

South Australia

# Environment Protection Regulations 2009

under the *Environment Protection Act 1993*

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 3 Interpretation

### Part 2—General provisions supporting Act

- 5 Prescribed national scheme laws (section 3)
- 6 Prescribed bodies (sections 3, 4 and 5)
- 7 Board of Authority (section 14B)
- 8 Environment Protection Fund (section 24)
- 9 Normal procedure for making policies (section 28)
- 10 Simplified procedure for making certain policies (section 29)
- 12 Certain matters to be referred to Water Resources Minister (section 64)
- 13 Powers of authorised officers (section 87)
- 14 Issue of warrants (section 88)
- 15 Authority may recover civil penalty in respect of contravention (section 104A)
- 16 Public register (section 109)

### Part 3—Environmental authorisations

#### Division 1—General provisions supporting Part 6 of Act

- 17 Notice and submissions in respect of applications for environmental authorisations (section 39)
- 18 Time limit for determination of applications (section 42)
- 19 Term and renewal of environmental authorisations (section 43)
- 19A Conditions (section 45)
- 20 Notice and submissions in respect of proposed variations of conditions (section 46)
- 21 Criteria for grant and conditions of environmental authorisations (section 47)
- 22 Annual fees and returns (section 48)
- 23 Transfer of environmental authorisations (section 49)
- 24 Conditions requiring financial assurance (section 51)

#### Division 2—Application and authorisation fees

##### Subdivision 1—Works approvals

- 25 Works approvals—Application fee for grant, authorisation fee on grant or renewal and annual authorisation fee

##### Subdivision 2—Exemptions

- 26 Exemptions—Application fee for grant, authorisation fee for grant or renewal and annual authorisation fee

### Subdivision 3—Licences

- 27 Licences—Application fee for grant and authorisation fee for grant or renewal
- 28 Licences—Annual authorisation fee
- 30 Determining environment management component
- 31 Determining pollutant load-based component
- 32 Determining water reuse component
- 33 Adjustment of annual authorisation fee or projected annual authorisation fee after end of licence period or projected licence period
- 34 Cessation of activity

### Division 3—Discounts and other benefits for accredited licensees

- 35 Benefits of accreditation
- 36 Accredited licences
- 37 Performance reports
- 38 Review of accreditation

### Division 4—Miscellaneous fees relating to environmental authorisations

- 39 Late application for renewal (section 43(4))
- 40 Renewal without application (section 43(6))
- 41 Conditions requiring approval of certain works and processes (section 54C)

### Part 4—Beverage containers

- 42 Beverage (section 65)
- 43 Collection depot (section 65)
- 44 Refund amount (section 65)
- 45 Exemption of certain containers by regulation (section 67)
- 46 Annual returns for collection depots and super collectors (section 69A)
- 47 Offence to claim refund on beverage containers purchased outside State or corresponding jurisdiction (section 69C)
- 48 Certain containers prohibited (section 72)

### Part 5—Site contamination

#### Division 1—General provisions supporting Part 10A of Act

- 49 Occupier (section 103A)
- 50 Potentially contaminating activities (sections 103C and 103H)
- 51 Causing site contamination (section 103D)
- 52 Liability for property damage etc caused by person entering land—exemptions (section 103M)

#### Division 2—Site contamination auditors

##### Subdivision 1—Accreditation

- 53 Eligibility for accreditation
- 54 Application for accreditation
- 55 Grant of accreditation
- 56 Conditions of accreditation
- 57 Offence to contravene certain conditions of accreditation
- 58 Annual fee
- 59 Term and renewal of accreditation
- 60 Disciplinary action against site contamination auditors and voluntary suspension

- 
- 61 Surrender of accreditation
  - 62 Return of certificate of accreditation and identity card
  - 63 Reviews (section 103V(2)(i))
  - 64 Register of site contamination auditors

#### Subdivision 2—Requirements applying to auditors

- 65 Annual returns by auditors (section 103Y(2))
- 66 Notifications by auditors after commencement or termination of audit (section 103Z(3))
- 67 Site contamination audit report summary and statement (section 103Z(4))
- 68 Site contamination audit statements to be provided to prescribed bodies (section 103Z(4))

### Part 6—Waste depot levy, records, reports and measurement of waste etc

#### Division 1—Preliminary

- 68A Interpretation
- 68B Sharing of information with other persons or bodies
- 69 Approval of weighbridges
- 69A Approved operational use
- 69B Authority may require further information

#### Division 2—Waste depot levy

- 70 Waste depot levy (section 113)

#### Division 3—Reporting, measurement and verification of waste and other matter at waste depots

- 70A Interpretation
- 71 Provision of monthly returns by waste depots
- 71A Measurement of waste and other matter for purposes of monthly returns
- 71B Exemption from requirements relating to mass balance report
- 72 Certain depots must have approved weighbridge
- 73 Exemptions from approved weighbridge requirements
- 74 Provision of baseline survey or stocktake by holder of waste depot licence
- 74A Verification of returns by survey
- 74B Verification of returns by stocktake
- 75 Special provision for certain councils for waste fees
- 75AA Presumptions and estimates if records are inadequate
- 75AAB Authority may require reports of volumetric surveys or tests or monitoring

#### Division 4—Record keeping

- 75A Records on measurement of waste by method other than weighbridge
- 75B Records on measurement of waste by use of approved weighbridge
- 75C Records of waste and other matter received at waste depot
- 75D Records of waste and other matter transported from waste depot for use, recovery, recycling, processing or disposal
- 75E Records in relation to vehicles
- 75F Records of waste and other matter used for operational purposes
- 75G Additional requirements in relation to making, retention and availability of records
- 75H Exemption from record keeping requirements

#### Division 5—Video monitoring

- 75I Video monitoring systems
- 75J Exemption from video monitoring system requirements

## Division 6—Vehicle flow plans

75K Vehicle flow plans

## Part 7—Other fees and charges

- 76 Registration or cancellation of registration of environment protection order (section 95)
- 77 Registration or cancellation of registration of clean-up order or clean-up authorisation (section 103)
- 78 Registration or cancellation of site contamination assessment order or site remediation order (section 103R)
- 79 Prescribed fee for emergency authorisation (section 105)
- 80 Recovery of administrative and technical costs associated with contraventions (section 135)
- 80A Recovery of administrative and technical costs associated with action under Part 10A (section 135A)
- 81 Interest on amounts recoverable by Authority under sections 64D, 95, 103 and 103R
- 82 Further fees

## Part 8—Miscellaneous

- 83 Payment of fees by instalments and recovery of fees
- 84 Authority may require copy of decision on development applications
- 85 Exemption from requirement for licence for transportation of controlled waste
- 86 Exemption from item 4(c) of Schedule 1 of *Environment Protection (Air Quality) Policy 1994*
- 86A Exemption from Act—Maralinga nuclear test site
- 86B Cultana Training Area
- 86C SA Motorsport Park
- 87 Transitional provisions relating to bodies corporate under repealed Acts

## Schedule 1—Forms

- 1 Form of notice of execution of warrant (regulation 14)
- 2 Form of notice of right to elect to be prosecuted (regulation 15)

## Schedule 2—Environmental authorisations—application and authorisation fees

### Part 1—Descriptions and maps of areas (regulation 3)

- 1 Interpretation
- 2 Adelaide airshed
- 3 Mount Gambier airshed
- 4 Port Pirie airshed
- 5 Port River region
- 6 Upper Spencer Gulf
- 7 Whyalla airshed

### Part 2—Environment management component (regulation 30)

- 8 Interpretation
- 9 Environment management component

## Schedule 3—Site contamination

**Part 1—Potentially contaminating activities (regulation 50)**

- 1 Interpretation
- 2 Activities undertaken in course of business
- 3 Domestic activities
- 4 Listed substances

**Part 2—Annual returns by auditors (regulation 65)**

- 5 Form of annual return

**Part 3—Notifications by auditors after commencement or termination of audit (regulation 66)**

- 6 Form of notification by auditor after commencement of audit
- 7 Form of notification by auditor after termination (before completion) of audit

**Part 4—Site contamination audit statement (regulation 67)**

- 8 Form of site contamination audit statement

**Schedule 4—Fees and levy****Part 1—Fees**

- 1 Fee unit
- 2 Miscellaneous fees

**Part 2—Waste depot levy**

- 3 Waste depot levy

**Schedule 5—SA Motorsport Park Map****Legislative history**

---



## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Environment Protection Regulations 2009*.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

**accreditation**, in relation to a site contamination auditor, means accreditation under Part 5 Division 2;

**accreditation committee** means a committee established by the Board under section 17 of the Act to advise the Authority in relation to accreditation of site contamination auditors;

**accredited activity** means a prescribed activity of environmental significance carried on by a licensee in respect of which accreditation is granted under regulation 36;

**Act** means the *Environment Protection Act 1993*;

**Adelaide airshed** means the area described in Schedule 2 clause 2;

**agriculture** includes horticulture;

**approved estimation or monitoring technique** for an activity means—

- (a) an estimation technique set out in an EET manual for the activity; or
- (b) a technique or method approved by the Authority for the activity by condition of licence or otherwise;

**approved weighbridge** means a weighbridge—

- (a) that is operated in accordance with a licence issued under the *National Measurement Act 1960* of the Commonwealth; or
- (b) that is approved by the Authority under regulation 69;

**asbestos** includes unbound or friable asbestos and bound or non-friable asbestos;

**assessable site**—see subregulation (2);

**assessable vehicle**—each vehicle approved by the Authority for the transport of waste under a licence that authorises a waste transport business is to be taken to be an assessable vehicle;

**copper** means copper and its compounds;

**designated air pollutant** means sulphur dioxide, nitrogen oxides, particulates, volatile organic compounds or lead, but does not include ethanol emitted in the course of a prescribed activity of environmental significance specified in Schedule 1 clause 6(2) or (11) of the Act (breweries, wineries and distilleries);

**designated water pollutant** means—

- (a) heat, suspended solids, nitrogen, phosphorus, organic matter, zinc, lead or copper discharged in the course of any prescribed activity of environmental significance; or

(b) salt discharged in the course of a desalination plant;

**dredging** means the prescribed activity of environmental significance specified in Schedule 1 clause 7(4) of the Act;

**earthworks drainage** means the prescribed activity of environmental significance specified in Schedule 1 clause 7(6) of the Act;

**EET manual** for an activity means a manual setting out techniques for making estimates in relation to the activity published by the Commonwealth for the purposes of the National Pollutant Inventory—see [www.npi.gov.au](http://www.npi.gov.au);

**environment management component** means the environment management component of an annual authorisation fee for a licence (see regulation 30 and Schedule 2 Part 2);

**EPA odour criteria** means the criteria specified in *EPA Guideline 373/06 Odour assessment using odour source modelling* as issued by the Authority in April 2007;

**fee unit**—see Schedule 4 clause 1;

**flat fee component** means the flat fee component of an annual authorisation fee for a licence (see regulation 28);

**green waste** means waste comprised of plants or plant matter, including leaves, twigs, branches, tree trunks, prunings, grass clippings, fruit, vegetables and fruit or vegetable scraps;

**inert waste** means solid waste that has no active chemical or biological properties and is not subject to biological or chemical breakdown;

**lead** means lead and its compounds;

**licence period**, in relation to a licence, means the period of 12 months from the first anniversary of the grant or renewal of the licence and each subsequent period of 12 months;

**Note—**

This is to be distinguished from the term of the licence (which is a period determined by the Authority under section 43 of the Act).

**liquid organic chemical substances** means oil, petroleum or biofuels, other than when stored in the fuel tank of a motor vehicle for the purposes of powering the vehicle;

**listed substance** means a substance listed in Schedule 3 clause 4;

**marine environment** means—

- (a) marine waters; or
- (b) land that is covered with marine waters (whether permanently or from time to time);

**metropolitan Adelaide** has the same meaning as in the *Development Act 1993*;

**metropolitan coastal waters** means the body of waters extending 3 nautical miles seaward from the coastline forming the western boundary of metropolitan Adelaide;

**motor vehicle** means a vehicle that is built to be propelled by a motor that forms part of the vehicle;

**Mount Gambier airshed** means the area described in Schedule 2 clause 3;



***Mount Lofty Ranges Water Protection Area*** means the Mount Lofty Ranges Water Protection Area as declared under Part 8 of the Act;

***National Pollutant Inventory*** means the inventory established as a result of the *National Environment Protection (National Pollutant Inventory) Measure*;

***nitrogen*** means total nitrogen;

***organic matter***—see subregulation (3);

***particulates*** means particulate matter 10 micrometres or less in diameter, and includes red dust particulates;

***pesticides*** includes herbicides and fungicides;

***phosphorous*** means total phosphorus;

***pollutant load-based component*** means the pollutant load-based component of the resource efficiency component of an annual authorisation fee for a licence (see regulation 31);

***Port Pirie airshed*** means the area described in Schedule 2 clause 4;

***Port River region*** means the area described in Schedule 2 clause 5;

***prescribed activity of environmental significance*** means an activity specified in Schedule 1 Part A of the Act;

***red dust particulates*** means haematite or goethite;

***reporting period*** means—

- (a) for a licence authorising an activity in respect of which a report is provided to the Authority for the purposes of the National Pollutant Inventory—the period to which the report relates; or
- (b) for any other licence—the 12 month period approved by the Authority for the licence by condition of the licence or by notice in writing to the licensee;

***resource efficiency component***—the resource efficiency component of the annual authorisation fee for a licence is comprised of the pollutant load-based component and the water reuse component (see regulation 28);

***responsible auditor***, in relation to a site contamination audit, means the site contamination auditor who personally carried out or directly supervised the work involved in the audit;

***septic tank effluent*** means effluent that is ordinarily collected by means of a septic tank, waterless composting toilet, aerated wastewater treatment system or similar on-site waste collection system;

***South East Water Protection Area*** means the South East Water Protection Area as declared under Part 8 of the Act;

***underground waters*** means waters occurring naturally under the ground or introduced to an aquifer or other area under the ground;

***Upper Spencer Gulf*** means the waters described in Schedule 2 clause 6;

**waste fill** means waste consisting of clay, concrete, rock, sand, soil or other inert mineralogical matter in pieces not exceeding 100 millimetres in length and containing chemical substances in concentrations (calculated in a manner determined by the Authority) less than the concentrations for those substances set out in the following table (but does not include waste consisting of or containing asbestos or bitumen):

Chemical substance	Concentration (milligrams per kilogram of waste fill)	Chemical substance	Concentration (milligrams per kilogram of waste fill)
Aldrin/dieldrin (total)	2	Ethylbenzene	3.1
Arsenic	20	Heptachlor	2
Barium	300	Lead	300
Benzene	1	Manganese	500
Benzo(a)pyrene	1	Mercury	1
Beryllium	20	Nickel	60
Cadmium	3	Petroleum hydrocarbons TPH C6-C9 (total)	65
Chlordane	2	Phenolic compounds (total)	0.5
Chromium (III)	400	Polychlorinated biphenyls (PCBs)	2
Chromium (VI)	1	Polycyclic aromatic hydrocarbons (PAH) (total)	5
Cobalt	170	Petroleum hydrocarbons TPH>C9	1000
Copper	60	Toluene	1.4
Cyanides (total)	500	Xylene (total)	14
DDT	2	Zinc	200

**waste transport business (category A)** means the prescribed activity of environmental significance specified in Schedule 1 clause 3(5) of the Act;

**waste transport business (category B)** means the prescribed activity of environmental significance specified in Schedule 1 clause 3(6) of the Act;

**wastewater** includes—

- (a) sewage, and septic tank effluent, whether treated or untreated; and
- (b) water containing commercial or industrial waste;

**water reuse component** means the water reuse component of the resource efficiency component of an annual authorisation fee for a licence (see regulation 32);

**Whyalla airshed** means the area described in Schedule 2 clause 7;

**zinc** means zinc and its compounds.

- (2) For the purposes of these regulations, the following principles apply in relation to an *assessable site*:
- (a) each location specified in a licence at which a prescribed activity of environmental significance may be undertaken is to be taken to be an assessable site;
  - (b) if various places are specified in a licence as a single location, then the various premises are together to be taken to be an assessable site;
  - (c) if a licence authorises a prescribed activity of environmental significance to be undertaken by means of mobile works, then the various premises at which the mobile works are used are together to be taken to be an assessable site;
  - (d) the prescribed activities of dredging, earthworks drainage and a waste transport business are not to be regarded as being undertaken at an assessable site.
- (3) A reference in these regulations to an amount of *organic matter* is—
- (a) in the case of organic matter discharged to waters in the course of a desalination plant—a reference to the amount of total organic carbon so discharged (expressed in kilograms); and
  - (b) in any other case—a reference to the biochemical oxygen demand of the organic matter (expressed in kilograms),
- determined in accordance with an approved estimation or monitoring technique for the activity that produces the organic matter.
- (4) A reference in these regulations to the discharge of a pollutant in the course of a desalination plant is a reference to the discharge of the pollutant in the course of a prescribed activity of environmental significance specified in Schedule 1 Part A clause 8(6a) of the Act (desalination plant).



