

Pollution Control Regulation 1998

under the

Pollution Control Act 1970

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Pollution Control Regulation 1998

Part 1 Preliminary

Introductory note. Provision is made in the *Pollution Control Act 1970* (in section 17A) for a person to apply to the Environment Protection Authority for a licence in respect of any one or more of the following:

- (a) scheduled premises or scheduled equipment within the meaning of the *Clean Air Act 1961*,
- (b) the pollution of waters within the meaning of the *Clean Waters Act 1970*,
- (c) a drain which discharges or is likely to be used for discharging any pollutants into any classified waters within the meaning of the *Clean Waters Act 1970*,
- (d) scheduled premises within the meaning of the *Noise Control Act 1975*.

The *Pollution Control Act 1970* (in sections 17B, 17C and 17G) also provides that the form of application for a licence and the fee to be paid with the application are to be in accordance with the regulations made under the Act. The main purpose of this Regulation is to provide those licensing details, and particularly the means for calculating licence fees.

Before the commencement of this Regulation, licence fees were generally based on the type and scale of the activity in respect of which the license was held. This Regulation introduces a load-based fee structure based on the quantity of or harm caused by emissions from the activity.

This Regulation also contains other provisions delegated to be dealt with in regulations under the *Pollution Control Act 1970*, such as the fees for pollution control approvals, the form of the register of licences, the transfer of licences and the time limit for appeals to the Land and Environment Court against licensing decisions.

1 Name of Regulation

This Regulation is the *Pollution Control Regulation 1998*.

2 Commencement

This Regulation commences on the day that occurs 60 days after the date on which this Regulation is published in the Gazette.

3 Definitions

In this Regulation:

activity means an activity of a kind referred to in Appendix 1.

actual load of an assessable pollutant discharged by a person means the actual load calculated as referred to in clause 12 (2).

agreed load means a load agreed pursuant to a load reduction agreement with the EPA in accordance with Part 4.

air pollutant means a pollutant specified as an air pollutant in the Table to clause 14.

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

EPA means the Environment Protection Authority.

exercise a function includes perform a duty.

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

fee unit—see clause 4.

function includes a power, authority or duty.

load means the mass or quantity of a pollutant.

load-based fee means the fee calculated in accordance with clause 17.

Pollution Control Act means the *Clean Air Act 1961*, the *Clean Waters Act 1970* or the *Noise Control Act 1975*.

Standard Methods means the *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association and as in force from time to time.

water pollutant means a pollutant specified as a water pollutant in the Table to clause 14.

weighted load of an assessable pollutant discharged by a person means the actual load, adjusted, if appropriate, for load weighting measures specified in a load calculation protocol for an activity as referred to in clause 12 (3).

4 Fee units

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

Table

Period during which licence is issued	Administrative fee unit amount	Pollutant fee unit amount
1 July 1998 to 30 June 1999	\$32	\$24
1 July 1999 to 30 June 2000	\$50	\$29
1 July 2000 to 30 June 2001	\$95	\$35

- (3) Despite subclause (2), the pollutant fee unit amount for a special licence within the meaning of clause 8 (6) for any licence period commencing on or after 1 July 1998 is \$40.

5 Notes

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

Part 2 General principles for determining licence fees

6 Initial basis for determining licence fees

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

7 The main elements of licence fees

For all licences, and renewals of licences, there is payable:

- (a) an administrative fee determined according to the activity carried out or proposed to be carried out by the applicant for the licence or renewal and specified in Appendix 1, and
- (b) in respect of a licence relating to an activity listed in Appendix 1 for which one or more assessable pollutants are identified in that Appendix, a load-based fee determined in accordance with clause 17, and
- (c) in respect of the renewal of a licence, any additional fee that may be payable under clause 36 (Penalty for late renewal application).

8 The administrative fee

(1) General

The administrative fee for a licence, or for the renewal of a licence, in relation to an activity is the number of administrative fee units for the activity determined in accordance with this clause and Appendix 1.

(2) Licences relating to more than one activity

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

(3) **Short-term licences**

The administrative fee for a licence, or for the renewal of a licence, for a specified period that is less than one year is the amount obtained by multiplying the administrative fee that would be payable for a full year by the number of months (a part of a month being calculated as a full month) for which the licence is granted and by dividing the product by 12, subject to subclause (4).

- (4) If the amount calculated under subclause (3) is less than two administrative fee units, the administrative fee is two administrative fee units.

(5) **Authority for prescription of fees for short-term licences**

The fee for a licence, or for the renewal of a licence, prescribed by subclauses (3) and (4) is prescribed for the purposes of section 17C (2) of the *Pollution Control Act 1970*.

(6) **Special licences**

The administrative fee for the renewal of a licence:

- (a) that was in force immediately before the commencement of this Regulation, and
- (b) for which the licence fee last payable before that commencement was more than \$500,000,

(called a *special licence* in this subclause and subclauses (7) and (8)) is, for the first, second and third renewals of the special licence after that commencement, to be determined in accordance with subclause (7), despite the other provisions of this clause.

- (7) The administrative fee:

- (a) for the first renewal of a special licence is 80 times the administrative fee for the licence if the licence were not a special licence, and
- (b) for the second renewal of a special licence is 60 times the administrative fee for the licence if the licence were not a special licence, and
- (c) for the third renewal of a special licence is 10 times the administrative fee for the licence if the licence were not a special licence.

- (8) The fee payable for the fourth and any subsequent renewal of a special licence is to be determined in accordance with this Regulation as if the special licence were no longer a special licence.

9 Fees prescribed for the purposes of section 17B (1)

The fee for a licence, or for the renewal of a licence, prescribed by this Regulation (clause 8 (3) and (4) excepted) is prescribed for the purposes of section 17B (1) of the *Pollution Control Act 1970*.

Part 3 Load-based fees

10 Object of this Part

- (1) The object of this Part is to give effect to a Load Based Licensing Scheme to provide continuing incentives that will encourage persons licensed under the *Pollution Control Act 1970* to reduce pollution in a cost effective and timely manner.
- (2) The objects of the Scheme are as follows:
 - to provide incentives to reduce emissions of pollutants based on the polluter pays principle and to apply them within an equitable framework,
 - to give industry incentives for ongoing improvements in environmental performance and the adoption of cleaner technologies,
 - to provide incentives that are complementary to existing regulation and education programs for environment protection.

11 Factors relevant to the determination of load-based fee

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

- 1 calculating the fee for each assessable pollutant, and
- 2 totalling those assessable pollutant fees, and
- 3 subtracting the amount of the correct administrative fee.

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

- (a) the kind of activity (determined in accordance with Appendix 1),
- (b) the kinds of pollutants discharged (the assessable pollutants being those listed in Appendix 1),
- (c) the assessable load of each assessable pollutant discharged (determined in accordance with clause 12),
- (d) the appropriate pollutant weightings (determined in accordance with clause 14),
- (e) the appropriate pollutant critical zone weighting (determined in accordance with clause 15),

- (f) the appropriate fee rate thresholds (determined in accordance with clause 16),
- (g) the terms of any load reduction agreement entered into with the EPA by the applicant (under Part 4).

12 Determining assessable loads of assessable pollutants

(1) Licensee must calculate actual load

A licensee must calculate the actual load for each assessable pollutant discharged under the licensee's licence during the licence period.

(2) Actual load calculated using methods in protocols

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

(3) Issue of load calculation protocols

For the purpose of this Part, the EPA may from time to time issue load calculation protocols. Without limiting the matters that may be dealt with in a protocol, such a protocol may:

- (a) set out the means for calculating actual loads and weighted loads, including by the use of monitoring programs, emission factors and other methods, and
- (b) provide for load weighting measures, such as:
 - (i) ceasing or reducing discharges during particularly unfavourable conditions, and
 - (ii) reusing waste water, and
- (c) provide that the actual load of a licensee may be reduced:
 - (i) if any assessable pollutants are transferred, without being discharged, from the premises of a licensee to the premises of another licensee with the consent of the other licensee, or
 - (ii) if a licensee has received onto the licensee's premises naturally occurring loads of assessable pollutants.

