submission of a draft environmental improvement plan.

Section 76 of the Act provides for the payment of a fee when an environmental auditor's report is submitted to the Environment Management Authority. A fee of \$157 is determined for the submission of an environmental audit report.

Section 83 of the Act provides for the payment of a fee when a draft emergency plan is submitted for approval by the Environment Management Authority. A fee of \$157 is determined for the submission of a draft emergency plan.

Division 1 Part XIII of the Act provides for an administrative charge. A fee of \$30 is determined for the administrative charge.

ATTACHMENT 1

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2 (a)	Manufacture, sale, et cetera of an ozone depleting or other substance	All.....	\$157
Schedule 1 Clause 2 (b)	Extraction of materials from waterways	Where the amount expected to be extracted is: 0 to 30,000 cubic metres per year..... >30,000 cubic metres per year.....	\$314 \$1049
Schedule 1 Clause 2(ba)	Extraction of materials from land	Where the equipment is designed to extract: >30,000 tonnes per year.....	\$1049
Schedule 1 Clause 2(c)	Commercial incineration	All.....	\$1574
Schedule 1 Clause 2 (d)	Conduct of a crematorium	All.....	\$157
Schedule 1 Clause 2(e)	Operation of a commercial landfill	All.....	\$1574
Schedule 1 Clause 2(ea)	Acceptance of soil on land	All.....	\$157
Schedule 1 Clause 2(f)	Transport of controlled waste	All.....	\$314
Schedule 1 Clause 2(g)	Sewage treatment	Discharge to land or water where the peak load capacity is designed for: 100 to 50,000 persons per day..... >50,000 persons per day	\$314 \$1049
Schedule 1 Clause 2(ga)	Treatment, handling or storage of contaminated soil	All.....	\$157
Schedule 1 Clause 2(gb)	Treatment of more than 10,000m ³ of contaminated soil	All.....	\$157
Schedule 1 Clause 2(gc)	Milking of animals	The operation of a facility designed to milk: >800 animals per day.....	\$1049
Schedule 1 Clause 2(gd)	Processing of milk or milk products	Where the facility is designed to process: >30,000 kilolitres per year.....	\$1049

ATTACHMENT 1

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2(ge)	Processing of agricultural crops	Where the facility is designed to process more than: 30,000 tonnes per year.....	\$1049
Schedule 1 Clause 2(h)	Commercial aquaculture or mariculture	All.....	\$314
Schedule 1 Clause 2(j)	Operation of a stock feedlot	Where the facility is designed to accommodate more than 200 tonnes live animal weight at any one time: 200 to 1200 tonnes..... > 1200 tonnes.....	\$314 \$1049
Schedule 1 Clause 2(ja)	Keeping of poultry	Where the facility is designed to accommodate live birds weighing: 180 to 375 tonnes..... >375 tonnes.....	\$314 \$1049
Schedule 1 Clause 2(k)	Operation of a commercial stock saleyard	All.....	\$157
Schedule 1 Clause 2(ka)	Operation of an abattoir	Where facility is designed to process live animals weighing: > 3,000 kg per day per day.....	\$314
Schedule 1 Clause 2(m)	Commercial cleaning or carbonising of wool	All.....	\$314
Schedule 1 Clause 2(ma)	Tanning of animal skins or fellmongery activities	Where the amount expected to be processed is: 0 to 10,000 tonnes per year..... >10,000 tonnes per year.....	\$314 \$1049
Schedule 1 Clause 2(n)	Outdoor concert activities	All.....	\$157
Schedule 1 Clause 2 (p)	Management of a concert venue	Exhibition Park In Canberra..... Others.....	\$524 \$157
Schedule 1 Clause 2(q)	Electricity generation	Where the generating capacity of the plant is: 0 to 450 gigawatts per hour..... >450 gigawatts per hour.....	\$524 \$1574