## Part 2—General provisions supporting Act

### 5—Prescribed national scheme laws (section 3)

- (1) For the purpose of paragraph (a) of the definition of *the prescribed national scheme laws* in section 3(1) of the Act, the *National Environment Protection Council Act 1994* of the Commonwealth is the prescribed law of the Commonwealth.
- (2) For the purpose of paragraph (b) of the definition of *the prescribed national scheme laws* in section 3(1) of the Act, the *National Environment Protection Council (South Australia) Act 1995* is the prescribed law of this State.

### 6—Prescribed bodies (sections 3, 4 and 5)

- (1) For the purposes of paragraph (d) of the definition of *pollutant* in section 3(1) of the Act, and for the purposes of section 5(1)(b) of the Act, the following bodies are prescribed:
  - (a) Ai Group (SA Branch);
  - (b) Australian Conservation Foundation Inc;
  - (c) Australian Institute of Environmental Health;
  - (d) Beverage Industry Environment Council (BIEC);
  - (e) Conservation Council of South Australia Incorporated;
  - (f) Environmental Defenders Office (SA) Incorporated;
  - (g) Environment Business Australia;
  - (h) Local Government Association of South Australia Incorporated;
  - (i) National Environmental Law Association Limited (SA Branch);
  - (j) Royal Australian Chemical Institute Inc.;
  - (k) South Australian Chamber of Mines and Energy Incorporated;
  - (l) South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA);
  - (m) South Australian Farmers' Federation Incorporated;
  - (n) South Australian Fire and Emergency Services Commission (established under Part 2 Division 1 of the *Fire and Emergency Services Act 2005*);
  - (o) The Nature Conservation Society of South Australia Incorporated;
  - (p) United Trades and Labor Council (trading as SA Unions);
  - (q) Waste Management Association of Australia Incorporated.
- (2) For the purposes of section 4(1)(b) of the Act, the following bodies are prescribed:
  - (a) Ai Group (SA Branch);
  - (b) Conservation Council of South Australia Incorporated;
  - (c) Local Government Association of South Australia Incorporated;

- (d) South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA);
- (e) Waste Management Association of Australia Incorporated.

## **7—Board of Authority (section 14B)**

- (1) For the purposes of section 14B(4) of the Act, the Minister must, in relation to the selection of persons for appointment to the Board, consult with the following bodies:
  - (a) in relation to the selection for appointment of a person with practical knowledge of, and experience in, industry, commerce or economic development—
    - (i) Ai Group (SA Branch); and
    - (ii) South Australian Chamber of Mines and Energy Incorporated; and
    - (iii) South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA); and
    - (iv) South Australian Farmers' Federation Incorporated;
  - (b) in relation to the selection for appointment of a person with practical knowledge of, and experience in, environmental conservation and advocacy on environmental matters on behalf of the community—
    - (i) Conservation Council of South Australia Incorporated; and
    - (ii) Environmental Defenders Office (SA) Incorporated;
  - (c) in relation to the selection for appointment of a person with practical knowledge of, and experience in, the reduction, reuse, recycling and management of waste or the environmental management industry—
    - (i) Environment Business Australia; and
    - (ii) The Association of Consulting Engineers Australia; and
    - (iii) Waste Management Association of Australia Incorporated;
  - (d) in relation to the selection for appointment of a person with legal qualifications and experience in environmental law—
    - (i) National Environmental Law Association Limited (SA Branch); and
    - (ii) Environmental Defenders Office (SA) Incorporated;
  - (e) in relation to the selection for appointment of a person with practical knowledge of, and experience in, local government—Local Government Association of South Australia Incorporated.
- (2) A body consulted by the Minister under subregulation (1) must, within a reasonable period of time specified by the Minister, nominate a panel of up to 3 persons, including at least 1 woman and 1 man, from which selection for appointment may be made.

## **8—Environment Protection Fund (section 24)**

- (1) For the purposes of section 24(3)(a) of the Act, the prescribed percentage of fees (other than expiation fees) to be paid into the Environment Protection Fund is 5%.

- 
- (2) For the purposes of section 24(3)(b) of the Act, the prescribed percentage of penalties recovered in respect of offences (other than expiation fees or penalties to which a council is entitled) to be paid into the Environment Protection Fund is 100%.
  - (3) For the purposes of section 24(3)(ba) of the Act, the prescribed percentage of amounts recovered by the Authority, by negotiation or as a result of civil proceedings, in respect of contraventions to be paid into the Environment Protection Fund is 100%.
  - (4) For the purposes of section 24(3)(e) of the Act, the prescribed percentage of levy payments under Part 15 of the Act to be paid into the Environment Protection Fund is 5%.

## **9—Normal procedure for making policies (section 28)**

For the purposes of section 28 of the Act, the following bodies are prescribed:

- (a) Ai Group (SA Branch);
- (b) Australian Conservation Foundation Inc;
- (c) Australian Institute of Environmental Health;
- (d) Beverage Industry Environment Council (BIEC);
- (e) Conservation Council of South Australia Incorporated;
- (f) Environmental Defenders Office (SA) Incorporated;
- (g) Environment Business Australia;
- (h) Local Government Association of South Australia Incorporated;
- (i) National Environmental Law Association Limited (SA Branch);
- (j) Royal Australian Chemical Institute Inc.;
- (k) South Australian Chamber of Mines and Energy Incorporated;
- (l) South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA);
- (m) South Australian Farmers' Federation Incorporated;
- (n) South Australian Fire and Emergency Services Commission (established under Part 2 Division 1 of the *Fire and Emergency Services Act 2005*);
- (o) The Nature Conservation Society of South Australia Incorporated;
- (p) United Trades and Labor Council (trading as SA Unions);
- (q) Waste Management Association of Australia Incorporated.

## **10—Simplified procedure for making certain policies (section 29)**

For the purposes of section 29 of the Act—

- (a) the following bodies are prescribed:
  - (i) Department of Environment and Climate Change (New South Wales);
  - (ii) Department of Environment and Conservation (Western Australia);

- (iii) Department of Environment and Resources Management (Queensland);
  - (iv) Department of Environment, Climate Change, Energy and Water (Australian Capital Territory);
  - (v) Department of Environment, Food and Rural Affairs (United Kingdom);
  - (vi) Department of Natural Resources, Environment, the Arts and Sport (Northern Territory);
  - (vii) Department of Primary Industries, Parks, Water and Environment (Tasmania);
  - (viii) Department of Sustainability and Environment (Victoria);
  - (ix) Department of the Environment, Water, Heritage and the Arts (Commonwealth);
  - (x) enHealth Council (Commonwealth);
  - (xi) Environment Agency (United Kingdom);
  - (xii) Environmental Protection Agency (Ireland);
  - (xiii) Environmental Protection Agency (United States);
  - (xiv) Environment Protection Authority (Northern Territory);
  - (xv) European Environment Agency;
  - (xvi) International Organisation for Standards;
  - (xvii) National Health and Medical Research Council;
  - (xviii) Scottish Environment Protection Agency;
  - (xix) Standards Australia;
  - (xx) The Department of Climate Change (Commonwealth);
  - (xxi) United Nations Environment Program;
  - (xxii) Victorian Environment Protection Authority;
  - (xxiii) World Health Organisation; and
- (b) the following bodies, formed under an agreement between the governments of the Commonwealth and the States and Territories of the Commonwealth and New Zealand and comprised of Ministerial representatives from time to time of those governments, are prescribed:
- (i) Environment Protection and Heritage Council;
  - (ii) Health, Community and Disability Services Ministerial Council;
  - (iii) Ministerial Council on Mineral and Petroleum Resources;
  - (iv) Natural Resource Management Ministerial Council;
  - (v) Planning, Housing and Local Government Ministerial Council.



---

**12—Certain matters to be referred to Water Resources Minister (section 64)**

- (1) For the purposes of section 64(2) of the Act, the period allowed for a response from the Water Resources Minister in respect of an application for an environmental authorisation referred to that Minister is 2 months.
- (2) Pursuant to section 64(6) of the Act, the Authority must not make a decision on an application referred to the Water Resources Minister without having regard to the response of that Minister.

**13—Powers of authorised officers (section 87)**

For the purposes of section 87(3)(a) of the Act, the following are prescribed as vehicles in relation to which an authorised officer may exercise powers of entry and inspection:

- (a) a vehicle used to carry waste or other matter;
- (b) a vehicle used in the course of or in connection with an activity authorised or required to be authorised by an environmental authorisation;
- (c) a vehicle reasonably suspected of being a vehicle referred to in paragraph (a) or (b).

**14—Issue of warrants (section 88)**

For the purposes of section 88(7)(a) of the Act, the prescribed form of a notice to be prepared by an authorised officer who executes a warrant is the form set out in Schedule 1 clause 1.

**15—Authority may recover civil penalty in respect of contravention (section 104A)**

For the purposes of section 104A(3)(a) of the Act, the prescribed form of a notice to be served by the Authority is the form set out in Schedule 1 clause 2.

**16—Public register (section 109)**

- (1) For the purposes of section 109(3)(l) of the Act, the following information must be recorded in the register:
  - (a) if an environmental authorisation is subject to a condition requiring compliance with an environment improvement programme under section 44 of the Act—details of the environment improvement programme;
  - (b) such information as the Authority considers appropriate as to the results of tests or monitoring or evaluation undertaken in compliance with conditions of an environmental authorisation under section 52 of the Act;
  - (c) such information as the Authority considers appropriate relating to any determination of the Authority under section 58 of the Act;
  - (d) details of each environment performance agreement entered into under section 59 of the Act;
  - (e) details of each report of an environmental assessment carried out in relation to land for the purposes of—

- (i) an approved voluntary site contamination assessment proposal under section 103I of the Act; or
  - (ii) an approved voluntary site remediation proposal under section 103K of the Act;
- (f) details of each report of an environmental assessment carried out, for any other purpose and at any time in relation to land, by or on behalf of the Authority;
- (g) details of each report known as a "Health Commission Report" prepared on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*) in relation to pollution of land or contamination of land by chemical substances;
- (h) copies of each written warning issued by the Authority in relation to an alleged contravention of the Act;
- (i) details of each pre-1 July 2009 site audit report carried out in relation to land;
- (j) details of licences to operate a waste depot issued under the repealed *South Australian Waste Management Commission Act 1979* or the repealed *Waste Management Act 1987*;
- (k) details of licences issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act);
- (l) details of licences issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act);
- (m) details of any records that the former South Australian Waste Management Commission held under the repealed *Waste Management Act 1987* of waste (within the meaning of that Act) being deposited on land between 1 January 1983 and 30 April 1995.

(2) In this regulation—

***environmental assessment***, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (as defined in the Act) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

***pre-1 July 2009 site audit***, in relation to land, means a review (carried out by a person recognised by the Authority as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined in the Act) completed on or after 1 July 2009;

*pre-1 July 2009 site audit report* means a detailed written report that sets out the findings of a pre-1 July 2009 site audit.



## **Part 3—Environmental authorisations**

### **Division 1—General provisions supporting Part 6 of Act**

#### **17—Notice and submissions in respect of applications for environmental authorisations (section 39)**

For the purposes of section 39(4) of the Act, notice is not required to be given to an owner or occupier of adjacent land in circumstances in which—

- (a) the owner or occupier is the applicant; or
- (b) the owner or occupier has previously received notice in relation to the same activity at the land albeit as part of a works approval application.

#### **18—Time limit for determination of applications (section 42)**

For the purposes of section 42 of the Act, the prescribed period is—

- (a) in the case of an application that is required to be referred to the Water Resources Minister under Part 8 Division 1 of the Act—3 months; or
- (b) in the case of an application in respect of which public notice is not required under section 39 of the Act—1 month; or
- (c) in any other case—2 months unless the Authority determines that the application involves matters of special complexity or requires an extended period for consideration of submissions from interested persons, in which case, the period may be extended by the Authority to a period, not exceeding 4 months, determined by the Authority.

#### **19—Term and renewal of environmental authorisations (section 43)**

For the purposes of section 43(3) of the Act, an application for renewal of an environmental authorisation must be made—

- (a) if the Authority has specified a number of days for that purpose by condition of the authorisation—not less than that number of days before the date of expiry of the authorisation; or
- (b) in any other case—not less than 60 days before the date of expiry of the authorisation.

#### **19A—Conditions (section 45)**

For the purposes of section 45(6) of the Act, the penalty for a failure by the holder of an environmental authorisation to comply with a reporting-deadline condition is—

- (a) in the case of an environmental authorisation granted for a term of 2 years or more—the higher of \$300 or 5% of the holder's annual authorisation fee for each month (or part of a month) for which the default continues; or
- (b) in the case of an environmental authorisation granted for a term of less than 2 years—the higher of \$300 or 5% of the holder's authorisation fee (paid on the grant of authorisation under section 40 of the Act) for each month (or part of a month) for which the default continues.

## **20—Notice and submissions in respect of proposed variations of conditions (section 46)**

For the purposes of section 46 of the Act, notice of a proposed variation of a condition of an environmental authorisation is not required to be given to an owner or occupier of adjacent land if—

- (a) the owner or occupier is the holder of the environmental authorisation; or
- (b) the proposed variation consists of the revocation of an obsolete condition of the environmental authorisation.

## **21—Criteria for grant and conditions of environmental authorisations (section 47)**

For the purposes of section 47(4) of the Act—

- (a) the following South Australian Acts are prescribed:
  - (i) *Adelaide Dolphin Sanctuary Act 2005*;
  - (ii) *Aquaculture Act 2001*;
  - (iii) *Development Act 1993*;
  - (iv) *Mining Act 1971*;
  - (v) *Natural Resources Management Act 2004*;
  - (vi) *Petroleum Act 2000*;
  - (vii) *Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987*;
  - (viii) *Radiation Protection and Control Act 1982*;
  - (ix) *River Murray Act 2003*;
  - (x) *Water Resources Act 1997*;
  - (xi) *Zero Waste SA Act 2004*; and
- (b) the following Acts of other States and Territories are prescribed:
  - (i) *Environmental Offences and Penalties Act 1989* (repealed) of New South Wales;
  - (ii) *Environmental Protection Act 1986* of Western Australia;
  - (iii) *Environmental Protection Act 1994* of Queensland;
  - (iv) *Environment Management and Pollution Control Act 1994* of Tasmania;
  - (v) *Environment Protection Act 1970* of Victoria;
  - (vi) *Environment Protection Act 1997* of the Australian Capital Territory;
  - (vii) *Protection of the Environment Operations Act 1997* of New South Wales;
  - (viii) *Waste Management and Pollution Control Act 1998* of the Northern Territory;

- (ix) *Western Australian Marine (Sea Dumping) Act 1981* of Western Australia; and
- (c) the following Acts of the Commonwealth are prescribed:
  - (i) *Environment Protection and Biodiversity Conservation Act 1999*;
  - (ii) *Environment Protection (Sea Dumping) Act 1981*;
  - (iii) *Hazardous Waste (Regulation of Exports and Imports) Act 1989*;
  - (iv) *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

## 22—Annual fees and returns (section 48)

- (1) For the purposes of section 48(2)(a) of the Act, the date in each year before which the holder of an environmental authorisation must lodge an annual return with the Authority is—
  - (a) if the Authority has fixed a date for that purpose by condition of the authorisation—that date; or
  - (b) in any other case—no later than 90 days before the anniversary of the grant or renewal of the authorisation.
- (2) For the purposes of section 48(2)(b) of the Act, the date in each year before which the holder of an environmental authorisation must pay the annual authorisation fee to the Authority is—
  - (a) if a date is specified for the purpose in the authorisation—that date; or
  - (b) in any other case—the date falling 1 month after each anniversary of the grant of the authorisation.
- (3) For the purposes of section 48(4) of the Act, the penalty for—
  - (a) a failure to lodge an annual return; or
  - (b) a failure to pay an annual authorisation fee,is \$300 or 5% of the annual authorisation fee (whichever is higher) for each month (or part of a month) for which the default continues.