Note. An emission factor is used to estimate the level of emissions generated by an activity. The factor relates the level of emissions expected to be generated relative to another characteristic of the activity, such as user

specified control technologies or techniques or the area of land disturbed. For example, an emission factor for the discharge of phosphorous from a small sewage treatment plant where chemical dosing and tertiary filters are installed might be 1mg for every litre of wastewater treated.

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

13 Preservation of records

- (1) If insufficient information is given to the EPA by a licensee to enable the EPA to determine or confirm the amount of a load-based fee within 60 days after the final date for payment of the fee, the EPA may determine the fee having regard to such information, if any, as is available to it. The fee so determined by the EPA is taken to be the load-based fee.
- (2) A licensee must retain all records used to calculate the amount of a licence fee for a period of not less than 7 years from the date on which the fee was paid or payable, whichever is the later.

Maximum penalty: \$10,000 in the case of an individual or \$20,000 in the case of a corporation.

- (3) A penalty may be recovered under subclause (2) from a licensee in addition to a load-based fee.

14 Pollutant weightings

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

Table

Air pollutants		
Pollutant	Definition	Pollutant weighting
Undifferentiated particulates	All solid particles entrained in air	32
Fine particulates	The fraction of undifferentiated particulates (as defined in this Table) with an aerodynamic diameter smaller than 10 micrometres	63
Coarse particulates	All undifferentiated particulates but not including fine particulates as defined in this Table	13
Fluorides	Fluorine, hydrogen fluoride and all other inorganic fluoride compounds expressed as hydrogen fluoride equivalent	58
Sulfur oxides	Sulfur dioxide and (where specified in the load calculation protocol for the activity or in the pollution control licence for the premises) sulfur trioxide and sulfuric acid mist	1.5

Table—continued

Air pollutants

Pollutant	Definition	Pollutant weighting
Nitrogen oxides	The sum of nitrogen oxide and nitrogen dioxide expressed as nitrogen dioxide equivalent	13
Hydrogen sulfide	Hydrogen sulfide	150
Mercury	Elemental mercury and mercury contained in compounds	49,000
Arsenic	Elemental arsenic and arsenic contained in compounds	29,000
Lead	Elemental lead and lead contained in compounds	9,700
Benzene	Benzene	710
Benzo[a]pyrene (equivalent)	Benzo[a]pyrene plus 0.1 times the mass of benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene and ideno[1,2,3-c,d]pyrene plus 0.4 times the mass of dibenz[a,h]anthracene	20,000
VOCs	Volatile compounds of hydrogen and carbon that may or may not contain other elements but not including methane or benzene	12

Table**Water pollutants**

Pollutant	Definition	Pollutant weighting	
		Open coastal waters	Enclosed waters
Salt	Total dissolved solids calculated using the conductivity method prescribed in the Standard Methods, or total salt calculated using a method provided in a load calculation protocol for the industry published by the EPA	0	18
Total suspended solids	Non-filterable solids calculated using the method prescribed in the Standard Methods	9.5	78
BOD ₅	Biochemical oxygen demand calculated using the method prescribed in the Standard Methods	0	1
Oil and grease	Oil and grease calculated using the method prescribed in the Standard Methods	13	58
Total nitrogen	Total nitrogen calculated using the method prescribed in the Standard Methods	6	23
Total phosphorous	Total phosphorous calculated using the method prescribed in the Standard Methods	0	680
Arsenic	Elemental arsenic and arsenic contained in compounds	150	150

Table—continued

Water pollutants			
Pollutant	Definition	Pollutant weighting	
		Open coastal waters	Enclosed waters
Total phenolics	Total phenolic compounds calculated using the method prescribed in the Standard Methods	1,100	1,100
Pesticides and PCBs	The sum of aldrin, chlordane, DDE, DDT, deildrin, endosulphan (a.b), heptachlor, lindane, PCBs, chlorpyrifos, diazinon, malathion and parathion	930,000	930,000
Total PAHs	The total polyaromatic hydrocarbons	3,800	3,800
Cadmium	Elemental cadmium and cadmium contained in compounds	2,700	2,700
Mercury	Elemental mercury and mercury contained in compounds	78,000	78,000
Lead	Elemental lead and lead contained in compounds	770	770
Zinc	Elemental zinc and zinc contained in compounds	7	7
Selenium	Elemental selenium and selenium contained in compounds	185	2,600
Chromium	All trivalent chromium plus ten times hexavalent chromium, whether present in elemental form or contained in compounds	840	4,200
Copper	Elemental copper and copper contained in compounds	120	120

- (2) In this clause:

enclosed waters means all waters other than open coastal waters.

open coastal waters means all waters of the Pacific Ocean, except for those waters enclosed by a straight line drawn between the low water marks of consecutive headlands.

15 Pollutant critical zone weightings

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

Table

Critical zones for air pollutants

Pollutant	Local government areas in zone	Weighting
Nitrogen oxides and VOCs	Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany, Burwood, Camden, Campbelltown, Canterbury, Concord, Drummoyne, Fairfield, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kiama, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Shellharbour, South Sydney, Strathfield, Sutherland Shire, Sydney, Warringah, Waverley, Willoughby, Wollondilly, Wollongong, Woollahra.	3

Critical zones for water pollutants

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

- (2) The pollutant critical zone weighting for all pollutants other than those given a weighting by the Table is 1.
- (3) The catchments referred to in the Table are the catchments as shown on the maps marked “Catchments of NSW displayed for the purpose of Load Based Licensing” deposited in the office of the EPA.

16 Calculation of fee rate thresholds for assessable pollutants

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

Step 1

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

Step 2

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

Step 3

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

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

17 Calculation of the load-based fee

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

Step 1

Determine the classification or classifications of the activity.

Note. Refer to the activity classifications in Appendix 1.

Step 2

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

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

Step 3

Determine the assessable load of each assessable pollutant. The assessable load is the least of the actual load or the weighted load (determined in accordance with clause 12) or the agreed load (determined in accordance with Part 4).

Step 4

Calculate the fee rate thresholds for each assessable pollutant.

Note. The method for calculating the fee rate thresholds is set out in clause 16.

Step 5

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

Formula 1

Fee (if the assessable load is greater than the fee rate threshold) =
 $(2AL - FRT) \times PFU \times PW \times CZ$

Formula 2

Fee (in all other cases) = $AL \times PFU \times PW \times CZ$

where

- AL = assessable load of the assessable pollutant discharged, expressed in kilograms (*see* Step 3 above),
- CZ = pollutant critical zone weighting for the assessable pollutant,
- FRT = the applicable fee rate threshold, expressed in kilograms (*see* Step 4 above),
- PFU = the amount equal to one pollutant fee unit specified in clause 4 for the assessable pollutant,
- PW = pollutant weighting for the assessable pollutant.

Step 6

Total the fees for each assessable pollutant.

Step 7

Divide the total calculated in Step 6 by 10,000.

Note. This step rescales the total calculated in Step 6.

Step 8

Subtract the amount of the administrative fee (excluding the amount of any increase in the administrative fee in accordance with clause 26).

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

18 Refunds—errors in calculations

- (1) A person who, in payment of a load-based fee, pays, because of an error in calculation, an amount that is greater than the load-based fee by more than 2 administrative fee units is entitled to a refund of so much of the amount overpaid as is greater than 2 administrative fee units.
- (2) An application for a refund must be made within 1 year after the date by which the load-based fee was due to be paid.

