



Australian Capital Territory

# Environment Protection Amendment Regulation 2007 (No 1)

**Subordinate Law SL2007-24**

---

The Australian Capital Territory Executive makes the following regulation under the *Environment Protection Act 1997*.

Dated 4 September 2007.

JON STANHOPE  
Minister

ANDREW BARR  
Minister

---





Australian Capital Territory

# Environment Protection Amendment Regulation 2007 (No 1)

**Subordinate Law SL2007-24**

made under the

**Environment Protection Act 1997**

## Contents

---

		Page
1	Name of regulation	1
2	Commencement	1
3	Legislation amended	1
4	Section 22 (2) and (3)	1
5	Section 24 (2)	2
6	Section 25 (1)	2
7	Section 40 (1) (c)	2
8	Section 40 (2) (b)	3
9	Section 64 (1) (c)	3
10	New section 67 (2) (ia)	3

## Contents

---

		Page
11	Schedule 2, pt 2.3, table 2.3, item 6 (c) (iv)	3
12	Schedule 2, pt 2.3, table 2.3, item 19	4
13	Dictionary, definition of <i>primary production</i>	4

**1 Name of regulation**

This regulation is the *Environment Protection Amendment Regulation 2007 (No 1)*.

**2 Commencement**

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This regulation amends the *Environment Protection Regulation 2005*.

**4 Section 22 (2) and (3)**

*substitute*

- (2) However, a parcel of land held under a territory lease is an affected place for noise emitted from the parcel only if the noise is emitted from a unit and the affected place is another unit on the same units plan.
- (3) For subsection (1), a person is not affected by noise unless—
  - (a) the person complains about the noise to an authorised officer; and
  - (b) the noise level at the affected place exceeds the noise standard for the affected place.

**5 Section 24 (2)**

*substitute*

- (2) However—
- (a) if the compliance point for noise emitted from a unit is a point in any of the other units in the units plan, the ***noise standard*** for the unit is 5dB(A) below the noise standard that would otherwise apply; and
  - (b) if the compliance point for noise emitted from premises (the ***1st premises***) on a territory lease with a common wall with premises on another territory lease (the ***2nd premises***) is a point in the 2nd premises, the ***noise standard*** for the 1st premises is 5dB(A) below the noise standard that would otherwise apply; and
  - (c) the ***noise standard*** on the boundary between 2 or more noise zones is the average of the noise standards for the noise zones for the time when the noise is emitted, rounded up to the nearest dB(A).

**6 Section 25 (1)**

*substitute*

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

**7 Section 40 (1) (c)**

*substitute*

- (c) the sale would, if it took place in NSW, be prohibited under the ***Protection of the Environment Operations Act 1997 (NSW)*** as in force from time to time.

**8 Section 40 (2) (b)***substitute*

- (b) a sale of the thing would, if it took place in NSW, be prohibited by the *Protection of the Environment Operations Act 1997* (NSW) as in force from time to time.

**9 Section 64 (1) (c)***substitute*

- (c) a laboratory accredited by the National Association of Testing Authorities if the laboratory's scope of accreditation includes analysis of the pollutant;

*Note* For information about the National Association of Testing Authorities—see [www.nata.asn.au](http://www.nata.asn.au).

- (d) a laboratory approved under subsection (2).

**10 New section 67 (2) (ia)***insert*

- (ia) *Protection of the Environment Operations Act 1997* (NSW);

**11 Schedule 2, pt 2.3, table 2.3, item 6 (c) (iv)***substitute*

		(iv) the noise is emitted between 7 am and 6 pm on Monday to Saturday, excluding public holidays.
--	--	---

**12 Schedule 2, pt 2.3, table 2.3, item 19**

*substitute*

19	noise emitted in the course of maintaining a utility service	
----	--	--

**13 Dictionary, definition of *primary production***

*substitute*

***primary production*** means—

- (a) production resulting directly from—
  - (i) cultivation of land; or
  - (ii) maintaining animals or poultry for their sale, their bodily produce or natural increase; or
  - (iii) fishing operations; or
  - (iv) forest operations; or
  - (v) horticulture; and
- (b) the manufacture of dairy produce by the person who produced the raw material used in the manufacture.



---

## Endnotes

**1 Notification**

Notified under the Legislation Act on 10 September 2007.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

© Australian Capital Territory 2007