ATTACHMENT 1

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2 (r)	Motor racing events	All.....	\$157
Schedule 1 Clause 2 (s)	Management of a motor racing venue	All.....	\$157
Schedule 1 Clause 2 (u)	Commercial use of chemical products	All.....	\$157
Schedule 1 Clause 2(v)	Storage of petroleum products	Where the facility is designed to store more than 500m ³	\$1574
Schedule 1 Clause 2(w)	Production of petroleum products	All.....	\$1574
Schedule 1 Clause 2(x)	Waste oil recovery	Where the amount expected to be processed is: 20 to 1,000 tonnes per year..... >1,000 tonnes per year.....	\$314 \$1049
Schedule 1 Clause 2(y)	Helicopter facilities	All.....	\$314
Schedule 1 Clause 2(z)	Logging operations	Where the operation logs or intends to log: >5,000 tonnes per year.....	\$1049
Schedule 1 Clause 2(za)	Commercial production of alcoholic beverages	Where the facility is designed to produce: 100 to 21,000 kilolitres per year..... >21,000 kilolitres per year.....	\$314 \$1049
Schedule 1 Clause 2(zb)	Application of biosolid products	Where the amount expected to be applied is: >500 to 3,000 tonnes per year..... >3,000 tonnes per year.....	\$314 \$1049
Schedule 1 Clause 2(zc)	Composting activities	Where the amount of material expected to be received for composting is: >200 tonnes of animal waste or >5,000 tonnes of plant waste per year.....	\$1049
Schedule 1 Clause 2(zd)	Wood or timber milling	Where the facility is designed to produce more than : 30,000 cubic metres per year.....	\$1049
Schedule 1 Clause 2(ze)	Manufacture of things in furnaces or kilns	Where the facility is designed to produce more than: 10,000 tonnes per year.....	\$1049

ATTACHMENT 1

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2(zf)	Commercial preservation of wood	Where the facility is designed to process more than: 10,000 cubic metres per year.....	\$1049
Schedule 1 Clause 2(zg)	Production of concrete or concrete products	Where the facility is designed to produce: 7000 to 13,000 cubic metres per year..... >13,000 cubic metres per year.....	\$314 \$1049
Schedule 1 Clause 2(zh)	Production of bituminous road building materials	Where the facility is designed to produce more than: 30, 000 tonnes per year.....	\$1049
Schedule 1 Clause 2(zi)	Crushing, grinding or separating of materials	Where the facility is designed to produce: 10000 to 30,000 tonnes per year..... >30,000 tonnes per year.....	\$314 \$1049
Schedule 1 Clause 3 (a)	Manufacture of things in furnaces or kilns	Where the facility is designed to produce more than 100 tonnes and less than 10,000 tonnes per year.....	\$157
Schedule 1 Clause 3 (b)	Commercial preservation of wood	Where the facility is designed to process less than 10,000 tonnes per year.....	\$157
Schedule 1 Clause 3 (e)	Forestry activities	All.....	\$1574
Schedule 1 Clause 3 (f)	Major land development or construction activities	All.....	\$157
Schedule 1 Clause 3 (g)	Management of municipal services maintenance on unleased land	All.....	\$1574
Schedule 1 Clause 3 (h)	Wastewater recycling activities	All.....	\$157
Schedule 1 Clause 3 (j)	Commercial collection of waste from commercial premises	All.....	\$157

ATTACHMENT 2

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2 (a)	Manufacture, sale, et cetera of an ozone depleting or other substance	All.....	\$157
Schedule 1 Clause 2 (b)	Extraction of materials from waterways	Where the amount extracted per year is: 0 to 30,000 cubic metres >30,000 to 50,000 cubic metres..... >50,000 to 100,000 cubic metres..... >100,000 to 500,000 cubic metre..... >500,000 to 2,000,000 cubic metres..... >2,000,000 cubic metres.....	\$475 \$1,425 \$4,750 \$12,825 \$31,825 \$57,000
Schedule 1 Clause 2(ba)	Extraction of materials from land	Where the amount extracted is: 0 to 30,000 tonnes per year..... >30,000 to 50,000 tonnes per year..... >50,000 to 100,000 tonnes per year..... >100,000 to 500,000 tonnes per year..... >500,000 to 2,000,000 tonnes per year..... >2,000,000 tonnes per year.....	\$475 \$1,425 \$4,750 \$12,825 \$31,825 \$57,000
Schedule 1 Clause 2(c)	Commercial incineration	Where the amount of cytotoxic, clinical or quarantine waste incinerated is: 0 to 1,000 tonnes per year..... >1,000 tonnes per year..... Or where the amount of municipal waste incinerated per year is: All.....	\$2,375 \$6,175 \$6,175
Schedule 1 Clause 2 (d)	Conduct of a crematorium	All.....	\$157
Schedule 1 Clause 2(e)	Operation of a commercial landfill	Where the amount of waste received is: >5,000 to 20, 000 tonnes per year..... >20,000 to 100,000 tonnes per year..... >100,000 tonnes per year.....	\$2,660 \$3,420 \$4,180
Schedule 1 Clause 2(ea)	Acceptance of soil on land	All.....	\$157