Part 4 Load reduction agreements and rebates

19 Load reduction agreements and rebates

- (1) A licensee or an applicant for a licence may, for the purpose of obtaining a rebate of the load-based fee payable by the licensee or applicant, apply to the EPA to enter into a load reduction agreement with it.
- (2) The provisions of a load reduction agreement may be amended by consent between the person who has entered into the agreement (or, in the case of a licence that is transferred, the transferee) and the EPA.
- (3) The maximum term of a load reduction agreement is 5 years.

20 Determination of application

- (1) The EPA may enter into or decline to enter into a load reduction agreement.
- (2) Without limiting the circumstances in which the EPA may decline to enter into a load reduction agreement, it may do so if:
 - (a) the agreement is unlikely to reduce the load of at least one assessable pollutant discharged by 10% or more in the last licence period to which the agreement relates, or
 - (b) the agreement is unlikely to produce a rebate of \$2,000 or more in at least one licence period to which the agreement relates, or
 - (c) the licensee proposes to reduce its discharge at the end of the agreement only because the licensee proposes to close or reduce the scale of operations being conducted at that time.

21 Calculation of rebate

- (1) The rebates that may be granted are as specified in the Table to this clause, where:

ALG means the agreed load goal, and

CL means the current load of the assessable pollutant, and is the lesser of:

- (a) the most recent actual load or weighted load reported to the EPA in fee calculations, and
 - (b) the amount determined by the EPA as the current load if:
 - (i) no actual load has been reported to the EPA in fee calculations, or
 - (ii) the EPA is of the opinion that the actual load is not representative of the normal discharge of the assessable pollutant from the activity concerned.
- (2) The rebate in relation to a licence period is the difference between the amount payable under the load reduction agreement in respect of an assessable pollutant and the amount that would have been payable for that licence period, but for the agreement.
- (3) If, at the end of the agreement, a licensee has closed its operations or has otherwise ceased to operate, the licensee:
- (a) is taken to have failed to meet the agreed load goal, and
 - (b) must pay to the EPA all amounts rebated under the agreement and interest on each amount calculated weekly at the rate of 24% per annum from the date on which the amount was rebated.

Table

Number of years of the agreement	Agreed load for assessable pollutant (see clause 12 (6))
1	ALG
2	$(ALG + CL) / 2$
3	$(ALG + (2 \times CL)) / 3$
4	$(ALG + (3 \times CL)) / 4$
5	$(ALG + (4 \times CL)) / 5$

22 Effect of failure to comply with load reduction agreement

- (1) If a licensee who has entered into a load reduction agreement does not comply with the agreement, the licensee must repay to the EPA:
- (a) the amount of the rebate, and

- (b) interest on that amount from the date on which the licence fee from which the rebate was granted was payable until the date of repayment calculated weekly at the rate of 24% per annum.
- (2) If:
 - (a) the agreement applies to more than one assessable pollutant, and
 - (b) the licensee fails to achieve one or more of the agreed load goals for those assessable pollutants, and
 - (c) the licensee was able to reduce pollutant loads so that the load-based fee payable for the licensee's activity is equal to or less than the fee that would have been payable if the agreement had been complied with,

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

Part 5 Payment of fees and penalties

Division 1 Activities listed in Appendix 1 for which assessable pollutants are identified

23 Payment of fee by two instalments

The fee for a licence, or for the renewal of a licence, prescribed by this Regulation for an activity listed in Appendix 1 and for which one or more assessable pollutants are identified in that Appendix is payable in two instalments in accordance with this Part.

24 Administrative fee—first instalment

The first instalment is to comprise the administrative fee for the activity together with any penalty under clause 36.

25 Time for payment of administrative fee

The first instalment must be paid:

- (a) in the case of an application for a licence—at the time the application is made, and
- (b) in the case of the renewal of a licence:
 - (i) not later than 60 days after the renewal of the licence, except as provided by subparagraph (ii), and
 - (ii) in the case of the renewal of a special licence within the meaning of clause 8 (6), not later than 30 days before the date on which the special licence would expire if not renewed.

26 Penalty for late payment of administrative fee

- (1) If the administrative fee is not paid by the date by which the first instalment was due determined under clause 25, the administrative fee is to be increased by a penalty equal to:
 - (a) 50% of the administrative fee if payment of the administrative fee is not more than 20 days late, or
 - (b) 100% of the administrative fee if payment of the administrative fee is more than 20 days late.

- (2) If an amount that is less than the administrative fee is paid by the date by which the first instalment was due determined under clause 25, the administrative fee is to be increased by a penalty equal to the relevant percentage under subclause (1) of the amount by which the administrative fee was underpaid.

27 Load-based fee—second instalment

The second instalment is to comprise the load-based fee for the activity calculated for the licence period.

28 Time for payment of load-based fee

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

29 Penalty for late payment of load-based fee

- (1) If the load-based fee is not paid by the due date determined under clause 28, interest calculated weekly at the rate of 24% per annum is payable on the amount of the fee for each whole week that elapses after the due date and before the date of payment.
- (2) If an amount that is less than the load-based fee is paid by the due date determined under clause 28, interest calculated weekly at the rate of 24% per annum is payable on the amount of the fee underpaid for each whole week that elapses after the due date and before the date of payment.

Division 2 Activities listed in Appendix 1 for which no assessable pollutants are identified

30 Time for payment of fee

- (1) The fee for a licence, or for the renewal of a licence, prescribed by this Regulation for an activity listed in Appendix 1 and for which no assessable pollutants are identified in that Appendix (being the administrative fee for the activity) must be paid:
 - (a) in the case of an application for a licence—at the time the application is made, and
 - (b) in the case of the renewal of a licence—not later than 60 days after the renewal of the licence.

- (2) Clauses 24, 25 and 26 apply to the payment of the administrative fee for an activity to which this Division applies in the same way as those clauses apply to the payment of a first instalment and the administrative fee for an activity to which Division 1 applies.

Division 3 Change in activity classification or scale during licence period

31 Application of this Division

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

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

32 Licensee to give notice of change in classification or scale

The licensee must notify the EPA in writing of the change in the classification or scale of the activity not later than 30 days after the change occurs.

Maximum penalty: \$10,000 in the case of an individual or \$20,000 in the case of a corporation.

33 Adjustment of administrative fee

- (1) The administrative fee for the licence is (if necessary) to be adjusted proportionately according to the parts of the licence period occurring before and after the change in the classification or scale of the activity.
- (2) No adjustment is to be made unless the resultant administrative fee is greater or less by at least two administrative fee units than the fee before adjustment.
- (3) Any additional amount is to be paid by the licensee to the EPA not later than 60 days after the change occurs.
- (4) Any reduction in the amount that is in excess of two administrative fee units is to be offset against any amount owed by the licensee to the EPA or otherwise refunded to the licensee by the EPA.

- (5) If the additional amount is not paid within 60 days after the change occurs, the additional amount is to be increased by a penalty equal to:
 - (a) 50% of the additional amount if payment of the additional amount is not more than 20 days late, or
 - (b) 100% of the additional amount if payment of the additional amount is more than 20 days late.

34 Adjustment of load-based fee

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

Division 4 Renewal of licences

35 Time within which application for renewal of licence is to be made

- (1) An application for the renewal of a licence is to be made within the time ending 1 day before the date on which the licence, if not renewed, would expire.

Note. Applications that are made less than 30 days before the date on which the licence would expire if not renewed are subject to a penalty under clause 36.

- (2) The time prescribed by this clause is prescribed for the purposes of section 17B (2) of the *Pollution Control Act 1970*.