## 23—Transfer of environmental authorisations (section 49)

For the purposes of section 49(3) of the Act—

- (a) the following South Australian Acts are prescribed:
  - (i) *Adelaide Dolphin Sanctuary Act 2005*;
  - (ii) *Aquaculture Act 2001*;
  - (iii) *Development Act 1993*;
  - (iv) *Mining Act 1971*;
  - (v) *Natural Resources Management Act 2004*;
  - (vi) *Petroleum Act 2000*;
  - (vii) *Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987*;

- (viii) *Radiation Protection and Control Act 1982*;
  - (ix) *River Murray Act 2003*;
  - (x) *Water Resources Act 1997*;
  - (xi) *Zero Waste SA Act 2004*; and
- (b) the following Acts of other States and Territories are prescribed:
- (i) *Environmental Offences and Penalties Act 1989* (repealed) of New South Wales;
  - (ii) *Environmental Protection Act 1986* of Western Australia;
  - (iii) *Environmental Protection Act 1994* of Queensland;
  - (iv) *Environment Management and Pollution Control Act 1994* of Tasmania;
  - (v) *Environment Protection Act 1970* of Victoria;
  - (vi) *Environment Protection Act 1997* of the Australian Capital Territory;
  - (vii) *Protection of the Environment Operations Act 1997* of New South Wales;
  - (viii) *Waste Management and Pollution Control Act 1998* of the Northern Territory;
  - (ix) *Western Australian Marine (Sea Dumping) Act 1981* of Western Australia; and
- (c) the following Acts of the Commonwealth are prescribed:
- (i) *Environment Protection and Biodiversity Conservation Act 1999*;
  - (ii) *Environment Protection (Sea Dumping) Act 1981*;
  - (iii) *Hazardous Waste (Regulation of Exports and Imports) Act 1989*;
  - (iv) *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

## **24—Conditions requiring financial assurance (section 51)**

For the purposes of section 51(5)(b) of the Act, the interest payable in respect of an amount representing a pecuniary sum or part of a pecuniary sum that is to be repaid to the holder of an environmental authorisation is to be calculated at a rate 1% less than the rate earned from investment of the Environment Protection Fund (or the relevant part of the Fund) during the period that the amount has been credited to the Fund.



## Division 2—Application and authorisation fees

### Subdivision 1—Works approvals

#### 25—Works approvals—Application fee for grant, authorisation fee on grant or renewal and annual authorisation fee

- (1) The application fee payable under section 38(1) of the Act for a works approval is the sum of—
  - (a) a lodgement fee of 10 fee units; and
  - (b) an assessment fee of 20% of the amount determined by the Authority at the time of lodgement of the application to be the expected authorisation fee for the grant of the works approval (assuming the grant of a works approval on the basis of the application).
- (2) However, if public notice is to be given under section 39(1), or section 39(1) and (2), of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—
  - (a) if the notice and other similar notices are to be published together by the Authority—5 fee units;
  - (b) in any other case—20 fee units.
- (3) The application fee for the renewal of a works approval payable under section 43(2) of the Act is 10 fee units.
- (4) The authorisation fee payable under section 40 or 43(5) of the Act, and the annual authorisation fee payable under section 48 of the Act, for a works approval is the number of fee units determined according to the estimated cost at the time of the grant of the works approval of the proposed works as follows:

<b>Estimated cost of proposed works</b>	<b>Fee units</b>
Up to and including \$10 000	10
More than \$10 000 but not more than \$50 000	20
More than \$50 000 but not more than \$500 000	40
More than \$500 000 but not more than \$5 million	60
More than \$5 million but not more than \$50 million	100
More than \$50 million	200

- (5) In this regulation, a reference to the estimated cost of proposed works is a reference to the amount estimated by the Authority to be the total cost of the works to which the approval relates excluding any part of the costs determined by the Authority to be attributable to—
  - (a) the purchase of land; or
  - (b) building or other work that will not contribute directly or substantially to the prescribed activity of environmental significance to which the application relates.

**Note—**

An annual authorisation fee is only payable for a works approval granted or renewed for a term of 2 or more years (see section 48 of the Act).

## **Subdivision 2—Exemptions**

### **26—Exemptions—Application fee for grant, authorisation fee for grant or renewal and annual authorisation fee**

- (1) The application fee for an exemption payable under section 38(1) of the Act is 43 fee units.
- (2) However, if public notice is to be given under section 39(1), or section 39(1) and (2), of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—
  - (a) if the notice and other similar notices are to be published together by the Authority—5 fee units;
  - (b) in any other case—20 fee units.
- (3) The application fee for the renewal of an exemption payable under section 43(2) of the Act is 10 fee units.
- (4) The authorisation fee payable under section 40 or 43(5) of the Act, and the annual authorisation fee payable under section 48 of the Act, for an exemption will be at 1 of the following levels:
  - (a) 10 fee units;
  - (b) a multiple of 10 fee units up to 100 units;
  - (c) 100 fee units;
  - (d) a multiple of 100 fee units up to 2 500 units.
- (5) The level of the authorisation fee and annual authorisation fee for an exemption is to be determined by the Authority at its discretion having regard to the following:
  - (a) the factors specified in section 25(2) of the Act;
  - (b) any relevant environment protection policy;
  - (c) whether the applicant will be bound by an environment improvement programme;
  - (d) the time of the day and the period for which the exemption will operate;
  - (e) the number of people affected by, or the extent of any other environmental impact of, the activity to which the exemption will relate;
  - (f) any relevant matter arising under the *Development Act 1993* or a Development Plan or development authorisation under that Act in relation to the location of the activity to which the exemption will relate;
  - (g) any other matter considered relevant by the Authority.

**Note—**

An annual authorisation fee is only payable for an exemption granted or renewed for a term of 2 or more years (see section 48 of the Act).

### Subdivision 3—Licences

#### 27—Licences—Application fee for grant and authorisation fee for grant or renewal

- (1) The application fee payable under section 38(1) of the Act for a licence is the sum of—
  - (a) a lodgement fee of 10 fee units; and
  - (b) an assessment fee of—
    - (i) in the case of a licence to undertake a waste transport business (category A)—4 fee units; or
    - (ii) in the case of a licence to undertake a waste transport business (category B)—2 fee units; or
    - (iii) in the case of a licence to undertake dredging or earthworks drainage—34 fee units; or
    - (iv) in any other case—20% of the amount determined by the Authority at the time of lodgement of the application to be the expected authorisation fee for the grant of the licence (assuming the grant of a licence on the basis of the application) minus the flat fee component.
- (1a) Amounts determined under subregulation (1)(b)(iv) are not subject to adjustment under regulation 33.
- (2) However, if public notice is to be given under section 39(1), or section 39(1) and (2), of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—
  - (a) if the notice and other similar notices are to be published together by the Authority—5 fee units;
  - (b) in any other case—20 fee units.
- (3) The application fee for the renewal of a licence payable under section 43(2) of the Act is 10 fee units.
- (4) The authorisation fee payable under section 40 of the Act for the grant of a licence is the amount determined by the Authority to be the ***applicant's projected annual authorisation fee***, being the amount of the annual authorisation fee (excluding the resource efficiency component) that would be payable by the applicant if the applicant were the holder of a licence liable to pay an annual authorisation fee under section 48 of the Act in respect of the projected licence period, calculated by reference to the Authority's reasonable assumptions as to what would be the nature and level of the applicant's activities if carried on for the whole of the period to which the calculations relate.

- (5) The authorisation fee payable under section 43(5) of the Act for renewal of a licence is the amount determined by the Authority to be the *applicant's projected annual authorisation fee*, being the amount of the annual authorisation fee that would be payable by the applicant if the applicant were the holder of a licence liable to pay an annual authorisation fee under section 48 of the Act in respect of the projected licence period, calculated by reference to the Authority's reasonable assumptions as to what would be the nature and level of the applicant's activities if carried on for the whole of the periods to which the calculations relate.
- (6) For the purposes of determining the applicant's projected annual authorisation fee—
- (a) a reference in regulation 28 to an annual authorisation fee is to be read as if it were a reference to the projected annual authorisation fee; and
  - (b) subject to subregulation (7), a reference in these regulations to the current licence period is to be read as if it were a reference to the projected licence period; and
  - (c) a reference in these regulations to activities authorised by the licence is to be read as if it were a reference to activities to be authorised by the licence.
- (7) If the projected licence period is less than or more than 12 months—
- (a) a pro rata adjustment is to be made to the amount of the environment management component, and, in the case of renewal, the resource efficiency component, by applying the proportion that the length of the projected licence period bears to 12 months; and
  - (b) the pro rata adjustment is to be made on the basis of months, parts of a month being counted as a full month; and
  - (c) for the purposes of determining the environment management component, if the number of fee units specified in Schedule 2 Part 2 depends on an indicator of the level of activity during the licence period, the indicator is to be determined by the Authority on the basis of the Authority's estimates in relation to the activity during a period of 12 months rather than during the projected licence period.

**Examples—**

- 1 If the term of the licence is 3 months, the proportion that the length of the projected licence period bears to 12 months would be  $\frac{1}{4}$ .
- 2 If the term of the licence is  $3\frac{1}{2}$  months, the proportion that the length of the projected licence period bears to 12 months would be  $\frac{1}{3}$ .

- (8) In this regulation—

***projected licence period* means—**

- (a) in the case of a licence for which the holder is not liable to pay an annual authorisation fee under section 48 of the Act (by reason of the fact that the term of the licence is less than 2 years or that it is an environmental authorisation of a prescribed class)—the term of the licence;
- (b) in the case of a licence for which the holder is liable to pay an annual authorisation fee under section 48 of the Act—the period between the grant or renewal of the licence and the commencement of the first licence period for which an annual authorisation fee will be payable.

---

**28—Licences—Annual authorisation fee**

- (1) The annual authorisation fee payable under section 48 of the Act for a licence is the sum of—
- (a) the flat fee component of 1 fee unit; and
  - (b) the environment management component determined for the current licence period in accordance with regulation 30; and
  - (c) the resource efficiency component comprising—
    - (i) if the pollutant threshold is exceeded for a designated air pollutant or a designated water pollutant in the reporting period immediately preceding the current licence period—the pollutant load-based component for the pollutant determined in accordance with regulation 31; and
    - (ii) if the low salinity water threshold is exceeded in the reporting period immediately preceding the current licence period—the water reuse component determined in accordance with regulation 32.

**Note—**

An annual authorisation fee is only payable for a licence granted or renewed for a term of 2 or more years (see section 48 of the Act).

- (2) The ***pollutant threshold*** is exceeded in a reporting period—
- (a) for a designated air pollutant if—
    - (i) in the case of sulphur dioxide or nitrogen oxides—more than 10 000 kilograms of the pollutant are emitted to air during the period from an assessable site specified in the licence; or
    - (ii) in the case of particulates or volatile organic compounds—more than 1 000 kilograms of the pollutant are emitted to air during the period from an assessable site specified in the licence; or
    - (iii) in the case of lead—more than 100 kilograms of lead are emitted to air during the period from an assessable site specified in the licence; or
  - (b) for a designated water pollutant if—
    - (i) in the case of heat—more than 10 megawatts of heat are discharged to waters during the period from an assessable site specified in the licence (in the course of any prescribed activity of environmental significance); or
    - (ii) in the case of suspended solids, nitrogen, phosphorus, organic matter or zinc—more than 1 000 kilograms of the pollutant are discharged to waters during the period from an assessable site specified in the licence (in the course of any prescribed activity of environmental significance); or
    - (iii) in the case of copper or lead—more than 100 kilograms of the pollutant are discharged to waters during the period from an assessable site specified in the licence (in the course of any prescribed activity of environmental significance); or

- (iv) in the case of salt discharged in the course of a desalination plant—
    - (A) more than 75 000 tonnes of the salt are discharged to the marine environment during the period from an assessable site specified in the licence; or
    - (B) any amount of the salt is discharged during the period from an assessable site specified in the licence to other waters of the State that have a background concentration of salt of 13 000 milligrams of total dissolved solids per L or less (when measured during the period by a method approved by the Authority),in each case, assessed in accordance with an approved estimation or monitoring technique for the activity that produces the pollutant.
- (3) The **low salinity water threshold** is exceeded in a reporting period if 10 megalitres or more of water is discharged to the marine environment during that period (whether directly or indirectly through pipes or channels) from an assessable site specified in the licence and the average salinity of water so discharged is less than 1 500 milligrams of total dissolved solids per litre (assessed in accordance with an approved estimation or monitoring technique for the activity that produces the water).
- (4) The pollutant threshold or low salinity water threshold is to be taken to have been exceeded in the reporting period immediately preceding the current licence period (the **relevant reporting period**) if—
  - (a) the Authority is satisfied that the threshold has been exceeded in the relevant reporting period on the basis of information reported to the Authority in relation to the activities authorised by the licence (for the purposes of the National Pollutant Inventory, conditions of licence or otherwise); or
  - (b) the Authority has not received information for the relevant reporting period or has not had an opportunity to determine whether it is satisfied as to the accuracy of information reported to the Authority for the relevant reporting period, but is satisfied that the threshold has been exceeded in the reporting period immediately preceding the relevant reporting period on the basis of information reported to the Authority in relation to the activities authorised by the licence (for the purposes of the National Pollutant Inventory, conditions of licence or otherwise); or
  - (c) the Authority is satisfied on the basis of its reasonable assumptions as to the nature and level of the activities authorised by the licence that the threshold would be exceeded if the activities were to be carried on over a 12 month period (whether or not they have in fact been carried on over such a period).
- (5) If discharges of liquid pollutants from 2 or more activities authorised by separate licences (whether or not held by the same person) are mixed by use of the same pipe or channel or otherwise so as to constitute a single discharge to waters, the Authority is to—
  - (a) determine the annual authorisation fee payable for the licence as if the discharge to waters were the result of activities authorised by a single licence; and

- (b) apportion the amount so determined between the separate licences concerned—
  - (i) on such basis as may be nominated by the holder of the licences, or, if there is more than 1 holder, on such basis as may be agreed by the holders; or
  - (ii) in the absence of such a nomination or agreement, on a basis determined by the Authority having regard to the respective environmental impacts of the discharges resulting from the activities authorised by the separate licences.