ATTACHMENT 2

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2(f)	Transport of controlled waste	Number of Vehicles Authorised to Transport Waste	
		0 to 3.....	\$380
		>3 to 7.....	\$760
		>7-11.....	\$1140
		>11.....	\$1520
Schedule 1 Clause 2(g)	Sewage treatment	Where the amount of effluent discharged is	
		0 to 20 megalitres per year.....	\$475
		>20 to 100 megalitres per year.....	\$760
		>100 to 1,000 megalitres per year.....	\$2,375
		>1,000 to 5,000 megalitres per year.....	\$6,175
		>5,000 to 10,000 megalitres per year.....	\$15,675
		>10,000 to 20,000 megalitres per year.....	\$28,500
		>20,000 to 30,000 megalitres per year.....	\$39,900
>30,000 to 40,000 megalitres per year.....	\$53,200		
>30,000 megalitres per year.....	\$251,750		
Schedule 1 Clause 2(ga)	Treatment, handling or storage of contaminated soil	All.....	\$4,750
Schedule 1 Clause 2(gb)	Treatment of more than 10,000m ³ of contaminated soil	All.....	\$4,750
Schedule 1 Clause 2(gc)	Milking of animals	Where the number of animals milked per day is:	
		0 to 800.....	\$475
		>800 to 1,600.....	\$1,425
>1,600.....	\$4,750		
Schedule 1 Clause 2(gd)	Processing of milk or milk products	Where the amount processed is:	
		0 to 30,000 kilolitres per year.....	\$475
		>30,000 to 100,000 kilolitres per year.....	\$1,425
>100,000 kilolitres per year.....	\$4,750		
Schedule 1 Clause 2(ge)	Processing of agricultural crops	Where the amount processed is:	
		0 to 30,000 tonnes per year.....	\$475
		>30,000 to 100,000 tonnes per year.....	\$1,425
		>100,000 to 250,000 tonnes per year.....	\$4,750
>250,000 tonnes per year.....	\$12,825		

ATTACHMENT 2

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2(h)	Commercial aquaculture	Where the surface area of water used (if waste is discharged to a waterway) is: 0 to 2 hectares..... >2 to 10 hectares..... >10 hectares..... Or where the surface area of water used (if waste is not discharged to a waterway) is: All.....	\$475 \$1,425 \$4,750 \$157
Schedule 1 Clause 2(j)	Operation of a stock feedlot	Where the live animal weight accommodated is: 0 to 200 tonnes..... >200 to 500 tonnes..... >500 to 2,500 tonnes..... >2,500 tonnes.....	\$157 \$475 \$1,425 \$4,750
Schedule 1 Clause 2(ja)	Keeping of poultry	Where the live animal weight of birds accommodated is: 0 to 180 tonnes..... >180 to 375 tonnes..... >375 to 1,000 tonnes..... >1,000 tonnes.....	\$157 \$475 \$1,425 \$4,750
Schedule 1 Clause 2(k)	Operation of a commercial stock saleyard	Where the live animal weight sold or exchanged is: 0 to 10,000 tonnes per year..... >10,000 to 25,000 tonnes per year..... >25,000 to 60,000 tonnes per year..... >60,000 tonnes per year.....	\$157 \$475 \$1,425 \$4,750
Schedule 1 Clause 2(ka)	Operation of an abattoir	Where the live animal weight processed is: 0 to 30,000 tonnes per year..... > 30,000 tonnes per year.....	\$475 \$1,425
Schedule 1 Clause 2(m)	Commercial cleaning or carbonising of wool	All.....	\$475
Schedule 1 Clause 2(ma)	Tanning of animal skins or fellmongery activities	Where the amount processed is: 0 to 10,000 tonnes per year..... >10,000 tonnes per year.....	\$475 \$1,425
Schedule 1 Clause 2(n)	Outdoor concert activities	All.....	\$157