36 Penalty for late renewal application

In addition to any fee payable under this Regulation, an applicant for the renewal of a licence is to pay a penalty of:

- (a) 50% of the administrative fee for the licence, if the application is made 20 days or more, but less than 30 days, before the date on which the licence would expire if not renewed, or
- (b) 100% of the administrative fee for the licence, if the application is made less than 20 days before the date on which the licence would expire if not renewed.

Note. The penalty imposed by this clause is to be paid in addition to the administrative fee and is due at the time the first instalment is due under clause 25.

Part 6 Review

37 Constitution of Review Panel

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

38 Members of Review Panel

- (1) The Review Panel is to have 6 members appointed by the Minister.
- (2) Of the members:
 - (a) 2 are to be employees of the EPA nominated by the Director-General of the EPA, and
 - (b) 4 are to be persons having appropriate scientific or technical qualifications or experience:
 - (i) 2 of whom are to be representatives of industry, and
 - (ii) one of whom is to be a representative of environment groups, and
 - (iii) one of whom is to be a representative of the Director-General of the EPA, who is nominated by that Director-General and who is not an employee of the EPA or a representative of industry or environment groups.

39 Functions of Review Panel

- (1) The Review Panel is to advise the EPA concerning the current or desirable contents of load calculation protocols.
- (2) For this purpose, the Review Panel may seek and consider submissions from interested persons and may gather relevant information from any source.

40 Membership and procedure of Review Panel

Appendix 2 has effect.

Part 7 Pollution control approvals

41 Fees

- (1) The fee that is to accompany an application to the EPA for a pollution control approval is the amount calculated in accordance with Column 2 of the following Table based on the cost of the development, as estimated by the EPA, shown opposite in Column 1.

Table

Column 1	Column 2
Cost of development	Fee
(a) Not exceeding \$400,000	\$200, plus \$15 for each whole \$10,000
(b) Exceeding \$400,000 but not exceeding \$2m	\$800, plus \$75 for each whole \$100,000 over \$400,000
(c) Exceeding \$2m but not exceeding \$10m	\$2,000, plus \$250 for each whole \$500,000 over \$2m
(d) Exceeding \$10m but not exceeding \$50m	\$6,000, plus \$300 for each whole \$1m over \$10m
(e) Exceeding \$50m but not exceeding \$200m	\$18,000, plus \$1,800 for each whole \$10m over \$50m
(f) Exceeding \$200m	\$45,000

- (2) For the purposes of this clause, **cost**, in relation to an application for a pollution control approval, means the cost of all works covered by the application and includes:
- (a) the cost of the site preparation, and
 - (b) the cost of all plant and equipment installed on the site, and
 - (c) the cost of installation of that plant and equipment, and
 - (d) the cost of any building if that building contributes substantially to the control of pollution,
- but does not include the cost of land.
- (3) The fee for a pollution control approval prescribed by this clause is prescribed for the purposes of section 17J (1) of the *Pollution Control Act 1970*.

Part 8 Miscellaneous

42 Application of payments

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

43 Form of applications

An application for any of the following is to be in a form determined by the EPA:

- (a) a licence,
- (b) the renewal of a licence,
- (c) the transfer of a licence,
- (d) a load reduction agreement,
- (e) a certificate required by this Regulation,
- (f) an approval by the EPA of a person to give a certificate for the purposes of a condition under section 17H or 17L of the *Pollution Control Act 1970*,
- (g) a notification of change in the classification or scale of an activity,
- (h) a pollution control approval.

44 Register of licences

- (1) The EPA is to keep a register of licences containing, in respect of each licence, details of the following:
 - (a) the licence number,
 - (b) the period for which a licence is in force,
 - (c) the name and address of the person in whose name the licence is issued,
 - (d) the location of the activity in respect of which the licence is issued,
 - (e) if the licence is issued in respect of premises that are scheduled under the *Clean Air Act 1961*, or the *Noise Control Act 1975*, the class of the premises under either or both Acts,
 - (f) the licence fee paid or payable in respect of the licence,

- (g) the conditions (if any) applicable from time to time in respect of the licence,
 - (h) any renewal, transfer, suspension, revocation or variation relating to the licence,
 - (i) the pollution loads of each assessable pollutant certified for each licence period by the licensee.
- (2) The EPA may keep the register in electronic form.

45 Transfer of licences

- (1) A fee of two administrative fee units is to accompany an application to the EPA for the transfer of a licence.
- (2) The fee prescribed by this clause is prescribed for the purposes of section 17B (1) of the *Pollution Control Act 1970*.

46 Time limit for appeals to Court

The prescribed period for the purposes of section 17M (1) of the *Pollution Control Act 1970* within which a person may appeal to the Court is 21 days.

47 Transitional arrangements

- (1) An application for a licence made before the date of publication of this Regulation in the Gazette is to be dealt with and determined in accordance with the law as in force at that date.
- (2) An application for a licence made on or after the date of publication of this Regulation in the Gazette is to be dealt with and determined as if this Regulation commenced on that date.
- (3) An application for the renewal of a licence made before the date of commencement of this Regulation is to be dealt with and determined in accordance with the law as in force immediately before that commencement.

48 Repeal

- (1) The *Pollution Control Regulation 1985* is repealed.
- (2) Any act, matter or thing that was done for the purposes of, or immediately before that repeal had effect under, that Regulation is taken to have been done for the purposes of, or to have effect under, this Regulation.

Appendix 1 Activities and assessable pollutants

Abbreviations used in this Appendix

Gwh	gigawatts per hour
ha	hectares
km	kilometre
kg	kilogram
m	metres
m ³	cubic metres
ML	mega litres
MT	megatonne
T	tonne
kT	kilotonne

INDEX OF CLASSIFICATION OF ACTIVITIES

AGRICULTURAL PRODUCE INDUSTRIES

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

AIRCRAFT FACILITIES

- 4 Aircraft (helicopter) facilities

AQUACULTURE OR MARICULTURE

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

BIOSOLIDS APPLICATION

- 7 Beneficial Application of Biosolids

BITUMEN PRE-MIX OR HOT-MIX INDUSTRIES

- 8 Bitumen Pre-Mix or Hot-Mix Production

BREWERIES AND DISTILLERIES

- 9 Beer or Distilled Alcohol Production

CEMENT WORKS

- 10 Cement or Quicklime Production
- 11 Cement or Quicklime Handling

CERAMIC WORKS

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

CHEMICAL INDUSTRIES OR WORKS

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

CHEMICAL STORAGE FACILITIES

- 25 Chemical Storage

COAL MINES

- 26 Coal Mining

COAL WORKS

- 27 Coke Production
- 28 Coal Loading

COMPOSTING WORKS

- 29 Composting and Related Reprocessing or Treatment

CONCRETE PRODUCTION

- 30 Concrete Batching

CONTAMINATED SOIL TREATMENT

- 31 Contaminated Soil Treatment

CRUSHING, GRINDING OR SEPARATING WORKS

- 32 Crushing, Grinding or Separating Works

DRUM OR CONTAINER RECONDITIONING

- 33 Drum or Container Reconditioning

ELECTRICITY GENERATION

- 34 Electricity Generation

EXTRACTIVE INDUSTRIES

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

FREEWAY OR TOLLWAY CONSTRUCTION

- 38 Freeway or Tollway Construction

IRRIGATED AGRICULTURE

- 39 Irrigated Agriculture

LIVESTOCK INTENSIVE INDUSTRIES

- 40 Dairying
- 41 Feedlot Production
- 42 Pig Production
- 43 Poultry Production
- 44 Sale Yards

LIVESTOCK PROCESSING INDUSTRIES

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

LOGGING OPERATIONS

- 51 Logging Operations

MARINAS AND BOAT REPAIR FACILITIES

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

MINERAL PROCESSING OR METALLURGICAL WORKS

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

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

MINING (EXCLUDING COAL)