### **30—Determining environment management component**

- (1) The environment management component is comprised of—
  - (a) a separate amount payable for each assessable site specified in the licence as follows:
    - (i) if the licence authorises only 1 prescribed activity of environmental significance to be carried on at the site during the licence period—the number of fee units specified in Schedule 2 Part 2 for the activity;
    - (ii) if the licence authorises 2 or more prescribed activities of environmental significance to be carried on at the site during the licence period—the highest number of fee units specified in Schedule 2 Part 2 for any of the activities (or the higher number, in the case of only 2 such activities); and
  - (b) if the licence authorises a waste transport business—the number of fee units determined as follows:
    - (i) the number of fee units specified in Schedule 2 Part 2 for the activity for each vehicle that is an assessable vehicle during the licence period adjusted, if the vehicle is not an assessable vehicle for the whole of the licence period, by applying the proportion that the number of months during the licence period for which the vehicle is an assessable vehicle bears to 12 months;
    - (ii) for the purposes of the adjustment, part of a month is to be counted as a full month;
    - (iii) if the same vehicle is an assessable vehicle for the purposes of both a waste transport business (category A) and a waste transport business (category B) and a different number of fee units is specified in Schedule 2 Part 2 for the vehicle in those different businesses—the number of fee units for the vehicle is the higher number of fee units so specified adjusted, if the vehicle is not an assessable vehicle for the whole of the licence period, as set out in subparagraphs (i) and (ii); and
  - (c) if the licence authorises dredging—the number of fee units specified in Schedule 2 Part 2 for the activity for each day on which the activity is undertaken during the licence period; and

- (d) if the licence authorises earthworks drainage—the number of fee units specified in Schedule 2 Part 2 for the activity for each day on which the activity is undertaken during the licence period.
- (2) If the number of fee units specified in Schedule 2 Part 2 depends on an indicator of the level of activity during the licence period, the indicator is to be determined by the Authority on the basis of the Authority's estimates in relation to the activity during the licence period.
- (3) Amounts determined under this regulation are subject to any necessary adjustment under regulation 33 after the end of the licence period.

### 31—Determining pollutant load-based component

- (1) The pollutant load-based component is comprised of a separate amount payable for each assessable site specified in the licence.
- (2) The amount payable for an assessable site is the sum of—
  - (a) the fee units for each designated air pollutant emitted to air from the site in the course of a prescribed activity of environmental significance during the designated reporting period determined in accordance with subregulation (3); and
  - (b) the fee units for each designated water pollutant—
    - (i) in the case of a designated water pollutant discharged to waters (including underground waters) from the site (whether directly or indirectly through pipes or channels) in the course of a desalination plant during the designated reporting period—determined in accordance with subregulation (3a); or
    - (ii) in the case of a designated water pollutant discharged to waters (other than underground waters) from the site (whether directly or indirectly through pipes or channels) in the course of any other prescribed activity of environmental significance during the designated reporting period—determined in accordance with subregulation (4).
- (3) The number of fee units for a designated air pollutant is to be determined in accordance with the following formula:

$$DAP = T \times N \times Z$$

where—

**DAP** is the number of fee units for the designated air pollutant

**T** is the weight (in tonnes rounded to the nearest 0.1 tonne) of the pollutant emitted to air during the reporting period, assessed—

- (a) in accordance with an approved estimation or monitoring technique for the activity that resulted in the emission; or
- (b) if the pollutant threshold is taken to be exceeded under regulation 28(4)(c)—on the basis of the Authority's own estimates and reasonable assumptions as to the nature and level of the licensee's activities

**N** is the number of fee units for the pollutant specified in Table 1



*Z* is the zone weighting determined in accordance with Table 1 by reference to the pollutant and the location of the assessable site from which the pollutant is emitted (and if the site is located in 2 areas listed in the table, the higher zone weighting applies).

**Table 1—Fee units and zone weightings for designated air pollutants**

Pollutant	Fee units	Location of assessable site	Zone weighting
sulphur dioxide	1	All areas	1
nitrogen oxides	1	Adelaide airshed	2
		Other areas	1
particulates	10	Mount Gambier airshed	2
		In the case of red dust particulates—Whyalla airshed	4
		Other areas	1
volatile organic compounds	10	Adelaide airshed	1.5
		Areas outside the Adelaide airshed that are within a council area	1
		Other areas	0.5
lead	100	Port Pirie airshed	15
		Other areas	1

- (3a) The number of fee units for a designated water pollutant discharged to waters in the course of a desalination plant is to be determined in accordance with the following formula:

$$DWP = T \times N \times Z$$

where—

*DWP* is the number of fee units for the designated water pollutant

*T* is—

- (a) in the case of a designated water pollutant other than heat—
  - (i) the weight (in tonnes rounded to the nearest 0.1 tonne) of the pollutant discharged to waters during the reporting period; or
  - (ii) if the licensee satisfies the Authority that the pollutant has been discharged back into the same waters from which it was taken—the weight (in tonnes rounded to the nearest 0.1 tonne) of the pollutant so discharged during the reporting period (calculated by subtracting the background concentration of the pollutant in the receiving waters from the concentration of the pollutant in the wastewater conveying the pollutant, in each case measured in grams per L, and multiplying that result by the total number of megalitres of the wastewater discharged to the waters during the reporting period); or
- (b) in the case of heat—the number of megawatts (rounded to the nearest megawatt) of the heat discharged to waters during the reporting period,

assessed—

- (c) in accordance with an approved estimation or monitoring technique for the activity resulting in the discharge; or
- (d) if the pollutant threshold is taken to be exceeded under regulation 28(4)(c)—on the basis of the Authority's own estimates and reasonable assumptions as to the nature and level of the licensee's activities

*N* is the number of fee units for the pollutant specified in Table 1a

*Z* is the zone weighting determined in accordance with Table 1a by reference to the pollutant and the location of the waters into which the pollutant is discharged (and if the pollutant is discharged into 2 areas listed in the table, the higher zone weighting applies).

**Table 1a—Fee units and zone weightings for designated water pollutants—desalination plants**

Pollutant	Fee units	Location of waters	Zone weighting
salt	0.00177	Marine environment	1
		All other waters of the State	50
heat	1	All waters of the State	1
suspended solids	10	Metropolitan coastal waters	2
		All other waters of the State	1
nitrogen	10	Port River region or Metropolitan coastal waters	3
		All other waters of the State	1
phosphorus	10	Port River region	2
		All other waters of the State	1
organic matter	10	Lake Bonney (South East)	2
		All other waters of the State	1
zinc	10	Upper Spencer Gulf	2
		All other waters of the State	1
copper, lead	100	Upper Spencer Gulf	2
		All other waters of the State	1

- (4) The number of fee units for a designated water pollutant (other than when discharged to waters in the course of a desalination plant) is to be determined in accordance with the following formula:

$$DWP = T \times N \times Z$$

where—

**DWP** is the number of fee units for the designated water pollutant

**T** is—

- (a) the weight (in tonnes rounded to the nearest 0.1 tonne); or

- (b) in the case of heat—the number of megawatts (rounded to the nearest megawatt),
- of the pollutant discharged to waters during the reporting period, assessed—
- (c) in accordance with an approved estimation or monitoring technique for the activity resulting in the discharge; or
- (d) if the pollutant threshold is taken to be exceeded under regulation 28(4)(c)—on the basis of the Authority's own estimates and reasonable assumptions as to the nature and level of the licensee's activities

*N* is the number of fee units for the pollutant specified in Table 2

*Z* is the zone weighting determined in accordance with Table 2 by reference to the pollutant and the location of the waters into which the pollutant is discharged (and if the pollutant is discharged into 2 areas listed in the table, the higher zone weighting applies).

**Table 2—Fee units and zone weightings for designated water pollutants—activities other than desalination plants**

Pollutant	Fee units	Location of waters	Zone weighting
heat	1	All waters of the State	1
suspended solids	10	Metropolitan coastal waters	2
		All other waters of the State	1
nitrogen	10	Port River region or Metropolitan coastal waters	3
		All other waters of the State	1
phosphorus	10	Port River region	2
		All other waters of the State	1
organic matter	10	Lake Bonney (South East)	2
		All other waters of the State	1
zinc	10	Upper Spencer Gulf	2
		All other waters of the State	1
copper, lead	100	Upper Spencer Gulf	2
		All other waters of the State	1

- (5) If the pollutant threshold is taken to be exceeded under regulation 28(4)(b) or regulation 28(4)(c), the pollutant load-based component is subject to any necessary adjustment under regulation 33 after the end of the licence period.
- (6) In this regulation—

***designated reporting period*** means—

- (a) if the pollutant threshold is taken to be exceeded under regulation 28(4)(a)—the reporting period immediately preceding the current licence period;

- (b) if the pollutant threshold is taken to be exceeded under regulation 28(4)(b)—the reporting period immediately preceding the reporting period referred to in paragraph (a);
  - (c) if the pollutant threshold is taken to be exceeded under regulation 28(4)(c)—a hypothetical reporting period of 12 months.
- (7) For the purposes of subregulation (3a), a designated water pollutant will be taken to have been discharged back into the same waters from which it was taken if the pollutant was—
  - (a) taken from the marine environment and discharged back into the marine environment; or
  - (b) taken from an aquifer and discharged back into the same aquifer; or
  - (c) taken from a watercourse and discharged back into the same watercourse; or
  - (d) taken from some other body of waters and discharged back into the same body of waters.

### 32—Determining water reuse component

- (1) The water reuse component is comprised of a separate amount payable for each assessable site specified in the licence.
- (2) The water reuse component is 1 fee unit for each megalitre (rounded to the nearest megalitre) of wastewater discharged to the marine environment (whether directly or indirectly through pipes or channels) in the course of a prescribed activity of environmental significance during the designated reporting period—
  - (a) measured in accordance with an approved estimation or monitoring technique for the activity; or
  - (b) if the low salinity water threshold is taken to be exceeded under regulation 28(4)(c)—estimated by the Authority on the basis of its reasonable assumptions as to the nature and level of the licensee's activities.
- (3) If the low salinity water threshold is taken to be exceeded under regulation 28(4)(b) or regulation 28(4)(c), the water reuse component is subject to any necessary adjustment under regulation 33 after the end of the licence period.
- (4) In this regulation—

***designated reporting period*** means—

- (a) if the low salinity water threshold is taken to be exceeded under regulation 28(4)(a)—the reporting period immediately preceding the current licence period;
- (b) if the low salinity water threshold is taken to be exceeded under regulation 28(4)(b)—the reporting period immediately preceding the reporting period referred to in paragraph (a);
- (c) if the low salinity water threshold is taken to be exceeded under regulation 28(4)(c)—a hypothetical reporting period of 12 months.

### 33—Adjustment of annual authorisation fee or projected annual authorisation fee after end of licence period or projected licence period

- (1) If the Authority is satisfied after the end of a licence period that the annual authorisation fee determined for the period (as based on estimates made by the Authority under this Division or under the substituted provisions) was an amount less than the amount calculated by reference to the activity as actually undertaken during the licence period or the reporting period immediately preceding the licence period, the Authority may, by notice in writing to the holder of the licence or by conditions of the licence, require the holder of the licence to pay to the Authority, within a specified period, the amount determined by the Authority to represent the difference between those 2 amounts.

**Note—**

If no resource efficiency component was payable because the pollutant threshold or low salinity water threshold was determined in accordance with regulation 28(4)(b) or (c) as not having been exceeded but information subsequently reported to the Authority shows that the threshold would have been exceeded under regulation 28(4)(a) if that information had then been available and the Authority had been satisfied as to its accuracy, this subregulation will apply and a resource efficiency component will become payable.

- (2) If the holder of a licence satisfies the Authority (by such evidence as the Authority may require) after the end of a licence period that the annual authorisation fee paid for the period (as based on estimates made by the Authority under this Division or under the substituted provisions) was more than the amount calculated by reference to the activity as actually undertaken during the licence period or the reporting period immediately preceding the licence period, the Authority must refund to the holder of the licence the amount determined by the Authority to represent the difference between those 2 amounts.

- (3) In this regulation—

**annual authorisation fee** includes a projected annual authorisation fee under regulation 27;

**licence period** includes a projected licence period under regulation 27;

**substituted provisions** means—

- (a) regulation 10 of the *Environment Protection (Fees and Levy) Regulations 1994* as in force immediately before their variation by the *Environment Protection (Fees and Levy) Variation Regulations 2008*; or
- (b) regulation 11 of the *Environment Protection (Fees and Levy) Regulations 1994* as in force immediately before the commencement of these regulations.

### 34—Cessation of activity

Despite regulation 28, the following provisions apply in the case of the cessation of a prescribed activity of environmental significance carried on pursuant to a licence:

- (a) if—
  - (i) the licence has been renewed under section 43(6) of the Act or is subject to conditions under section 52A or 56(2)(b) of the Act; and

- (ii) the activity ceased before the commencement of the current licence period,  
no environment management component or flat fee component is payable for that period;
- (b) in the case of an activity for which the amount of the environment management component does not depend on an indicator of the level of activity during the licence period—
  - (i) if the licence is subject to conditions under section 52A or 56(2)(b) of the Act and the holder of the licence satisfies the Authority that the activity is to cease during the current licence period, a pro rata adjustment is to be made to the amount of the environment management component for that period by applying the proportion that the number of months in that period before the activity is to cease bears to 12 months; and
  - (ii) if conditions are imposed on the licence under section 52A or 56(2)(b) of the Act during the current licence period and the activity ceases during that period, the Authority must, no later than the end of that period, refund to the holder of the licence a proportion of the environment management component for that period, being the proportion that the number of months remaining in that period after the cessation of the activity or the imposition of the conditions (whichever is the later) bears to 12 months; and
  - (iii) for the purposes of this paragraph, a part of a month is to be counted as a full month.

## **Division 3—Discounts and other benefits for accredited licensees**

### **35—Benefits of accreditation**

An accredited licensee is entitled to—

- (a) a 50% reduction in the environment management component of—
  - (i) the authorisation fee otherwise payable under section 40 or 43 of the Act in relation to the accredited activity; or
  - (ii) the annual authorisation fee otherwise payable under section 48 of the Act in relation to the accredited activity; and
- (b) any other variations to the licence conditions favourable to the licensee considered appropriate by the Authority.

### **36—Accredited licences**

- (1) A licensee may apply to the Authority to be accredited as an accredited licensee in respect of a particular prescribed activity of environmental significance carried on at premises occupied by the licensee.
- (2) An application for accreditation must be made in a manner and form approved by the Authority and accompanied by any information required by the Authority.

- (3) Subject to this regulation, the Authority may grant accreditation if satisfied that—
  - (a) the activity is being carried on at the premises to a high level of environmental performance; and
  - (b) that performance can be maintained for the duration of the term of the licence.
- (4) In determining the level of environmental performance for the purposes of subregulation (3), the Authority may take into consideration the following:
  - (a) the licensee's record of compliance with the Act and statutory instruments under the Act;
  - (b) whether the licensee has an environment improvement programme in place in respect of the activity;
  - (c) any other matter it considers relevant.
- (5) The Authority must not grant accreditation unless satisfied that the licensee has in place in respect of the activity the following:
  - (a) an environment management system approved by the Authority;
  - (b) an environmental audit and compliance program approved by the Authority.
- (6) The Authority must, within 14 days of granting an application for accreditation, publish a notice in the Gazette specifying the name of the accredited licensee, the premises at which the accredited activity is carried on and the nature of that activity.
- (7) An accreditation may, with the approval of the Authority, be transferred simultaneously with the transfer of a licence under section 49 of the Act.

### **37—Performance reports**

- (1) An accredited licensee must submit a performance report to the Authority within 60 days after the end of each financial year or such further period as the Authority may approve containing details of environmental performance at the premises at which the accredited activity is carried on during the financial year.
- (2) A performance report must—
  - (a) be prepared in a form approved by the Authority; and
  - (b) contain information or details required by the Authority; and
  - (c) be authorised by the licensee.

### **38—Review of accreditation**

- (1) The Authority may, at any time, review the accreditation of an accredited licensee.
- (2) The Authority must give the licensee notice of its intention to conduct a review under this regulation.
- (3) The Authority may cancel an accreditation if of the opinion that—
  - (a) the accredited activity is no longer being carried on at the premises to a high level of environmental performance; or
  - (b) the licensee has contravened the Act or a statutory instrument under the Act;  
or

- (c) the licensee no longer has in place or is implementing in respect of the accredited activity—
  - (i) an environment management system approved by the Authority; or
  - (ii) an environment improvement programme approved by the Authority; or
  - (iii) an environmental audit and compliance program approved by the Authority.
- (4) If a licensee's accreditation is cancelled, the licensee must pay to the Authority an amount equal to the licence fee reduction resulting from the accreditation multiplied by the proportion that the number of days in the remainder of the current licence period bears to the number of days in the licence period.