ATTACHMENT 2

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2 (p)	Management of a concert venue	Exhibition Park In Canberra	\$524
		Others	\$157
Schedule 1 Clause 2(q)	Electricity generation	Where the amount generated is:	
		0 to 450 gigawatt hours per year.....	\$2,375
		>450 to 1,000 gigawatt hours per year.....	\$6,175
		>1,000 to 4,000 gigawatt hours per year.....	\$15,675
Schedule 1 Clause 2 (r)	Motor racing events	All.....	\$157
Schedule 1 Clause 2 (s)	Management of a motor racing venue	All.....	\$157
Schedule 1 Clause 2 (u)	Commercial use of chemical products	All.....	\$157
Schedule 1 Clause 2(v)	Storage of petroleum products	Where the designed storage capacity is:	
		>500 m ³ to 5,000 m ³	\$760
		>5,000 m ³ to 100,000 m ³	\$2,375
Schedule 1 Clause 2(w)	Production of petroleum products	Or where the amount produced is:	
		0 to 100 tonnes per year.....	\$157
		>100 to 10,000 tonnes per year.....	\$2,375
		>10,000 to 200,000 tonnes per year.....	\$6,175
Schedule 1 Clause 2(x)	Waste oil recovery	>200,000 to 500,000 tonnes per year.....	\$15,675
		>500,000 tonnes per year.....	\$62,700
Schedule 1 Clause 2(x)	Waste oil recovery	Where the amount processed is:	
		20 to 1,000 tonnes per year.....	\$2,375
Schedule 1 Clause 2(y)	Helicopter facilities	Number of flights per year	
		0-1,500.....	\$475
		>1,500-5,000.....	\$1,425
		>5,000.....	\$4,750

ATTACHMENT 2

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2(z)	Logging operations	Where the total area under forest plantation is: 0 to 1000 hectares..... >1000 to 5,000 hectares..... >5,000 to 10,000 hectares..... >10,000 hectares.....	\$475 \$1,425 \$2,850 \$7,000
Schedule 1 Clause 2(za)	Commercial production of alcoholic beverages	Or where the amount produced is: 0 to 21,000 kilolitres per year..... >21,000 to 70,000 kilolitres per year..... >70,000 to 175,000 kilolitres per year..... >175,000 kilolitres per year.....	\$475 \$1,425 \$4,750 \$12,825
Schedule 1 Clause 2(zb)	Application of biosolid products	Where the amount applied is: >500 to 3,000 tonnes per year..... >3,000 tonnes per year.....	\$1,425 \$4,750
Schedule 1 Clause 2(zc)	Composting activities	Where the amount received is: 0 to 200 tonnes of animal waste per year..... 0 to 5,000 tonnes of plant waste per year..... >200 tonnes of animal waste per year..... >5,000 tonnes of plant waste per year.....	\$475 \$475 \$1,425 \$1,425
Schedule 1 Clause 2(zd)	Wood or timber milling	Where the amount produced is: 0 to 30,000 cubic metres per year..... >30,000 to 70,000 cubic metres per year..... >70,000 to 200,000 cubic metres per year.... >200,000 cubic metres per year.....	\$475 \$1,425 \$4,750 \$12,825
Schedule 1 Clause 2(ze)	Manufacture of things in furnaces or kilns	Where the amount produced is: 0 to 10,000 tonnes per year..... >10,000 to 30,000 tonnes per year..... >30,000 to 50,000 tonnes per year..... >50,000 to 200,000 tonnes per year..... >200,000 tonnes per year.....	\$157 \$760 \$2,375 \$6,175 \$15,675
Schedule 1 Clause 2(zf)	Commercial preservation of wood	Where the amount processed is: 0 to 5,000 cubic metres per year..... >5,000 to 10,000 cubic metres per year..... >10,000 to 30,000 cubic metres per year..... >30,000 cubic metres per year.....	\$157 \$1,425 \$4,750 \$12,825