- 64 Mining (Other Than Coal)

PAPER, PAPER PULP OR PULP PRODUCTS INDUSTRIES

- 65 Paper Production using Recycled Materials
- 66 Other Paper Production

PETROLEUM WORKS

- 67 Petroleum Refining
- 68 Waste Oil Recovery

RAILWAY SYSTEMS

- 69 Railway Activities

SEWAGE TREATMENT SYSTEMS

- 70 Sewage Treatment

SHIPPING FACILITIES (BULK)

- 71 Bulk Cargo Handling

WASTE FACILITIES

- 72 Biomedical Waste Incineration
- 73 Municipal Solid Waste Incineration

WOOD WORKS

- 74 Wood or Timber Milling (Using Burners)
- 75 Wood or Timber Milling (Not Using Burners)
- 76 Wood Preservation

MISCELLANEOUS WATER ACTIVITIES

- 77 Miscellaneous Licensed Discharge to Waters (wet weather only)
- 78 Miscellaneous Licensed Discharge to Waters (at any time)

OTHER ACTIVITIES NOT LISTED ELSEWHERE

- 79 Other Activities

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

AGRICULTURAL PRODUCE INDUSTRIES

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

Units of measure - (ML)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–30.....	5
>30–100	20
>100	70

Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Process per Annum	Number of Administrative Fee units
0–10.....	20
>10–30	70
>30	200

Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Process per Annum	Number of Administrative Fee units
0–5	5
>5–10.....	20
>10–100	70
>100	200

Assessable pollutants and fee rate threshold factors

nil

AIRCRAFT FACILITIES

- A 4. **Aircraft (Helicopter) Storage**, being activities for the landing, taking off or parking of helicopters (other than such activities conducted exclusively for emergency aeromedical evacuation, retrieval or rescue) including the use of terminals, buildings for the parking, servicing or maintenance of helicopters and where the activity:

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

Units of measure - (number of flights)**Licence administrative fee**

Flight Movement Capacity per Annum	Number of Administrative Fee units
0–1,500	5
>1,500–5,000	20
>5,000.....	70

Assessable pollutants and fee rate threshold factors

nil

AQUACULTURE OR MARICULTURE

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

Units of measure - (ha)Licence administrative fee

Surface area of waters used	Number of Administrative Fee units
0–10.....	20
>10.....	70

Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (ha)Licence administrative fee

	Number of Administrative Fee units
all.....	20

Assessable pollutants and fee rate threshold factors

nil

BIOSOLIDS APPLICATION

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

Units of measure - (T)**Licence administrative fee**

Dry tons equivalent to be applied per Annum	Number of Administrative Fee units
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0–500.....	5
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>500–3,000.....	20
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>3,000.....	70
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Assessable pollutants and fee rate threshold factors

nil

BITUMEN PRE-MIX OR HOT-MIX INDUSTRIES

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
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0–30.....	20
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>30–100	70
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>100	200
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Assessable pollutants and fee rate threshold factors

nil

BREWERIES AND DISTILLERIES

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–10.....	5
>10–20	70
>20	200

Assessable pollutants and fee rate threshold factors

nil

CEMENT WORKS

- A 10. **Cement or Quicklime Production**, being activities that produce cement clinker or quicklime by burning, sintering or heating (until molten) argillaceous or calcareous materials.

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–30.....	5
>30–100	100
>100–500.....	250
>500	625

Assessable pollutants and fee rate threshold factors

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

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

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Handle per Annum	Number of Administrative Fee units
0–30.....	5
>30–100	10
>100–500.....	35
>500–2,000.....	100
>2,000.....	250

Assessable pollutants and fee rate threshold factors

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

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

CERAMIC WORKS

A 12. **Glass Production**, being activities that produce glass by melting.

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–30.....	35
>30–100	100
>100	250

Assessable pollutants and fee rate threshold factors

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

(a) Production of Container Glass

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

(b) Production of Float Glass

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

(c) Production of Other Glass

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

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–30.....	10
>30–50.....	35
>50–200	100
>200	250

Assessable pollutants and fee rate threshold factors

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

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

CHEMICAL INDUSTRIES OR WORKS

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–50.....	35
>50–100	100
>100	250

Assessable pollutants and fee rate threshold factors

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

(a) Production of Ammonium Nitrate

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

(b) Production of Normal Superphosphate

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

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

Units of measure - (T)**Licence administrative fee**

Total of Capacity to Produce and Reprocess per Annum	Number of Administrative Fee units
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0–500	20
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>500–1,500	70
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>1,500	200
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Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
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0–2	20
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>2–10	70
-------------	----

>10	200
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Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
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0–5	35
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>5–15	100
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>15	250
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Assessable pollutants and fee rate threshold factors

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

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzene.....	0.27	nil	
Fine particulates....	5.0		
Nitrogen oxides.....	3		
VOCs.....	8.73		

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–10.....	35
10–30.....	100
>30–100.....	250
>100.....	625

Assessable pollutants and fee rate threshold factors

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

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

- A 19. **Pesticides Production**, being activities that produce pesticides being production of more than 2000 tonnes (other than by simple blending) of any pesticide (including fungicides, herbicides, rodenticides, nematocides, miticides, fumigants or related products) or any quantity of a pesticide containing a substance classified as poisonous in the Australian Code for the Transport of Dangerous Goods by Road or Rail.

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–2	20
>2–10.....	70
>10–30.....	200
>30	500

Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–2	20
>2–5	70
>5.....	200

Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce or Reprocess per Annum	Number of Administrative Fee units
0–2	35
>2–10.....	100
>10.....	250

Assessable pollutants and fee rate threshold factors

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

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

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–2	20
>2–5	70
>5.....	200

Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–2.5.....	20
>2.5–5.....	70
>5–10.....	200
>10.....	500

Assessable pollutants and fee rate threshold factors

nil

A 24. **Other Chemical Processing**, being activities that process chemicals (being chemicals classified in the Australian Code for the Transport of Dangerous Goods by Road or Rail) being activities not otherwise included in classifications 13–22 and which:

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

Units of measure - (T)

Licence administrative fee

Capacity to Produce per Annum	Number of Administrative Fee units
0–10,000.....	20
>10,000–25,000.....	70
>25,000.....	200

Assessable pollutants and fee rate threshold factors

nil

CHEMICAL STORAGE FACILITIES

A 25. **Chemical Storage**, being activities that store chemical substances (being chemicals classified in the Australian Code for the Transport of Dangerous Goods by Road or Rail), in containers, bulk storage facilities, stockpiles or dumps, but not including such activities which are ancillary to an activity included in another classification in this Appendix.

Units of measure - (kT)**Licence administrative fee**

Capacity to Store	Number of Administrative Fee units
0–5	10
>5–100	35
>100	100

Assessable pollutants and fee rate threshold factors

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

(a) Fuel Terminal

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
VOCs.....	2180	nil	

(b) Other Chemical Storage

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

COAL MINES

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Obtain per annum	Number of Administrative Fee units
0–100	35
>100–500	100
>500–2,000	250
>2,000	625

Assessable pollutants and fee rate threshold factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to obtain more than 500T per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Undifferentiated particulates.....	1.0	Salt.....	2.5
		Suspended solids.	0.12

COAL WORKS

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–100.....	100
>100	250

Assessable pollutants and fee rate threshold factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 500T per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzene.....	0.072	Oil and grease	0.011
Benzo(a)pyrene (equivalent).....	0.00073	Suspended solids.	0.13
Coarse particulates.	0.45	Total PAHs.....	0.000032
Fine particulates	0.45	Total phenolics....	0.000032
Hydrogen sulfide...	0.002		
Nitrogen oxides.....	0.03		
Sulfur oxides	0.4		
VOCs.....	0.83		

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

Units of measure - (MT)**Licence administrative fee**

Capacity to Load per day	Number of Administrative Fee units
0–2	100
>2–5	250
>5.....	625

Assessable pollutants and fee rate threshold factors

The following assessable pollutants are only identified for this classification if the activity has the capacity to load more than 0.2MT per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Undifferentiated particulates.....	0.05	Suspended solids.	0.12

COMPOSTING WORKS

- A 29. **Composting and Related Reprocessing or Treatment**, being activities that produce mushroom growing substrate mainly from organic waste, or mulch or ferment organic waste from organic waste.