## **Division 4—Miscellaneous fees relating to environmental authorisations**

### **39—Late application for renewal (section 43(4))**

For the purposes of section 43(4) of the Act, the fee for late application for renewal of an environmental authorisation is—

- (a) if the application is made before or on 30 June 2010—\$20 plus 1% of the authorisation fee payable on renewal for the first month (or part of a month) for which the application is late and 2% of the authorisation fee for each further month (or part of a month) for which the application is late; and
- (b) if the application is made after 30 June 2010—\$300 or 5% of the authorisation fee (whichever is higher) payable on renewal for each month (or part of a month) for which the application is late.

### **40—Renewal without application (section 43(6))**

If an environmental authorisation under which activities continue to be undertaken is renewed under section 43(6) of the Act (without application), the holder of the authorisation must pay the Authority the authorisation fee that would have been payable under section 43(5) of the Act had the authorisation been renewed on application.

### **41—Conditions requiring approval of certain works and processes (section 54C)**

- (1) The prescribed fee payable for an application for an approval required by conditions of an environmental authorisation imposed under section 54C(2) of the Act in relation to—
  - (a) the construction or alteration of a building or structure, or the installation or alteration of plant or equipment, for use for an activity carried on under the authorisation (*works*); or
  - (b) a change in process undertaken under the authorisation,is the number of fee units determined according to the cost of the works or change in process estimated by the Authority as follows:



<b>Estimated cost of works or change in process</b>	<b>Fee units</b>
Up to and including \$10 000	10
More than \$10 000 but not more than \$50 000	20
More than \$50 000 but not more than \$500 000	40
More than \$500 000 but not more than \$5 million	60
More than \$5 million but not more than \$50 million	100
More than \$50 million	200
(2) If the application relates to both works and a change in process, the prescribed fee payable for the application will be determined as if separate applications had been made, 1 in relation to the works and the other in relation to the change in process.	
(3) In this regulation, a reference to the estimated cost of works is a reference to the amount estimated to be the total cost of the works to which the application relates excluding any part of the costs determined by the Authority to be attributable to—	
(a) the purchase of land; or	
(b) building or other work that will not contribute directly or substantially to the prescribed activity of environmental significance to which the application relates.	



## Part 4—Beverage containers

### 42—Beverage (section 65)

The following liquids are excluded from the ambit of the definition of *beverage* in section 65 of the Act:

- (a) concentrated fruit or vegetable juice, or concentrated fruit and vegetable juice, intended to be diluted before consumption;
- (b) a health tonic that is—
  - (i) included on the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* of the Commonwealth; and
  - (ii) supplied with a label or other accompanying document specifying—
    - (A) that the tonic is for medicinal purposes; and
    - (B) a recommended maximum dosage; and
- (c) a cordial comprised of a concentrated syrup that—
  - (i) contains the following ingredients (whether or not it also contains other ingredients):
    - (A) water;
    - (B) a sweetener (whether natural or artificial);
    - (C) colouring or flavouring, or both (whether natural or artificial); and
  - (ii) is intended to be diluted before consumption.

### 43—Collection depot (section 65)

For the purposes of the definition of *collection depot* in section 65 of the Act, a reverse vending machine is a facility of a prescribed kind.

### 44—Refund amount (section 65)

For the purposes of the definition of *refund amount* in section 65 of the Act, the following refund amounts are prescribed:

- (a) for category A containers—\$0.10;
- (b) for category B containers—\$0.10.

### 45—Exemption of certain containers by regulation (section 67)

- (1) Pursuant to section 67 of the Act, the following classes of containers are exempt from the application of Part 8 Division 2 of the Act:
  - (a) containers used for the purpose of containing milk or milk substitute (other than flavoured milk or flavoured milk substitute);
  - (b) containers used for the purpose of containing 1 litre or more of flavoured milk or flavoured milk substitute;

- (c) containers used for the purpose of containing 1 litre or more of pure juice (comprising at least 90% fruit juice or vegetable juice or a mixture of fruit and vegetable juices);
  - (d) containers used for the purpose of containing more than 3 litres of beverage;
  - (e) containers constructed of cardboard and plastic, cardboard and foil, or cardboard, plastic and foil (commonly known as casks or aseptic packs) used for the purpose of containing 1 litre or more of wine, wine-based beverage or water (including mineral or spring water);
  - (f) containers constructed of plastic or foil or plastic and foil (commonly known as sachets) used for the purpose of containing 250 millilitres or more of wine.
- (2) Pursuant to section 67 of the Act, until 28 February 2010, category A and category B containers marked with a former approved refund marking are exempt from the application of the following provisions of the Act:
- (a) section 68(3)(a)(i);
  - (b) section 69B(1);
  - (c) section 69B(2).

- (3) In this regulation—

***flavoured milk*** means milk to which flavouring has been added;

***flavoured milk substitute*** means milk substitute to which flavouring has been added and which is marketed as a flavoured product;

***milk*** means cow's milk or the milk of any other animal and, without limiting that meaning, includes milk that is 1 or more of the following:

- (a) ultra heat treated or reconstituted milk;
- (b) reduced fat milk;
- (c) milk with added protein, milk fat, calcium, vitamins, minerals or other supplements;

***milk substitute*** means a liquid substitute for milk derived from a plant or part of a plant and, without limiting that meaning, includes milk substitute that is 1 or more of the following:

- (a) ultra heat treated or reconstituted milk substitute;
- (b) reduced fat milk substitute;
- (c) milk substitute with added protein, fat, calcium, vitamins, minerals or other supplements;

***wine-based beverage*** means a pre-mixed beverage that contains—

- (a) wine and another beverage that is not a grape product; and
- (b) less than 10% alcohol by volume at 20° Celsius.

---

**46—Annual returns for collection depots and super collectors (section 69A)**

- (1) For the purposes of section 69A(1) of the Act, the date before which the holder of an approval to operate a collection depot or carry on business as a super collector must lodge an annual return with the Authority, or pay the annual fee to the Authority, is, unless some other date is fixed by the Authority by condition of the approval, 30 September in each year.
- (2) For the purposes of section 69A(2) of the Act, the penalty for failure to lodge an annual return or pay the annual fee is \$300 or 5% of the annual fee (whichever is higher) for each month (or part of a month) for which the default continues.

**Note—**

If there has been a failure to lodge an annual return and pay the annual fee, the penalty for default is payable in respect of each failure.

**47—Offence to claim refund on beverage containers purchased outside State or corresponding jurisdiction (section 69C)**

For the purposes of section 69C(2) of the Act, a declaration to be completed by a person presenting containers must include the following:

- (a) the full name and address of the person;
- (b) proof of identity of the person in the form of—
  - (i) the person's driver's licence number; or
  - (ii) if the person is unable to produce his or her driver's licence—a passport, credit or debit card, concession card, gas, electricity or telephone account or similar document or card that has been issued to the person;
- (c) if the person has delivered the containers by vehicle—the registration number of the vehicle and the State or Territory of registration;
- (d) the signature of the person.

**48—Certain containers prohibited (section 72)**

For the purposes of paragraph (b) of the definition of *prohibited container* in section 72(1)(b) of the Act, a sealed glass container (commonly known as a plasti-shield container) that—

- (a) is designed to contain more than 500 millilitres of beverage; and
- (b) is not designed to be refilled; and
- (c) is covered on the outside with a plastic sheath or coating,

is a sealed glass container of a prescribed kind.



## Part 5—Site contamination

### Division 1—General provisions supporting Part 10A of Act

#### 49—Occupier (section 103A)

- (1) For the purposes of the definition of *occupier* in section 103A of the Act, a person is to be taken to be an occupier of land if the person owns, or has operational control of, a tank or pipeline, or any works or structure, that—
  - (a) is installed on or traverses the land, whether below or above the ground; and
  - (b) is used to store or convey chemical substances or for some process employing chemical substances.
- (2) For the purposes of subregulation (1), a person has operational control over a tank, pipeline, works or a structure if the person has the authority to introduce and implement environmental or health and safety policies or any other operating policies for the tank, pipeline, works or structure.

#### 50—Potentially contaminating activities (sections 103C and 103H)

- (1) For the purposes of sections 103C and 103H of the Act, the following activities are prescribed as potentially contaminating activities:
  - (a) an activity of a kind set out in Schedule 3 clause 2, undertaken in the course of a business;
  - (b) any other activity (other than an activity of a kind excluded under Schedule 3 clause 2 from the ambit of potentially contaminating activities) undertaken in the course of a business involving—
    - (i) the manufacture, production (including as a by-product or waste) or recycling of a listed substance or a product containing a listed substance; or
    - (ii) the storage at a discrete premises of the business of—
      - (A) 500 litres or more of a liquid listed substance; or
      - (B) 500 kilograms or more of a listed substance other than a liquid;
  - (c) a domestic activity of a kind set out in Schedule 3 clause 3.
- (2) However—
  - (a) the Authority may determine that an activity of a kind referred to in subregulation (1)(a) is not a potentially contaminating activity if the Authority is satisfied that the activity has been carried on in such a manner or on such a scale as to present a negligible risk of site contamination; and

- (b) the Authority may determine that an activity of a kind referred to in subregulation (1)(b) is not a potentially contaminating activity if the Authority is satisfied that the relevant listed substance has, at all times while at the premises of the business, been contained or incorporated in a product (other than a product that itself is or comprises a listed substance) or container—
  - (i) in insignificant concentrations; or
  - (ii) in such a way as to present a negligible risk of escape of the substance to the environment.
- (3) For the purposes of this regulation, a reference to a discrete premises of a business is, in the case of activities authorised by a licence—
  - (a) a reference to each location specified in the licence at which activities authorised by the licence may be undertaken; or
  - (b) if various places are specified in the licence as a single location at which activities authorised by the licence may be undertaken—a reference to the various places taken together.
- (4) To avoid doubt, an activity of a kind referred to in subregulation (1)(a) or (b) is not precluded from being undertaken in the course of a business merely because it is undertaken for the purposes of research.
- (5) In this regulation—  
**recycling** includes reprocessing, recovery and purification.

## **51—Causing site contamination (section 103D)**

Changes in the use of land within the meaning of the *Development Act 1993* are a prescribed kind of change of use for the purposes of section 103D(2) of the Act.

## **52—Liability for property damage etc caused by person entering land—exemptions (section 103M)**

- (1) A person is exempt from the application of section 103M(2) of the Act if the person enters or does anything on land on behalf of the occupier of the land in order to carry out—
  - (a) the requirements of a site contamination assessment order or site remediation order that has been issued to the occupier; or
  - (b) a voluntary site contamination assessment proposal or voluntary site remediation proposal that has been approved by the Authority on the application of the occupier.
- (2) A person is exempt from the application of section 103M(3) of the Act if the person enters or does anything on land on behalf of the owner of the land in order to carry out—
  - (a) the requirements of a site contamination assessment order or site remediation order that has been issued to the owner; or
  - (b) a voluntary site contamination assessment proposal or voluntary site remediation proposal that has been approved by the Authority on the application of the owner.



## **Division 2—Site contamination auditors**

### **Subdivision 1—Accreditation**

#### **53—Eligibility for accreditation**

- (1) A person is eligible for accreditation as a site contamination auditor if the person—
  - (a) has the qualifications, experience, knowledge, understanding and ability set out in subregulation (2); and
  - (b) is a fit and proper person to be accredited.
- (2) An applicant for accreditation must—
  - (a) have a tertiary qualification approved by the Authority in a relevant discipline; and
  - (b) have a total of at least 8 years of experience in the assessment and remediation of site contamination; and
  - (c) have knowledge and understanding at a level satisfactory to the Authority of—
    - (i) the provisions of the Act and these regulations relating to site contamination assessment, remediation, audits and auditors; and
    - (ii) codes of practice, guidelines and standards prepared or approved by the Authority that apply to site contamination assessment, remediation, audits and auditors; and
    - (iii) the field of site contamination assessment and remediation; and
  - (d) have a demonstrated ability to put the knowledge and understanding referred to in paragraph (c) into practice, to a degree satisfactory to the Authority.
- (3) For the purposes of determining whether a person is eligible for accreditation under subregulation (1), the Authority may, without limitation, take into account—
  - (a) any recommendations made in relation to the person by an accreditation committee; or
  - (b) any offence committed by the person against the Act, these regulations or legislation similar to these regulations in force in another State or a Territory of the Commonwealth; or
  - (c) any offence punishable by imprisonment committed by the person; or
  - (d) the cancellation or suspension of accreditation or similar authority held by the person, or the disqualification of the person from practising as a site contamination auditor, under these regulations or under legislation similar to these regulations in force in another State or a Territory of the Commonwealth; or
  - (e) whether, during the period of 10 years preceding the application for accreditation, the person has been an undischarged bankrupt or subject to a composition or deed or scheme of arrangement with or for the benefit of creditors.

## 54—Application for accreditation

- (1) An application for accreditation must—
  - (a) be made to the Authority in the manner and form approved by the Authority; and
  - (b) be signed by the applicant and completed in accordance with the instructions contained in the form; and
  - (c) subject to subregulation (2), be accompanied by the fee for an application for accreditation as set out in Schedule 4.
- (2) The application fee referred to in subregulation (1)(c) is not payable in respect of a person entitled under the *Mutual Recognition Act 1992* of the Commonwealth, as adopted by the *Mutual Recognition (South Australia) Act 1993*, to be registered (as defined in that Commonwealth Act) in this State as a site contamination auditor.
- (3) An applicant for accreditation must—
  - (a) consent to the conduct by the Authority of inquiries relating to any accreditation or similar authority held at any time by the person under these regulations or under legislation similar to these regulations in force in another State or Territory of the Commonwealth; and
  - (b) provide the Authority with any information required by the Authority (verified, if the Authority so requires, by statutory declaration) for the purposes of determining the application including (without limitation) criminal record checks relating to the applicant; and
  - (c) supply the Authority with 1 or more digital photographs of the applicant as specified by the Authority.
- (4) The Authority may, on receipt of an application for accreditation under this regulation, refer the application to an accreditation committee and request the committee's written recommendations in relation to the application within a period specified in the notice (being not less than 14 days after referral of the application to the committee).

## 55—Grant of accreditation

- (1) The Authority may refuse an application for accreditation if—
  - (a) the person has not made due application for accreditation under this Division; or
  - (b) the applicant has not complied with a requirement of this Part or a requirement of the Authority made in connection with the application; or
  - (c) the Authority is not satisfied that the applicant is eligible for accreditation.
- (2) The Authority is not required, if it has assessed a person's qualifications, experience, knowledge, understanding or ability to be appropriate for accreditation, to assess the person's qualifications, experience, knowledge, understanding or ability again on a subsequent application by the person for accreditation (or renewal of accreditation).
- (3) The Authority may decline to grant accreditation unless or until the fee for the grant of accreditation as set out in Schedule 4 is paid.

**56—Conditions of accreditation**

- (1) The Authority may impose—
  - (a) a condition requiring the person to undertake ongoing professional development; and
  - (b) any other conditions the Authority thinks fit.
- (2) Without limiting the effect of subregulation (1), the Authority must make it a condition of every accreditation that—
  - (a) the holder of the accreditation will, when acting as a site contamination auditor, act diligently, impartially and conscientiously; and
  - (b) the holder of the accreditation will maintain arrangements enabling him or her to have access, from time to time as necessary in the course of carrying out site contamination audits, to a team of persons, constituted in a manner approved by the Authority, to provide technical expertise in fields outside his or her personal expertise; and
  - (c) the holder of the accreditation will not, when acting as a site contamination auditor, fail to comply with any guidelines issued from time to time by the Authority (insofar as they may be relevant in the circumstances of any particular case); and
  - (d) the holder of the accreditation will hold or be covered by a professional indemnity insurance policy approved by the Authority; and
  - (e) the holder of the accreditation will have an identity card issued by the Authority available for inspection at all times when present as a site contamination auditor at a site the subject of site contamination assessment or remediation; and
  - (f) if the holder of the accreditation is charged with or convicted of—
    - (i) an offence against the Act, this Part or legislation similar to this Part in force in another State or a Territory of the Commonwealth; or
    - (ii) an offence punishable by imprisonment,  
he or she will, within 14 days, give written notice of the charge or conviction to the Authority containing details of the offence; and
  - (g) if the holder of the accreditation—
    - (i) is dismissed from employment in response to allegations of misconduct; or
    - (ii) resigns from employment following allegations of misconduct,  
he or she will, within 14 days, give written notice of that fact to the Authority.
- (3) The Authority may, by written notice, vary or revoke a condition, or impose a condition, of a person's accreditation as a site contamination auditor.
- (4) A condition may only be imposed or varied—
  - (a) on application by the site contamination auditor or with the auditor's agreement; or

- (b) after giving the site contamination auditor reasonable notice of the proposed condition or variation and allowing the auditor at least 14 days within which to make submissions to the Authority in relation to the proposed condition or variation.