ATTACHMENT 2

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Level of activity	Fee payable
Schedule 1 Clause 2(zg)	Production of concrete or concrete products	Where the amount produced is:	
		0 to 13,000 cubic metres per year.....	\$475
		>13,000 to 25,000 cubic metres per year.....	\$1,425
		>25,000 to 50,000 cubic metres per year.....	\$4,750
		>50,000 cubic metres per year.....	\$12,825
Schedule 1 Clause 2(zh)	Production of bituminous road building materials	Where the amount produced is:	
		0 to 30,000 tonnes per year.....	\$1,425
		>30,000 to 100,000 tonnes per year.....	\$4,750
		>100,000 tonnes per year.....	\$12,825
Schedule 1 Clause 2(zi)	Crushing, grinding or separating of materials	Where the amount processed is:	
		0 to 10,000 tonnes per year.....	\$157
		>10,000 to 30,000 tonnes per year.....	\$475
		>30,000 to 100,000 tonnes per year.....	\$1,425
		>100,000 to 500,000 tonnes per year.....	\$4,750
		>500,000 to 2,000,000 tonnes per year.....	\$12,825
>2,000,000 tonnes per year.....	\$31,825		
Schedule 1 Clause 3 (a)	Manufacture of things in furnaces or kilns	All.....	\$157
Schedule 1 Clause 3 (b)	Commercial preservation of wood	All.....	\$157
Schedule 1 Clause 3 (e)	Forestry activities	All.....	\$1574
Schedule 1 Clause 3 (f)	Major land development or construction activities	All.....	\$157
Schedule 1 Clause 3 (g)	Management of municipal services maintenance on unleased land	All.....	\$1574
Schedule 1 Clause 3 (h)	Wastewater recycling activities	All.....	\$157
Schedule 1 Clause 3 (j)	Commercial collection of waste from commercial premises	All.....	\$157

ATTACHMENT 3

1. The relevant amount is referred to in this Schedule as the “Pollutant Fee”.
6. The Pollutant Fee shall equal the assessable load of the pollutant multiplied by the appropriate Pollutant Fee Unit for the particular activity as shown in Table 1 below.
7. The assessable load for each pollutant shall equal the concentration of the pollutant multiplied by the discharge weight or volume as defined in the authorisation for each activity. The unit of measure for assessable load is kilogram.
8. The concentration of the pollutant is the weight in kilograms of pollutant per volume or weight of discharge from the activity. Concentration and volume or weight of discharge shall be measured as set out in the environmental authorisation granted for the activity. The concentration so measured shall apply to the discharge from the activity until another concentration for that pollutant is measured.
9. The Pollutant Fee payable per year shall be:
 - nil – if the fee shown in Schedule 2 for the activity is greater than or equal to the Pollutant Fee; or
 - the Pollutant Fee less the fee shown in Schedule 2 – if the fee shown in Schedule 2 is less than the Pollutant Fee.

TABLE 1

Provision listing activity for which fee is payable	Description of activity for which fee is payable	Pollutant	Pollutant Fee Unit
Schedule 1 Clause 2(c)	Commercial incineration	Air	
		Arsenic	\$86.40
		Benzene	\$1.20
		Benzo[a]pyrenes	\$48.00
		Fine particles	\$0.21
		Lead	\$18.00
		Mercury	\$185.00
		Nitrogen oxides	\$0.01
		Sulphur oxides	\$0.004
Schedule 1 Clause 2(g)	Sewage treatment 0 to 10,000 megalitres per year	Water	
		BOD	\$0.002
		Oil and grease	\$0.18
		Suspended solids	\$0.19
		Total nitrogen	\$0.26
		Total phosphorous	\$4.90

Table 1 (continued)

Schedule 1 Clause 2(g)	Sewage treatment >10,000 megalitres per year	Water BOD Cadmium Chromium Copper Lead Mercury Oil and grease Selenium Suspended solids Total nitrogen Pesticides and PCBs Total phosphorous Zinc	\$0.002 \$161.00 \$10.10 \$4.10 \$15.40 \$432.00 \$0.18 \$24.00 \$0.19 \$0.26 \$2,232.00 \$4.90 \$0.02
Schedule 1 Clause 2(q)	Electricity generation	Water Salts Suspended Solids Air Nitrous Oxides	\$0.01 \$0.02 \$0.19
Schedule 1 Clause 2(v)	Storage of petroleum products	Air Benzene Volatile Organic Compounds	\$1.20 \$0.01
Schedule 1 Clause 2(w)	Production of petroleum products	Air Benzene Volatile Organic Compounds	\$1.20 \$0.01
Schedule 1 Clause 2(x)	Recovery of waste petroleum products	Water Oils and Grease Air Lead Volatile Organic Compounds	\$18.00 \$0.01 \$0.18
Schedule 1 Clause 2(ze)	Manufacture of things in furnaces or kilns	Air Coarse particulates Fine particulates Fluoride Sulfur oxides Nitrogen oxides	\$0.03 \$0.21 \$0.14 \$0.004 \$0.01