Units of measure - (T)**Licence administrative fee**

Capacity to Receive Waste per annum	Number of Administrative Fee units
0–50,000.....	5
>50,000–100,000	20
>100,000	70

Assessable pollutants and fee rate threshold factors

nil

CONCRETE PRODUCTION

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per annum	Number of Administrative Fee units
0–10.....	5
>10–50.....	20
>50–100.....	70
>100.....	200

Assessable pollutants and fee rate threshold factors

nil

CONTAMINATED SOIL TREATMENT

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

- (a) treat by way of incineration more than 1,000 cubic metres per annum of contaminated soil, or
- (b) treat otherwise than by incineration or store more than 30,000 cubic metres of contaminated soil, or
- (c) disturb more than an aggregate surface area of 3 hectares of contaminated soil, or
- (d) handle more than 1,000 cubic metres per annum of contaminated soil not originating from the site at which the activity is conducted.

For the purposes of this classification:

- (a) “contaminated soil” means soil that contains a concentration of chemical substances (including substances listed in the Australian Code for the Transport of Dangerous Goods by Road or Rail) that are likely to pose an immediate or long term hazard to human health or the environment, and
- (b) Soil is a hazard if it is:
 - (i) unsafe or unfit for habitation or occupation by people or animals, or
 - (ii) degraded in its capacity to support plant life, or
 - (iii) otherwise environmentally degraded.

Units of measure - (T)**Licence administrative fee****Number of Administrative Fee units**

all 70

Assessable pollutants and fee rate threshold factors

nil

CRUSHING, GRINDING OR SEPARATING WORKS

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

Units of measure - (kT)**Licence administrative fee****Capacity to Process per annum****Number of Administrative Fee units**

0–30 5

>30–100 20

>100–500 70

>500–2,000 200

>2,000 500

Assessable pollutants and fee rate threshold factors

nil

DRUM OR CONTAINER RECONDITIONING

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

Licence administrative fee**Number of Administrative Fee units**

all 70

Assessable pollutants and fee rate threshold factors

nil

ELECTRICITY GENERATION

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

Units of measure - (GWh)**Licence administrative fee****Capacity to generate per annum****Number of Administrative Fee units**

0–450 35

>450–1,000 100

>1,000–5,000 250

>5,000 625

Assessable pollutants and fee rate threshold factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to generate more than 250 GWh per annum. The air pollutants Benzo(a)pyrene, Coarse particulates, Fluoride and water pollutants Selenium and Suspended Solids are not identified for generation of electrical power from gas.

(a) Generation of electrical power from coal or gas

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Benzo(a)pyrene (equivalent)	0.0036	Oil and grease	0.06
Coarse particulates.	80.0	Salt	3.6
Fine particulates	54.0	Selenium	0.14
Fluoride	14.0	Suspended solids.	0.18
Nitrogen oxides	2700		
Sulfur oxides	5300		

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

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

EXTRACTIVE INDUSTRIES

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

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

Units of measure - (m³)**Licence administrative fee**

Total Capacity to Obtain or Move per Annum	Number of Administrative Fee units
0–30,000.....	70
>30,000–100,000	200
>100,000	500

Assessable pollutants and fee rate threshold factors

nil

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

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Obtain per Annum	Number of Administrative Fee units
0–50.....	10
>50–100	35
>100–500.....	100
>500–2,000	250

Assessable pollutants and fee rate threshold factors

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

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Undifferentiated particulates.....	1.0	Suspended solids	0.05

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Obtain per Annum	Number of Administrative Fee units
0–50.....	20
>50–100	70
>100–500.....	200
>500	500

Assessable pollutants and fee rate threshold factors

nil

FREEWAY OR TOLLWAY CONSTRUCTION

- A 38. **Freeway or Tollway Construction**, being activities for the construction of new, re-routed or additional carriageways, that as a result will have:
- physically separated carriageways for traffic moving in different directions, and

- (b) at least 4 lanes (other than lanes used for entry and exit), and
 (c) no access for traffic between interchanges,

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

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

Units of measure - (km)

Licence administrative fee

Design Length of Freeway or Tollway to be Constructed, Re-routed or added to	Number of Administrative Fee units
0–10.....	70
>10–30.....	200
>30	500

Assessable pollutants and fee rate threshold factors

nil

IRRIGATED AGRICULTURE

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

Units of measure - (ha)

Licence administrative fee

Total area of Existing Area of Operations of Irrigation Corporation	Number of Administrative Fee units
0–10,000.....	20
>10,000–100,000	70
>100,000	200

Assessable pollutants and fee rate threshold factors

nil

LIVESTOCK INTENSIVE INDUSTRIES
A 40. Dairying, being activities that produce milk by milking.

For the purpose of calculating live weight capacity for this classification a licensee may use actual live weight or estimate live weight on the basis that, 1 tonne live weight equals 1.5 milking cows, or 13 other dairy animals.

Units of measure - (T)Licence administrative fee

Dairy Animals Live Weight Capacity to Accommodate	Number of Administrative Fee units
0–500	5
>500–1,000	20
>1,000	70

Assessable pollutants and fee rate threshold factors

nil

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

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

Units of measure - (T)Licence administrative fee

Live Weight Capacity to Accommodate in Feedlot	Number of Administrative Fee units
0–500	5
>500–2,500	20
>2,500–25,000	70
>25,000–45,000	200
>45,000	500

Assessable pollutants and fee rate threshold factors

nil

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

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

Units of measure - (T)

Licence administrative fee

Pig Live Weight Capacity to Accommodate	Number of Administrative Fee units
0-45.....	5
>45-100	20
>100-200.....	70
>200-500.....	200
>500	500

Assessable pollutants and fee rate threshold factors

nil

- A 43. **Poultry Production**, being activities that produce poultry birds (such as chickens, domestic fowls, turkeys, ducks, geese, game birds or emus), whether as meat birds, layers or breeders, and whether as free range or shedded birds, or activities that produce poultry eggs.

For the purpose of calculating live weight capacity for this classification a licensee may use actual live weight or estimate live weight on the basis that, 1 tonne equals 555 layer chickens, or 1100 broiler chickens, 17 emus, 310 ducks, 165 geese, or 110 turkeys.

Units of measure - (T)

Licence administrative fee

Poultry Live Weight Capacity to Accommodate	Number of Administrative Fee units
0-375.....	5
>375-1,000.....	20
>1,000.....	70

Assessable pollutants and fee rate threshold factors

nil

- A 44. **Sale Yards**, being activities that accommodate animals such as cattle, sheep, pigs, horses or goats for the purposes of their sale, auction or exchange.

For the purpose of calculating live weight capacity for this classification a licensee may use actual live weight or estimate live weight on the basis that, 1 tonne equals 2 cattle, 13 goats, 22 sheep, 2 horses, 5 deer, 17 emus, 13 kangaroos, 5 breeding sows, 17 porker or finisher pigs, or 11 bacon pigs.