### **57—Offence to contravene certain conditions of accreditation**

If a site contamination auditor contravenes a condition of the person's accreditation that requires the Authority to be notified of a matter or imposes a restriction on the work undertaken by the person, the person is guilty of an offence.

Maximum penalty: \$4 000.

Expiation fee: \$300.

### **58—Annual fee**

- (1) A site contamination auditor must, on or before the date falling 1 month after each anniversary of the grant of accreditation (other than in a year in which the accreditation is due to expire), pay to the Authority the annual fee for accreditation as set out in Schedule 4.
- (2) If an accredited site contamination auditor fails to pay a fee in accordance with this regulation, the Authority may, by written notice, require the auditor to make good the default and, in addition, to pay to the Authority as a penalty for default \$20 plus 1% of the annual accreditation fee for the first month (or part of a month) for which the default continues and 2% of the annual fee for accreditation for each further month (or part of a month) for which the default continues.

### **59—Term and renewal of accreditation**

- (1) Subject to this Part, accreditation remains in force for a term not exceeding 5 years determined by the Authority and specified in the accreditation on its grant or renewal.
- (2) An application for renewal of accreditation must—
  - (a) be made not less than 90 days before the expiry of the accreditation; and
  - (b) be made to the Authority in the manner and form approved by the Authority; and
  - (c) be signed by the applicant and completed in accordance with the instructions contained in the form; and
  - (d) be accompanied by the fee for renewal of accreditation as set out in Schedule 4.
- (3) The Authority may, at the Authority's discretion, determine a late application for renewal provided that the applicant pays, in addition to the fee for renewal of accreditation, a late fee comprised of \$20 plus 1% of the fee for renewal of accreditation for the first month (or part of a month) for which the application is late and 2% of the fee for renewal of accreditation for each further month (or part of a month) for which the application is late.

- (4) The Authority may, on receipt of an application for renewal under this Division—
- (a) refer the application to an accreditation committee and request the committee's written recommendations in relation to the application within a period specified in the notice (being not less than 14 days after referral of the application to the committee); and
  - (b) require the applicant to provide any information required by the Authority (verified, if the Authority so requires, by statutory declaration) for the purposes of determining the application including (without limitation) criminal record checks relating to the applicant; and
  - (c) refuse to renew the applicant's accreditation on any ground on which an application for accreditation may be refused under regulation 55 or on which accreditation may be cancelled under regulation 60.

#### **60—Disciplinary action against site contamination auditors and voluntary suspension**

- (1) The Authority may, if satisfied that there is cause for disciplinary action against a site contamination auditor, do 1 or more of the following:
- (a) suspend any accreditation held by the person;
  - (b) cancel any accreditation held by the person;
  - (c) disqualify the person from obtaining accreditation.
- (2) There is cause for disciplinary action against a site contamination auditor if the Authority is satisfied that—
- (a) the person—
    - (i) obtained accreditation improperly; or
    - (ii) has contravened the Act or this Part; or
    - (iii) has contravened a condition of accreditation; or
    - (iv) has ceased to undertake the activities authorised by accreditation; or
    - (v) has not paid fees or charges payable under this Part to the Authority within the required time; or
  - (b) events have occurred such that the person would not, if he or she were to apply for accreditation, be eligible for accreditation.
- (3) A suspension under this regulation—
- (a) may be for a specified period, or until the fulfilment of specified conditions, or until further order of the Authority; and
  - (b) may be expressed to have effect at a specified future time, or to have effect at a specified future time unless a specified condition is fulfilled.
- (4) A disqualification under this regulation may disqualify a person from obtaining accreditation—
- (a) permanently; or
  - (b) for a specified period or until the fulfilment of specified conditions; or

- (c) until further order of the Authority.
- (5) The Authority must, before acting under this regulation—
  - (a) give written notice to the site contamination auditor of the proposed action specifying the reasons for the proposed action; and
  - (b) allow the site contamination auditor at least 14 days within which to make submissions to the Authority in relation to the proposed action.
- (6) The Authority may, on application by a site contamination auditor, suspend the auditor's accreditation for a specified period of not less than 3 months and not more than 2 years or the term of the accreditation, whichever is the shorter period, if the Authority is satisfied that the auditor does not intend to undertake site contamination audits during that period.
- (7) A person whose accreditation is suspended is taken not to hold accreditation for the period of the suspension.
- (8) However—
  - (a) the person is taken to continue to hold accreditation for the purposes of the requirements of section 103Y of the Act (relating to furnishing the Authority with an annual return and notifying the Authority of a change in the person's particulars); and
  - (b) the date of expiry of the person's accreditation remains unchanged despite the suspension.
- (9) In this regulation—

***site contamination auditor*** means—

  - (a) a person who is the holder of accreditation; or
  - (b) a person who was formerly the holder of accreditation; or
  - (c) a person who, although not the holder of accreditation, engaged in an activity for which accreditation was required (under section 103U of the Act).

## **61—Surrender of accreditation**

A person may, with the approval of the Authority, surrender the person's accreditation.

## **62—Return of certificate of accreditation and identity card**

- (1) If accreditation of a person as a site contamination auditor is surrendered, suspended or cancelled, the person must, within 14 days, return the certificate of accreditation and any identity card to the Authority.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (2) If, on an application under regulation 54, a certificate of accreditation or identity card has been issued to a person but the fee payable in respect of the person's application or accreditation has not been paid (whether because of the dishonouring of a cheque or otherwise), the person must, at the direction of the Authority, return the certificate or card to the Authority.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (3) The Authority may issue to the holder of accreditation, on payment by the person of the fee for replacement of the certificate of accreditation or identity card as set out in Schedule 4, a certificate of accreditation or identity card in replacement of a current certificate of accreditation or identity card if satisfied that—

- (a) the current certificate or card has been lost, destroyed or damaged; or
- (b) any particulars appearing on the current certificate or card are incorrect.

- (4) If the Authority issues a replacement certificate of accreditation or identity card to a person, the person must, at the direction of the Authority, return any original (or previous duplicate) certificate of accreditation or identity card in the person's possession to the Authority.

Maximum penalty: \$2 500.

Expiation fee: \$160.

### **63—Reviews (section 103V(2)(i))**

- (1) A person may seek a review by the South Australian Civil and Administrative Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* of a decision of the Authority—

- (a) refusing to grant an application by the person for accreditation or renewal of accreditation; or
- (b) determining the term of the person's accreditation; or
- (c) imposing or varying a condition of the person's accreditation or determining a matter in relation to such a condition; or
- (d) suspending or cancelling the person's accreditation or imposing a disqualification on the person.

- (2) Subject to this regulation, an application for review must be made within 1 month after the making of the decision.
- (3) The Authority must, if so required by the person, state in writing the reasons for the Authority's decision.
- (4) If the reasons of the Authority are not given in writing at the time of making the decision and the person to whom the decision relates (within 1 month of the making of the decision) requires the Authority to state the reasons in writing, the time for making an application for review runs from the time at which the person receives the written statement of those reasons.

### **64—Register of site contamination auditors**

- (1) The Authority must keep a register of persons accredited under this Division.

- (2) The register must include, in relation to each accredited person—
- (a) the person's full name, personal address and business address (if any); and
  - (b) the qualifications for accreditation held by the person; and
  - (c) details of any specialist qualifications held by the person and determined by the Authority to be appropriate for inclusion on the register; and
  - (d) details of any condition of the person's accreditation requiring supervision of the person or restricting the scope or type of work the person may undertake as site contamination auditor; and
  - (e) the expiry date of the person's accreditation; and
  - (f) the person's accreditation number; and
  - (g) details concerning any disciplinary action taken against the person by the Authority under regulation 60,
- and may include other information as the Authority thinks fit.
- (3) The Authority may remove or correct an entry in the register as required without giving notice to any person.
- (4) The Authority must—
- (a) make a record of the full name of each site contamination auditor and the information entered in the register under subregulation (2)(b), (c), (d), (e) and (f) in relation to the auditor available for inspection on application to the Authority; and
  - (b) make a record of the full name of each site contamination auditor and the information entered in the register under subregulation (2)(e) and (f) in relation to the auditor available for inspection on a website established by the Authority.
- (5) An apparently genuine document purporting to be signed by the Authority stating that, at a specified date, or during a specified period—
- (a) a specified person was accredited under this Division unconditionally or subject to specified conditions; or
  - (b) a specified person was not accredited under this Division,
- will, in any legal proceedings, constitute proof of the matters stated in the document in the absence of proof to the contrary.

## **Subdivision 2—Requirements applying to auditors**

### **65—Annual returns by auditors (section 103Y(2))**

For the purposes of section 103Y(2) of the Act, an annual return relating to site contamination audits for which a site contamination auditor is or was the responsible auditor must be in the form set out in Schedule 3 clause 5.



**66—Notifications by auditors after commencement or termination of audit  
(section 103Z(3))**

For the purposes of section 103Z(3) of the Act—

- (a) a notification by a site contamination auditor after the commencement of a site contamination audit for which the auditor is or was the responsible auditor must be in the form set out in Schedule 3 clause 6; and
- (b) a notification by a site contamination auditor of the termination before completion of a site contamination audit for which the auditor is or was the responsible auditor must be in the form set out in Schedule 3 clause 7.

**67—Site contamination audit report summary and statement (section 103Z(4))**

- (1) A site contamination audit report required under section 103Z(4)(a) and (b)(i) of the Act must include a summary of the findings of the site contamination audit to which it relates that—
  - (a) is in the form set out in Schedule 3 clause 8 for site contamination audit statements; and
  - (b) is certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8.
- (2) A site contamination audit statement required under section 103Z(4)(b)(ii) of the Act in relation to a site contamination audit must comprise—
  - (a) a copy of the summary in the site contamination audit report relating to the audit and itself be certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8; or
  - (b) a photocopy, faxed copy or electronic copy of the summary as certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8.

**68—Site contamination audit statements to be provided to prescribed bodies  
(section 103Z(4))**

For the purposes of section 103Z(4)(b)(ii) of the Act, if—

- (a) an application for approval of a proposed development under the *Development Act 1993* relates to land the subject of a site contamination audit; and
- (b) a body other than the council for the area in which the land is situated is a relevant authority for the purposes of assessment of the proposed development under the *Development Act 1993*,

that body is a prescribed body to which a site contamination audit statement must be provided in relation to that audit.



## Part 6—Waste depot levy, records, reports and measurement of waste etc

### Division 1—Preliminary

#### 68A—Interpretation

- (1) In this Part—

*approved operational use*—see regulation 69A;

*approved operational use declaration*—see regulation 69A(2);

*Approved Operational Use Standard* means the document of that name published by the Authority, as in force from time to time;

*licensee*, in relation to a waste depot, means the holder of the licence to conduct the waste depot;

*mass balance report*—see regulation 71(2);

*operational purpose*, in relation to the use of waste or other matter at a waste depot, means the use of waste or other matter at the depot (whether on a temporary or permanent basis) for the purpose of—

- (a) aesthetic or amenity value; or
- (b) environmental management; or
- (c) vehicle access (including internal road construction and maintenance); or
- (d) interim cover of landfill where no additional waste or matter will be placed for at least 30 days; or
- (e) final capping of landfill cells; or
- (f) other operational needs,

but does not include the stockpiling or disposal of waste or other matter, or the use of waste or other matter as cover of landfill at the depot on a daily or more frequent basis;

*operational use*, in relation to waste or other matter, means the use of that waste or other matter for an operational purpose;

*Waste Reporting, Record Keeping and Measurement Standard* means the document of that name published by the Authority, as in force from time to time.

- (2) For the purposes of this Part, the *waste and matter type* of waste and matter is to be determined in accordance with the *Waste Reporting, Record Keeping and Measurement Standard*.
- (3) For the purposes of this Part, the *waste and matter stream* of waste and matter is a reference to the waste and matter stream and waste and matter sub-stream (if applicable) that best describes the source of the waste and matter and is to be determined in accordance with the *Waste Reporting, Record Keeping and Measurement Standard*.

## 68B—Sharing of information with other persons or bodies

- (1) The Authority may disclose information collected by, or provided to, the Authority under this Part to—
  - (a) Green Industries SA for the purposes of assisting or supporting the proper performance of its functions under the *Green Industries SA Act 2004*; and
  - (b) an agency or instrumentality of this State for the purposes of supporting and facilitating market development for waste management and resource recovery; and
  - (c) an agency or instrumentality of the Commonwealth or another State or Territory of the Commonwealth for the purposes of—
    - (i) national waste reporting; or
    - (ii) supporting and facilitating market development for waste management and resource recovery.
- (2) For the avoidance of doubt, and without limiting the circumstances in which information received directly or indirectly pursuant to subregulation (1) may be disclosed to another person or body, a person or body who receives such information (the *recipient*) may disclose the information to another person or body if the disclosure is made for a purpose for which the information was received by the recipient and is required to assist the recipient in the proper performance of official functions or duties.
- (4) This regulation does not limit disclosure of statistical or other data that is not of a commercially sensitive nature or that could not reasonably be expected to lead to the identification of any person to whom it relates.
- (5) Nothing in this regulation affects the operation of the *Public Sector (Data Sharing) Act 2016*.

## 69—Approval of weighbridges

- (1) The Authority may, on application, or on its own initiative, approve a weighbridge by notice in writing subject to such conditions as it thinks fit.
- (1a) The Authority may, on its own initiative at any time, or on application by the holder of the approval, vary or revoke an approval by further notice in writing (including by varying or revoking any conditions of the approval, or by imposing new conditions).
- (2) Without limiting the generality of subregulation (1), the conditions may specify requirements as to—
  - (a) maintenance of the weighbridge; and
  - (b) certification of the accuracy of the weighbridge.
- (3) The holder of an approval of a weighbridge must not contravene a condition of the approval.

Maximum penalty: \$4 000.

Expiation fee: \$300.