Units of measure - (T)

Licence administrative fee

Live Weight Capacity to Accommodate	Number of Administrative Fee units
0–25,000.....	5
>25,000–50,000.....	20
>50,000.....	70

Assessable pollutants and fee rate threshold factors

nil

LIVESTOCK PROCESSING INDUSTRIES

- A 45. **Animal Slaughtering**, being activities that slaughter animals and process slaughtered material.

Units of measure - (T)

Licence administrative fee

Live Weight Capacity to Process per Annum	Number of Administrative Fee units
0–600.....	5
>600–6,000.....	10
>6,000–60,000.....	35
>60,000.....	100

Assessable pollutants and fee rate threshold factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to process more than 600T per annum. Air pollutants are only identified for this classification if the activity is located within any of the local government areas listed in column 2 of the table Critical zones for air pollutants in clause 14.

Pollution Control Regulation 1998

Appendix 1 Activities and assessable pollutants

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.047	BOD.....	0.24
Fine particulates	0.047	Oil and grease....	0.13
Nitrogen oxides.....	4.015	Salt.....	12.5
		Suspended solids.	0.31
		Total nitrogen	0.91
		Total phosphorus.	0.4

- A 46. **Fish Processing**, being activities that process fish to produce canned fish products or recover fish oil.

Units of measure - (T)

Licence administrative fee

Capacity to Process per Annum	Number of Administrative Fee units
0–600.....	5
>600–6,000.....	10
>6,000–60,000.....	35
>60,000	100

Assessable pollutants and fee rate threshold factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to process more than 200T per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.047	BOD.....	0.24
Fine particulates	0.047	Oil and grease....	0.13
Nitrogen oxides.....	4.015	Salt.....	12.5
		Suspended solids.	0.31
		Total nitrogen	0.91
		Total phosphorus.	0.4

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

Units of measure - (T)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–200	5
>200–2,000	10
>2,000–20,000	35
>20,000	100

Assessable pollutants and fee rate threshold factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 200T per annum. Air pollutants are only identified for this classification if the activity is located within any of the local government areas listed in column 2 of the table Critical zones for air pollutants in clause 14.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.034	BOD.....	0.1
Fine particulates	0.034	Oil and grease	0.1
Nitrogen oxides.....	1.45	Salt.....	3.3
		Suspended solids.	0.21
		Total nitrogen	0.34
		Total phosphorus.	0.04

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

Units of measure - (T)**Licence administrative fee**

Capacity to Process per Annum	Number of Administrative Fee units
0–500	10
>500	35

Assessable pollutants and fee rate threshold factors

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
nil		BOD.....	1.3
		Chromium	0.09
		Oil and grease	1.7
		Salt.....	57

Suspended solids.	6.1
Total nitrogen	7.9
Total phosphorus.	0.29

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

Units of measure - (T)

Licence administrative fee

Capacity to Process per Annum	Number of Administrative Fee units
0–200	5
>200–5,000	10
>5,000	35

Assessable pollutants and fee rate threshold factors

The following assessable pollutants are only identified for this classification if the activity to be conducted has the capacity to produce more than 200T per annum.

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
nil		BOD.....	5.3
		Oil and grease....	3.6
		Salt.....	540
		Suspended solids.	9.8
		Total nitrogen	10.9
		Total phosphorus.	2.72

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

Units of measure - (kT)**Licence administrative fee****Capacity to Produce per Annum Number of Administrative Fee units**

0–5	5
>5–10.....	20
>10–50.....	70
>50–200	200
>200	500

Assessable pollutants and fee rate threshold factors

nil

LOGGING OPERATIONS

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

Licence administrative fee**Number of Administrative Fee units**

all	1,250
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Assessable pollutants and fee rate threshold factors

nil

MARINAS AND BOAT REPAIR FACILITIES

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

Licence administrative fee**Number of Administrative Fee units**

all	20
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Assessable pollutants and fee rate threshold factors

nil

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

Licence administrative fee

Number of Administrative Fee units

all 200

Assessable pollutants and fee rate
threshold factors

nil

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

Licence administrative fee

Number of Administrative Fee units

all 70

Assessable pollutants and fee rate threshold factors

nil

MINERAL PROCESSING OR METALLURGICAL WORKS

- A 55. **Primary Iron or Steel Production**, being activities that produce iron or steel products mainly from iron ore.

Units of measure - (kT)**Licence administrative fee**

	Number of Administrative Fee units
all	2,000

Assessable pollutants and fee rate threshold factors

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

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

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–10.....	100
>10	250

Assessable pollutants and fee rate threshold factors

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

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

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

Units of measure - (kT)

Licence administrative fee

Capacity to Produce per Annum	Number of Administrative Fee units
0–100.....	250
>100	625

Assessable pollutants and fee rate threshold factors

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

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

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

Units of measure - (kT)

Licence administrative fee

Capacity to Produce per Annum	Number of Administrative Fee units
0–10.....	100
>10	250

Assessable pollutants and fee rate threshold factors

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

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

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

Units of measure - (kT)

Licence administrative fee

Capacity to Produce per Annum	Number of Administrative Fee units
0–100.....	250
>100	625

Assessable pollutants and fee rate threshold factors

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

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

- A 60. **Secondary Non-Ferrous Production**, (excluding Aluminium), being activities that produce lead, zinc or copper, mainly from scrap metal and/or slag.

Units of measure - (kT)

Licence administrative fee

Capacity to Produce per Annum	Number of Administrative Fee units
0–10.....	100
>10	250

Assessable pollutants and fee rate threshold factors

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

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

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Coat Metal per Annum	Number of Administrative Fee units
0–100.....	20
>100–1,000.....	70
>1,000.....	200

Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)**Licence administrative fee**

Capacity to Process per Annum	Number of Administrative Fee units
0–100.....	20
>100–500.....	70
>500	200

Assessable pollutants and fee rate threshold factors

nil

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

Units of measure - (kT)

Licence administrative fee

Capacity to Process per Annum	Number of Administrative Fee units
0–100.....	20
>100–500.....	70
>500	200

Assessable pollutants and fee rate threshold factors

nil

MINING (EXCLUDING COAL)

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

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

Units of measure - (kT)

Licence administrative fee

Capacity to Obtain per Annum	Number of Administrative Fee units
0–100.....	35
>100–500.....	100
>500–2,000.....	250
>2,000.....	625

Assessable pollutants and fee rate threshold factors

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Undifferentiated particulates.....	0.02	Arsenic	0.5
		Cadmium.....	0.05
		Chromium	0.3
		Copper	0.15
		Lead	0.3
		Mercury	0.001
		Salt.....	1000
		Selenium	0.0025
		Suspended solids.	20
		Zinc.....	0.75

PAPER, PAPER PULP OR PULP PRODUCTS INDUSTRIES

- A 65. **Paper Production using Recycled Materials**, being activities that produce paper, paper pulp or pulp products, where recycled material comprises more than 90% of the raw material consumed and no bleaching or de-inking is undertaken.

Units of measure - (kT)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0-150.....	100
>150	250

Assessable pollutants and fee rate threshold factors

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

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.39	BOD.....	5.55
Fine particulates	1.49	Salt.....	3
Nitrogen oxides.....	3.5	Suspended solids.	8.35
		Total nitrogen	0.1
		Total phosphorus.	0.001
		Zinc.....	0.13

- A 66. **Other Paper Production**, being activities that produce paper, paper pulp or pulp products, where recycled material comprises up to 90% of the raw material consumed or where bleaching or de-inking is undertaken.