## 69A—Approved operational use

- (1) For the purposes of this Part, an *approved operational use*, in relation to the use of waste or other matter at a waste depot, means—
  - (a) an operational use of a kind approved in relation to specified waste or matter under the *Approved Operational Use Standard*, and that is carried out in accordance with the requirements specified in that Standard; or
  - (b) an operational use that is approved by a declaration made under subregulation (2) (as in force in respect of the depot), and that is carried out in accordance with the conditions or requirements specified in the declaration,but does not include the use of waste or other matter as cover of landfill at the depot on a daily or more frequent basis.
- (2) The Authority may, on application by the holder of a licence to conduct a waste depot or on its own initiative, make a declaration (an *approved operational use declaration*) that a use of waste or other matter at the depot is an approved operational use only if satisfied that—
  - (a) the use of waste or other matter at the depot in the manner proposed is necessary for an operational or environmental management purpose (or purposes); and
  - (b) the type of waste or other matter proposed to be used for the operational use is suitable for that purpose (or those purposes).
- (3) In determining whether to make an approved operational use declaration under this regulation, the Authority must also—
  - (a) have regard to, and seek to further, the objects of the Act; and
  - (b) have regard to—
    - (i) the general environmental duty; and
    - (ii) any relevant environment protection policy; and
    - (iii) the waste strategy for the State adopted under the *Green Industries SA Act 2004* (if relevant); and
    - (iv) any relevant reports, assessments, environmental impact statement, public environmental report, Assessment Report, development authorisation or other document or requirement under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016*; and
    - (v) any relevant environment improvement programme or agreement.
- (4) A declaration under this regulation—
  - (a) must be by notice in writing; and
  - (b) must specify—
    - (i) the type and amount of the waste or other matter to which the declaration applies; and
    - (ii) the purpose and location of the operational use; and
  - (c) may be subject to the following conditions, as specified in the declaration:

- (i) a condition requiring the operational use to occur in a specified manner or within a specified time frame;
  - (ii) a condition requiring that the waste or other matter to which the declaration applies meets specified chemical or physical properties or complies with specified standards or specifications;
  - (iii) a condition requiring plans, specifications or reports in connection with the operational use to be prepared by a person with specified qualifications;
  - (iv) a condition requiring works in connection with the operational use to be carried out by a person with specified qualifications;
  - (v) a condition requiring records relating to the operational use to be kept in a specified manner or form or for a specified period;
  - (vi) a condition requiring such records to be available for inspection by an authorised officer;
  - (vii) such other conditions as the Authority thinks fit; and
- (d) may be varied or revoked by the Authority at any time, by notice in writing to the licence holder, if the Authority is satisfied—
  - (i) that a condition of the declaration has been contravened; or
  - (ii) there is potential for environmental harm (or further environmental harm) to occur if an operational use to which the declaration relates were to continue; or
  - (iii) that the declaration was improperly obtained; or
  - (iv) that other circumstances exist, which in the opinion of the Authority, make it necessary or appropriate to do so.

### **69B—Authority may require further information**

A person who makes an application under this Division must provide the Authority with any information required by the Authority in connection with the determination of the application, verified, if the Authority so requires, by statutory declaration.

## **Division 2—Waste depot levy**

### **70—Waste depot levy (section 113)**

- (1) The amount of the waste depot levy is set out in Schedule 4 Part 2.
- (2) Pursuant to section 113(4) of the Act, the penalty for a failure to pay the levy as required under that section is—
  - (a) in a case where the licensee satisfies the Authority that all reasonable and practicable measures were taken to prevent the default from occurring—the higher of \$200 or 2% of the amount due for each month (or part of a month) for which the default continues; or

- (b) in a case where the default is identified and voluntarily reported to the Authority by the licensee before the Authority has notified the licensee of the default—the higher of \$200 or 2% of the amount due for each month (or part of a month) for which the default continues; or
- (c) in a case where both paragraphs (a) and (b) apply—the higher of \$150 or 1.5% of the amount due for each month (or part of a month) for which the default continues; or
- (d) in any other case—the higher of \$350 or 3.5% of the amount due for each month (or part of a month) for which the default continues.

### **Division 3—Reporting, measurement and verification of waste and other matter at waste depots**

#### **70A—Interpretation**

In this Division, unless the contrary intention appears—

*prescribed waste depot* means—

- (a) a waste depot that has, in the preceding 12 month period, received 20 000 tonnes or more of solid waste and other matter; or
- (b) if the holder of a licence to conduct a waste depot conducts more than 1 waste depot at the same site and the total amount of solid waste and other matter received by all the waste depots at that site in the preceding 12 month period was 20 000 tonnes or more—each waste depot conducted at the site; or
- (c) if the holder of a licence to conduct a waste depot conducts 1 or more waste depots at adjacent sites and the total amount of solid waste and other matter received together at the sites of the waste depot or depots (as the case requires) in the preceding 12 month period was 20 000 tonnes or more—each such waste depot or depots; or
- (d) if more than 1 waste depot is conducted at the same site by different licence holders who are associates of each other and the total amount of solid waste and other matter received by those waste depots at that site in the preceding 12 month period was 20 000 tonnes or more—each of those waste depots conducted at the site; or
- (e) if waste depots are conducted at adjacent sites by different licence holders who are associates of each other and the total amount of solid waste and other matter received at the adjacent sites of the waste depots in the preceding 12 month period was 20 000 tonnes or more—each of those waste depots;

*waste depot* means any depot, facility or works as described in Schedule 1 Part A clause 3 of the Act.

## **71—Provision of monthly returns by waste depots**

- (1) Subject to regulation 75, a person licensed to conduct a waste depot must, no later than 28 days after the last day of each month, provide the Authority with a return (in the manner and form approved by the Authority) that contains the following information:
- (a) in respect of solid waste disposed of at the depot (including any waste used as cover for landfill)—
    - (i) the total mass (in tonnes) of waste disposed of during each day of the month to which the return relates; and
    - (ii) the total mass (in tonnes) of waste disposed of during the whole of the month to which the return relates; and
    - (iii) if the depot is situated outside of metropolitan Adelaide—the total mass (in tonnes) of waste disposed of during the whole of the month to which the return relates brought to the depot by or on behalf of premises where the waste was generated situated outside of metropolitan Adelaide; and
    - (iv) if the depot is situated within metropolitan Adelaide—the total mass (in tonnes) of waste disposed of during the whole of the month to which the return relates brought to the depot by or on behalf of a council the area of which lies wholly outside of metropolitan Adelaide; and
    - (v) if the mass of the waste disposed of is determined in accordance with regulation 71A(3)(b)(i)(B), details relating to the classes and numbers of vehicles on or in which waste was carried during each day of the month and during the whole of the month to which the return relates;
  - (b) in respect of liquid waste—the total volume (in kilolitres) of waste disposed of at the depot—
    - (i) during each day of the month to which the return relates; and
    - (ii) during the whole of the month to which the return relates.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) Subject to regulations 71B and 75, if a person is licensed to conduct a waste depot that is—
- (a) a prescribed waste depot; or
  - (b) a waste depot that has, in the preceding 12 month period, received 5000 tonnes or more, but less than 20 000 tonnes, of solid waste and other matter, and the Authority has directed, by notice in writing to the licence holder, that the requirements of this subregulation are to apply to and in respect of that depot; or
  - (c) any other waste depot that receives waste or other matter of a kind determined in accordance with the requirements specified in the *Waste Reporting, Record Keeping and Measurement Standard*,



then the person must (in addition to information required to be provided under subregulation (1)) no later than 28 days after the last day of each month, provide the Authority with a return (a *mass balance report*), in the manner and form approved by the Authority, that contains the information referred to in subregulation (3).

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (3) A mass balance report must contain the following information:
- (a) the total mass (in tonnes) of waste and other matter received at the depot during the month to which the report relates in respect of—
    - (i) each waste and matter stream received; and
    - (ii) each waste and matter type received;
  - (b) if the depot is situated outside of metropolitan Adelaide—the total mass (in tonnes) of waste and other matter brought to the depot by or on behalf of premises where the waste was generated situated outside of metropolitan Adelaide during the month to which the report relates in respect of—
    - (i) each waste and matter stream received; and
    - (ii) each waste and matter type received;
  - (c) if the depot is situated within metropolitan Adelaide—the total mass (in tonnes) of waste and other matter brought to the depot by or on behalf of a council the area of which lies wholly outside of metropolitan Adelaide during the month to which the report relates in respect of—
    - (i) each waste and matter stream received; and
    - (ii) each waste and matter type received;
  - (d) the total mass (in tonnes) of waste and other matter, in respect of each waste and matter type, transported from the depot during the month to which the report relates, and in relation to that waste and other matter—
    - (i) whether it is material recovered as a result of resource recovery processes or is being transported to another waste depot for further treatment; and
    - (ii) whether it is to be transported to a place within the State, interstate or overseas;
  - (e) the total mass (in tonnes) of waste and other matter, in respect of each waste and matter type, used at the depot for operational purposes during the month to which the report relates;
  - (f) the total mass (in tonnes) of waste and other matter stockpiled at the depot on the final day of the month to which the report relates;
  - (g) information relating to the method used to measure or calculate the amount of waste and other matter for the purposes of the report;

- (h) in accordance with the requirements specified in the *Waste Reporting, Record Keeping and Measurement Standard*—details of any change in the mass of waste and other matter at the depot that occurred during the month to which the report relates (including the reasons for the change and how the amount of change was determined).

### **71A—Measurement of waste and other matter for purposes of monthly returns**

- (1) Subject to regulation 75, for the purposes of a return under regulation 71(1) and (2), the mass or volume of waste and other matter—
  - (a) received at a waste depot; or
  - (b) used at a waste depot for operational purposes; or
  - (c) disposed of at a waste depot (including waste used as cover for landfill); or
  - (d) transported from a waste depot,

must be determined in accordance with this regulation.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) The mass or volume of waste and other matter received, used or disposed of at, or transported from, a waste depot (as the case requires), is to be calculated as the aggregate of the mass or volume of waste and other matter comprised of—
  - (a) waste and other matter received at the waste depot; or
  - (b) waste and other matter used for operational purposes at the depot; or
  - (c) waste and other matter disposed of at the depot (including waste used as cover for landfill); or
  - (d) waste and other matter transported from the waste depot.
- (3) The mass of solid waste and other matter must be determined as follows:
  - (a) in the case of a landfill depot with an approved weighbridge (installed in accordance with regulation 72)—the mass of the waste and other matter received at the depot must, on its receipt and prior to its disposal (including waste used as cover for landfill), be determined by use of the approved weighbridge unless the Authority has, in accordance with the *Waste Reporting, Record Keeping and Measurement Standard*, determined otherwise;
  - (b) if paragraph (a) does not apply—
    - (i) in the case of waste and other matter specified in the *Waste Reporting, Record Keeping and Measurement Standard*—the mass—
      - (A) may be determined by use of an approved weighbridge; or
      - (B) if not so determined—will be taken to be the average net mass of waste and other matter, as determined for a relevant class of vehicle or if relevant, the type of waste or other matter, in accordance with the *Waste Reporting, Record Keeping and Measurement Standard*; and

- (ii) in any other case—the mass must, subject to regulation 73, be determined by use of an approved weighbridge.
- (4) If a weighbridge is used under this regulation to measure waste and other matter, it is to be measured—
  - (a) in the case of waste weighed on a weighbridge installed before 1 September 2009—to the highest level of weighing accuracy for the particular design of weighbridge; or
  - (b) in any other case—to the nearest 0.02 tonnes or kilolitres.
- (5) The volume of liquid waste disposed of at a waste depot—
  - (a) may be determined by use of a dipstick pre-calibrated for the liquid waste container used to hold the liquid waste to be disposed of; or
  - (b) may be measured by means of a volume measuring device, which has been approved in writing by the Authority, installed at the depot; or
  - (c) may be calculated—
    - (i) by measuring the net mass of the liquid waste by use of an approved weighbridge; and
    - (ii) by dividing that measurement by the predetermined mass per kilolitre of the particular liquid waste; or
  - (d) may be taken to be that certified, in a cartnote signed by both the producer and transporter of the waste, to be the volume of liquid waste to be delivered to the depot; or
  - (e) if a liquid waste container used to hold the liquid waste to be disposed of is full—
    - (i) may be calculated from the dimensions of the container; or
    - (ii) in the case of a container the capacity of which has been predetermined by a volume calibration method (approved in writing by the Authority) and marked on the container—may be taken to be that capacity.

#### **71B—Exemption from requirements relating to mass balance report**

- (1) The Authority may, on application by the holder of a waste depot licence or on its own initiative, exempt the holder from compliance with any (or all) of the requirements of, or relating to, a mass balance report under regulation 71.
- (2) Before issuing an exemption under subregulation (1), the Authority may consider—
  - (a) the scale or location of the relevant waste depot; and
  - (b) the nature of the business or operation conducted at the waste depot by the licence holder; and
  - (c) any other matters or circumstances the Authority considers relevant.
- (3) An exemption issued by the Authority under this regulation—
  - (a) must be by notice in writing; and
  - (b) may be subject to conditions; and

- (c) may be varied or revoked by the Authority, by further notice in writing, at any time (including by varying or revoking any conditions of the exemption, or by imposing new conditions).

## **72—Certain depots must have approved weighbridge**

- (1) Subject to this regulation and regulation 73, if a waste depot has, in a financial year—
  - (a) received at the depot 20 000 tonnes or more of solid waste and other matter; or
  - (b) disposed of at the depot 10 000 tonnes or more of solid waste (including waste used as cover for landfill),

the holder of the waste depot licence must ensure that an approved weighbridge is installed at the depot no later than 4 months after the end of that financial year, for weighing solid waste and other matter received, used or disposed of at, or transported from, the depot.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) The Authority may, on application by the holder of a waste depot licence within the relevant 4 month period referred to in subregulation (1), extend the period within which an approved weighbridge must be installed at the depot by a further period of 2 months.
- (3) Despite subregulation (1), the holder of a waste depot licence is not required to comply with the requirement to have a weighbridge installed at the depot if—
  - (a) —
    - (i) a weighbridge located at a place other than the depot was used by the licence holder before 1 October 2000 for the purpose of weighing waste received for disposal at the depot; and
    - (ii) the licence holder currently owns and operates the weighbridge for that purpose; or
  - (b) the depot conducted by the licence holder is not a landfill depot and—
    - (i) a weighbridge located at a place other than that depot was used by the licence holder before 1 July 2021 for the purpose of weighing waste received for resource recovery at the depot; and
    - (ii) the licence holder currently owns and operates the weighbridge for that purpose.

## **73—Exemptions from approved weighbridge requirements**

- (1) The Authority may, on application by the holder of a waste depot licence, exempt the holder from compliance with the requirement in regulation 71A(3)(b)(ii) that the mass of solid waste and other matter is to be determined by use of an approved weighbridge if satisfied—
  - (a) that—
    - (i) the depot will receive less than 10 000 tonnes of solid waste and other matter for disposal at the depot in each financial year; and

- (ii) the depot uses adequate alternative methods of measuring the mass of solid waste and other matter; or
- (b) that—
  - (i) the depot satisfies circumstances or requirements specified in, or determined in accordance with, the *Waste Reporting, Record Keeping and Measurement Standard*; and
  - (ii) the depot uses an alternative method of measuring the mass of solid waste and other matter in accordance with the requirements of the *Waste Reporting, Record Keeping and Measurement Standard*.
- (2) The Authority may, on application by the holder of a waste depot licence, exempt the holder from compliance with the requirement in regulation 72(1) that an approved weighbridge is to be installed at the depot if satisfied that—
  - (a) the depot will cease operating within 12 months; or
  - (b) suitable arrangements are in place for the waste to be weighed at an approved weighbridge located at a place other than the depot.
- (3) An exemption issued by the Authority under this regulation—
  - (a) must be by notice in writing; and
  - (b) may be subject to conditions; and
  - (c) may be varied or revoked by the Authority, by further notice in writing, at any time (including by varying or revoking any conditions of the exemption, or imposing new conditions).

#### **74—Provision of baseline survey or stocktake by holder of waste depot licence**

- (1) The holder of a waste depot licence immediately before the commencement of this regulation must—
  - (a) if the depot conducted by the licence holder disposed of 10 000 tonnes or more of solid waste (including any waste used as cover for landfill) in the financial year immediately before that commencement, provide to the Authority a survey of the depot within 3 months of that commencement; or
  - (b) if the depot conducted by the licence holder is a depot in respect of which regulation 71(2) applies (and the licence holder is not required to provide a survey under paragraph (a)), provide the Authority with a stocktake of waste and other matter at the depot within 3 months of that commencement; or
  - (c) if the licence holder is requested by notice in writing to do so by the Authority within 14 days of that commencement, provide to the Authority, within 3 months of receiving that notice—
    - (i) a survey of the depot; or
    - (ii) a stocktake of waste and other matter at the depot,
 as specified in the notice.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) A survey required under subregulation (1)(a) or (1)(c)(i) must—
- (a) in the case of a depot that disposes of waste to landfill—include a topographic and a volumetric survey of the whole depot site; and
  - (b) in relation to the month in which the survey is conducted, include a report on the movement of waste and other matter at the depot (including, to the extent relevant, the volume of waste and other matter that has been received, disposed of or used for operational purposes or as cover for landfill at the depot, or transported from the depot) during the period of that month immediately preceding the day on which the survey is conducted; and
  - (c) subject to this subregulation, be undertaken in accordance with any other requirements of, and contain any other information specified in, the *Waste Reporting, Record Keeping and Measurement Standard* (which may, for example, require or specify the type of survey and the related elements, such as details regarding material type, to be included); and
  - (d) be prepared by a licensed or registered surveyor under the *Survey Act 1992* or a person, or person of a class, specified in the *Waste Reporting, Record Keeping and Measurement Standard*.