Units of measure - (kT)

Licence administrative fee

Capacity to Produce per Annum	Number of Administrative Fee units
0–150.....	100
>150	250

Assessable pollutants and fee rate threshold factors

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

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Coarse particulates.	0.39	BOD.....	5.55
Fine particulates	1.49	Salt.....	3
Nitrogen oxides.....	3.51	Suspended solids.	8.35
		Total nitrogen	0.1
		Total phosphorus.	0.001
		Zinc.....	0.13

PETROLEUM WORKS

- A 67. **Petroleum Refining**, being activities that refine crude petroleum, shale oil or natural gas, or manufacture more than 100 tonnes per year of petroleum products (including aviation fuel, petrol, kerosene, mineral turpentine, fuel oils, lubricants, wax, asphalt, liquefied gas and the precursors to petrochemicals, such as acetylene, ethylene, toluene and xylene), and not being Waste Oil Recovery.

Units of measure - (kT)

Licence administrative fee

Total of Capacity to Refine and Manufacture per Annum	Number of Administrative Fee units
0–10.....	35
>10–200	100
>200–500.....	250
>500	625

Assessable pollutants and fee rate threshold factors

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

- A 68. **Waste Oil Recovery**, being activities that recover or recycle mainly waste oil or petroleum based materials.

Units of measure - (kT)**Licence administrative fee**

Total of Capacity to Recover or Recycle per Annum	Number of Administrative Fee units
0-1	35
>1.....	100

Assessable pollutants and fee rate threshold factors

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

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

RAILWAY SYSTEMS

- A 69. **Railway Activities**, being activities that construct, maintain or operate railway systems (including track, maintenance facilities, workshops or rolling stock), comprising more than 30 kilometres of track and excluding systems operated for heritage value.

Licence administrative fee

	Number of Administrative Fee units
all.....	70

Assessable pollutants and fee rate threshold factors

nil

SEWAGE TREATMENT SYSTEMS

- A 70. **Sewage Treatment**, being activities that transport or treat sewage (including by way of filtering sewage) by the use of a sewerage system (including treatment works, pumping stations, sewer overflow structures and reticulation facilities).

Units of measure - (ML)**Licence administrative fee**

Maximum annualised volume of discharge authorised by licence	Number of Administrative Fee units
0–20.....	5
>20–100	10
>100–1,000	35
>1,000–5,000	100
>5,000–10,000.....	250
>10,000–25,000.....	625
>25,000	2,000

Assessable pollutants and fee rate threshold factors

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

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

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

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

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
nil		BOD.....	10
		Cadmium.....	0.00005
		Chromium	0.0025
		Copper	0.01
		Lead	0.0005
		Mercury	0.00005
		Oil and grease....	2
		Selenium	0.0025
		Suspended solids.	15
		Total nitrogen	10
		Pesticides and PCBs	0.00012
		Total phosphorus.	0.3
		Zinc.....	0.012

SHIPPING FACILITIES (BULK)

- A 71. **Bulk Cargo Handling**, being activities that load or unload cargo (including agricultural crop products, rock, ores, minerals or chemicals or products similar to any of them) from vessels at wharves or associated facilities.

Units of measure - (kT)**Licence administrative fee**

Total of Capacity to Load or Unload per Annum	Number of Administrative Fee units
0-100.....	20
>100-500.....	70
>500	200

Assessable pollutants and fee rate threshold factors

nil

WASTE FACILITIES
A 72. Biomedical Waste Incineration, being activities that incinerate:

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

Units of measure - (T)Licence administrative fee

Capacity to Incinerate per Annum	Number of Administrative Fee units
0–1,000	35
>1,000	100

Assessable pollutants and fee rate threshold factors

Air Pollutants	Fee Rate Threshold Factor	Water Pollutants	Fee Rate Threshold Factor
Arsenic.....	0.00005	nil	
Benzene.....	0.0000011		
Benzo(a)pyrene.....	0.00002		
Fine particulates	0.7		
Lead.....	0.04		
Mercury.....	0.003		
Nitrogen oxides.....	2.5		
Sulfur oxides	0.07		

A 73. Municipal Solid Waste Incineration, being activities that mainly incinerate municipal solid waste with a capacity to incinerate more than 1 tonne per hour, and not being Biomedical Waste Incineration.**Units of measure - (T)**Licence administrative fee

Capacity to Incinerate per Annum	Number of Administrative Fee units
all	100

Assessable pollutants and fee rate threshold factors

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

WOOD WORKS

- A 74. **Wood or Timber Milling (Using Burners)**, being activities that produce timber or wood products by way of sawing, machining, milling, chipping, pulping or compressing timber or wood (other than at a joinery, builders' supply yard or home improvement centre) and that burn waste other than as a source of fuel, with a capacity to produce more than 4,000 cubic metres per annum of timber or wood products.

Units of measure - (m³)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–35,000.....	20
>35,000–100,000	70
>100,000	200

Assessable pollutants and fee rate threshold factors

nil

- A 75. **Wood or Timber Milling (Not Using Burners)**, being activities that produce timber or wood products by way of sawing, machining, milling, chipping, pulping or compressing timber or wood (other than at a joinery, builders' supply yard or home improvement centre) and that do not burn waste other than as a source of fuel, with a capacity to produce more than 30,000 cubic metres per annum of timber or wood products.

Units of measure - (m³)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–70,000.....	20
>70,000–200,000	70
>200,000	200

Assessable pollutants and fee rate threshold factors

nil

- A 76. **Wood Preservation**, being activities that produce timber products by way of treating or preserving timber using substances (containing copper, chromium, arsenic, creosote or any other substance classified in the Australian Code for the Transport of Dangerous Goods by Road or Rail), with a capacity to produce more than 10,000 cubic metres per annum.

Units of measure - (m³)**Licence administrative fee**

Capacity to Produce per Annum	Number of Administrative Fee units
0–10,000.....	20
>10,000–30,000	70
>30,000	200

Assessable pollutants and fee rate threshold factors

nil

MISCELLANEOUS WATER ACTIVITIES

- A 77. **Miscellaneous Licensed Discharge to Waters (Wet Weather Only)**, being activities in relation to which a licence to discharge pollutants to waters during or immediately following periods of wet weather (but not at any time) has been granted under the Act but not being an activity otherwise included in a classification in this Appendix.

Units of measure - (ML)**Licence administrative fee**

Maximum annualised volume of discharge authorised by licence (calculated by multiplying maximum allowable daily discharge by 50)	Number of Administrative Fee units
0–3	5
>3–15.....	20
>15–150	70
>150	200

Assessable pollutants and fee rate threshold factors

nil

- A 78. **Miscellaneous Licensed Discharge to Waters (at any time)**, being activities in relation to which a licence to discharge pollutants to waters has been granted under the Act but not being an activity otherwise included in a classification in this Appendix.

Units of measure - (ML)**Licence administrative fee**

Maximum annualised volume of discharge authorised by licence	Number of Administrative Fee units
0–20.....	5
>20–100	20
>100–1,000.....	70
>1,000.....	200

Assessable pollutants and fee rate threshold factors

nil

OTHER ACTIVITIES NOT LISTED ELSEWHERE

- A 79. **Other Activities**, being any activity not otherwise included in a classification in this Appendix.

Licence administrative fee

	Number of Administrative Fee units
all.....	5

Assessable pollutants and fee rate threshold factors

nil

Appendix 2 Membership and procedure of Load-Based Licensing Review Panel

(Clause 40)

1 Chairperson

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

2 Deputies of members

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

3 Terms of office

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

4 Allowances

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

5 Vacancy in office of member

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

6 Filling of vacancy in office of member

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

7 Disclosure of pecuniary interests

(1) If:

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

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

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

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

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

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

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

8 General procedure

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

9 Quorum

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

10 Presiding member

- (1) The Chairperson of the Review Panel or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Review Panel.
- (2) The person presiding at any meeting of the Review Panel has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

11 Voting

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

12 Minutes of meetings

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