Maximum penalty: \$4000.

Expiation fee: \$300.

- (3) A stocktake under subregulation (1)(b) or (1)(c)(ii) must be carried out—
- (a) by a person who holds the qualifications, or otherwise meets the requirements, specified in the *Waste Reporting, Record Keeping and Measurement Standard*; and
  - (b) in accordance with the requirements of, and contain the information specified in, the *Waste Reporting, Record Keeping and Measurement Standard*.
- (4) The holder of a waste depot licence must—
- (a) ensure that the results of a survey or stocktake under this regulation are kept for at least 5 years after the survey or stocktake was carried out; and
  - (b) make the results available for inspection and copying by an authorised officer on request.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (5) The Authority may, on application by the holder of a waste depot licence or on its own initiative, exempt the holder from compliance with any (or all) of the requirements of this regulation.
- (6) An exemption issued by the Authority under this regulation—
- (a) must be by notice in writing; and
  - (b) may be subject to conditions; and
  - (c) may be varied or revoked by the Authority, by further notice in writing, at any time (including by varying or revoking any conditions of the exemption, or by imposing new conditions).

## 74A—Verification of returns by survey

- (1) The holder of a waste depot licence must—
- (a) in the case of a landfill depot that has, during a preceding financial year, disposed of at the depot 10 000 tonnes or more of solid waste (including any waste used as cover for landfill); or
  - (b) in any other case, if requested in writing by the Authority during a financial year,

provide the Authority with a survey (as determined, subject to this regulation, in accordance with the *Waste Reporting, Record Keeping and Measurement Standard*) within the prescribed period for the licence that falls in the next financial year.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) The Authority may, by written notice to the holder of a waste depot licence, defer the application of a requirement to undertake and provide a survey under this regulation in respect of the licence holder, until the time specified in the notice, if the operation of regulation 74 and this regulation would require the licence holder to provide to the Authority more than 1 survey of the same kind within a 6 month period.

- (3) A survey under this regulation must—

- (a) include a topographic and volumetric survey of the whole depot site; and
- (b) in relation to the month in which the survey is conducted, include a report on the movement of waste and other matter at the depot (including, to the extent relevant, the volume of waste and other matter that has been received, disposed of or used for operational purposes or as cover for landfill at the depot, or transported from the depot) during the period of that month immediately preceding the day on which the survey is conducted; and
- (c) include information on the change in the total volume of waste and other matter that has occurred at the depot since the preceding survey; and
- (d) subject to this subregulation, be undertaken in accordance with any other requirements of, and contain any other information specified in, the *Waste Reporting, Record Keeping and Measurement Standard* (which may, for example, require or specify the type of survey and the related elements, such as details regarding material type, to be included); and
- (e) be prepared by a licensed or registered surveyor under the *Survey Act 1992* or a person, or person of a class, specified in the *Waste Reporting, Record Keeping and Measurement Standard*.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (4) The holder of a waste depot licence must—
- (a) ensure that the results of a survey under this regulation are kept for at least 5 years after the survey was carried out; and

- (b) make the results available for inspection and copying by an authorised officer on request.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (5) The Authority may, on application by the holder of a waste depot licence or on its own initiative, exempt the holder from compliance with any (or all) of the requirements of this regulation.
- (6) An exemption issued by the Authority under this regulation—
  - (a) must be by notice in writing; and
  - (b) may be subject to conditions; and
  - (c) may be varied or revoked by the Authority, by further notice in writing, at any time (including by varying or revoking any conditions of the exemption, or by imposing new conditions).

- (7) In this regulation—

***prescribed period***, in relation to a licence, means the period of time that is less than 6 months, but more than 3 months, before the first anniversary, and each subsequent anniversary, of the grant or renewal of the licence.

#### **74B—Verification of returns by stocktake**

- (1) The holder of a waste depot licence who is required to provide a mass balance report under regulation 71(2) must, if the licence holder is not required to undertake a survey under regulation 74A in a given financial year, cause a stocktake of waste and other matter at the depot to be carried out and the results provided to the Authority within the prescribed period for the licence that falls in the next financial year.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) The Authority may, at any time in a financial year, by notice in writing to the holder of a waste depot licence who is required to provide a mass balance report under regulation 71(2), require that the licence holder cause a stocktake of waste and other matter at the depot to be carried out, and the results provided to the Authority, at such intervals (which may not be less than on a monthly basis), or within the period or periods, specified by the notice.
- (3) To avoid doubt, a stocktake (or stocktakes) carried out in accordance with subregulation (2) may be in addition to a stocktake required under subregulation (1) and may, if so specified in the notice, be required on an ongoing basis.
- (4) The holder of a waste depot licence must comply with a notice under subregulation (2).

Maximum penalty: \$4 000.

Expiation fee: \$300.



- (5) A stocktake under this regulation must—
- (a) in relation to the month in which the stocktake is conducted, include a report on the movement of waste and other matter at the depot (including, to the extent relevant, the volume of waste and other matter that has been received, disposed of or used for operational purposes or as cover for landfill at the depot, or transported from the depot) during the period of that month immediately preceding the day on which the stocktake is conducted; and
  - (b) subject to this regulation, in the case of a stocktake under subregulation (1)—be carried out in accordance with any other requirements of, and contain any other information specified in, the *Waste Reporting, Record Keeping and Measurement Standard*; and
  - (c) subject to this regulation, in the case of a stocktake under subregulation (2)—be carried out in accordance with any other requirements of, and contain any other information specified in, the notice (and if the notice so specifies, in accordance with the *Waste Reporting, Record Keeping and Measurement Standard*); and
  - (d) be carried out by a person who holds the qualifications, or otherwise meets the requirements, specified in the *Waste Reporting, Record Keeping and Measurement Standard*.
- (6) The Authority may, by written notice to the holder of a waste depot licence, defer the application of a requirement to provide a stocktake under subregulation (1) in respect of the licence holder, until the time specified in the notice, if the operation of regulation 74 and this regulation would require the licence holder to provide to the Authority more than 1 stocktake within a 6 month period.
- (7) The holder of a waste depot licence must—
- (a) ensure that the results of a stocktake under this regulation are kept for at least 5 years after the stocktake was carried out; and
  - (b) make the results available for inspection and copying by an authorised officer on request.
- Maximum penalty: \$4 000.  
Expiation fee: \$300.
- (8) The Authority may, on application by the holder of a waste depot licence or on its own initiative, exempt the holder from compliance with any (or all) of the requirements of this regulation.
- (9) An exemption issued by the Authority under this regulation—
- (a) must be by notice in writing; and
  - (b) may be subject to conditions; and
  - (c) may be varied or revoked by the Authority, by further notice in writing, at any time (including by varying or revoking any conditions of the exemption, or by imposing new conditions).

(10) In this regulation—

*prescribed period*, in relation to a licence, means the period of time that is less than 6 months, but more than 3 months, before the first anniversary, and each subsequent anniversary, of the grant or renewal of the licence.

## **75—Special provision for certain councils for waste fees**

(1) This regulation only applies to a council if—

- (a) the whole of the council area is outside of metropolitan Adelaide; and
- (b) all of the waste disposed of at depots operated by the council has been brought to the depots from premises situated outside of metropolitan Adelaide; and
- (c) each depot operated by the council disposes of less than 10 000 tonnes of solid waste at the depot in any financial year.

(2) For the purpose of determining the levy payable by a council under section 113 of the Act in respect of solid waste received at all depots operated by the council, the council may elect, by written notice to the Authority—

- (a) not to comply with regulations 71 and 71A in respect of solid waste disposed of at those depots; and
- (b) to take the mass of solid waste received during each month at those depots to be the mass determined in accordance with the following formula:

$$M = \frac{P \times 0.4}{12}$$

where—

*M* is the mass of solid waste in tonnes

*P* is the population of the area of the council as at the previous 30 June as given by the Australian Bureau of Statistics in its publication "Regional Population Growth, Australia" (Catalogue No. 3218.0).

- (3) If a council makes an election under this regulation, regulations 71 and 71A do not apply in respect of solid waste and other matter received, used or disposed of at, or transported from, any depot operated by that council.
- (4) If a council satisfies the Authority that recycling is operating in a council area so that waste disposed of to landfill is reduced by a certain proportion, the levy payable by the council is reduced by subtracting that proportion from the levy that would otherwise be payable by the council as determined in accordance with this regulation.

## **75AA—Presumptions and estimates if records are inadequate**

- (1) If the Authority is of the opinion that records that relate to waste or other matter received or present at a waste depot during any period (being records required for determining the waste depot levy payable under this Part) are inadequate, and as a result, the Authority is of the opinion it is necessary in order to determine the levy payable, the Authority is entitled to make presumptions and estimates in relation to the waste or matter in accordance with this regulation.

- (2) For the purposes of subregulation (1), without limiting the circumstances in which records will be taken to be inadequate, records relating to a period will be taken to be inadequate if—
- (a) there are no records relating to waste or other matter received or present at the depot during the period; or
  - (b) the records relating to waste or other matter received or present at the depot during the period are incomplete, inaccurate or inconsistent with other records (whether kept by the licensee, the occupier of the waste depot or another person or body); or
  - (c) the information contained in the records relating to waste or other matter received or present at the depot during the period has not been obtained by methods that, in the opinion of the Authority, are appropriate.
- (3) The Authority is entitled to presume 1 or more of the following in relation to any waste or other matter at the waste depot (subject to the licensee establishing the contrary):
- (a) that the waste or matter is waste or matter that has been received at the depot;
  - (b) that the waste or matter is waste or matter that has been disposed of to landfill at the depot;
  - (c) that the waste or matter has been used at the depot for an operational use other than an approved operational use;
  - (d) that unauthorised stockpiling of the waste or matter has occurred at the depot;
  - (e) that the waste or matter was stockpiled in an area of the depot, or in any manner, in contravention of the relevant licence;
  - (f) that any matters referred to in a preceding paragraph commenced or occurred on the date on which the Authority first became aware that the relevant records were inadequate;
  - (g) that the waste or matter at the waste depot is waste or matter of a specified kind;
  - (h) that the waste or matter has been—
    - (i) generated within metropolitan Adelaide; or
    - (ii) generated from waste or other matter generated in metropolitan Adelaide.
- (4) In estimating the tonnage of waste or other matter received at the waste depot during the period, the Authority must have regard to the following:
- (a) details of any volumetric survey of the depot;
  - (b) details of any stockpile volume assessment at the depot (made using assessment or modelling methodologies approved by the Authority);
  - (c) available records in respect of the depot;
  - (d) any information provided by an authorised officer who has seen or inspected the depot;

- (e) any information available to the Authority, including images and data from cameras and GPS devices and information from persons not involved with the operation of the depot;
- (f) any other details provided to the Authority in relation to the depot under regulation 75AAB.

**75AAB—Authority may require reports of volumetric surveys or tests or monitoring**

- (1) If the Authority has formed an opinion under regulation 75AA that records that relate to waste or other matter received or present at a waste depot during any period are inadequate, the Authority may, by notice in writing, for the purposes of determining the amount of the waste depot levy payable by the licensee of the depot, require the licensee to provide the Authority with 1 or more of the following (as specified in the notice), within a reasonable period of time specified in the notice:
  - (a) details of a volumetric survey (that complies with the requirements of this regulation) of—
    - (i) landfill at the depot; or
    - (ii) any other waste or matter that has been abandoned, stockpiled or used at the depot,prepared by a licensed or registered surveyor under the *Survey Act 1992* or a person, or person of a class, approved by the Authority;
  - (b) reports of specified tests or monitoring of—
    - (i) landfill at the depot; or
    - (ii) any other waste or matter that has been abandoned, stockpiled or used at the depot,including, if the Authority considers it necessary, reports prepared, or tests or monitoring undertaken, by a person with specified qualifications;
  - (c) any other information required by the Authority in connection with the determination of the amount of the waste depot levy, verified, if the Authority so requires, by statutory declaration.
- (2) A volumetric survey provided to the Authority under subregulation (1) must be in accordance with any other requirements specified by the Authority in the notice.
- (3) It is an offence for a licensee to contravene or fail to comply with the requirements of a notice given by the Authority to the licensee.

Maximum penalty: \$4 000.

Expiation fee: \$300.

## Division 4—Record keeping

### 75A—Records on measurement of waste by method other than weighbridge

For the purposes of this Division, a person licensed to conduct a waste depot who is not required to have installed an approved weighbridge under Division 3, or uses a method other than an approved weighbridge to measure and record the amount of waste and other matter received, used or disposed of at, or transported from, the depot in accordance with that Division, must record any information in relation to the method used by the licence holder in accordance with the requirements specified in the *Waste Reporting, Record Keeping and Measurement Standard*.

Maximum penalty: \$4 000.

Expiation fee: \$300.

### 75B—Records on measurement of waste by use of approved weighbridge

- (1) A person licensed to conduct a waste disposal depot who is required to have installed or use an approved weighbridge under Division 3 must record the following information in relation to the waste and other matter measured by the weighbridge for the purposes of that Division:

- (a) the date and time the load is measured;
- (b) the registration number of the vehicle on or in which the load is carried;
- (c) the business name of the person carrying the waste (if relevant);
- (d) the weight of the waste and other matter (in tonnes);
- (e) the waste levy rate applied in respect of the waste and other matter in accordance with the waste or matter type and the source of the waste or other matter (for example, whether from within or outside of metropolitan Adelaide);
- (f) the name of the operator of the weighbridge.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) In this regulation—

**waste disposal depot** means a depot referred to in Schedule 1 Part A clause 3(3) of the Act.

### 75C—Records of waste and other matter received at waste depot

A person licensed to conduct a waste depot who is required to provide a mass balance report under regulation 71(2) must record the following information in relation to each delivery of waste and other matter received at the depot:

- (a) the amount of any waste and other matter delivered, its waste and matter stream and, to the extent that it is reasonably practicable, its waste and matter type;
- (b) whether the source of the waste and other matter is from premises situated outside metropolitan Adelaide or premises situated in metropolitan Adelaide;

- (c) the amount of any waste and other matter delivered arising from a biological outbreak or natural or other disaster determined by the Authority;
- (d) the date and time the delivery of waste and other matter is made;
- (e) in the case of waste transported to the waste depot from another waste depot—the name and address of the other depot;
- (f) any other information required under the *Waste Reporting, Record Keeping and Measurement Standard*.

Maximum penalty: \$4 000.

Expiation fee: \$300.

#### **75D—Records of waste and other matter transported from waste depot for use, recovery, recycling, processing or disposal**

A person licensed to conduct a waste depot who is required to provide a mass balance report under regulation 71(2) must record the following information in relation to each load of waste and other matter transported from the depot for use, recovery, recycling, processing or disposal at another place:

- (a) the amount of any waste contained in the load and its waste type;
- (b) the amount of any other matter contained in the load and a description of the nature of that other matter;
- (c) the amount of any waste and other matter in the load that arose from a biological outbreak or natural or other disaster determined by the Authority;
- (d) the date and time the load is transported from the depot;
- (e) if the waste and other matter must, under the Act or any other Act or law, be transported to a particular place—
  - (i) whether it is material recovered as a result of resource recovery processes or is being transported to another waste depot for further treatment; and
  - (ii) the name and address or location of the place to which the load is being transported;
- (f) any other information required under the *Waste Reporting, Record Keeping and Measurement Standard*.

Maximum penalty: \$4 000.

Expiation fee: \$300.

#### **75E—Records in relation to vehicles**

- (1) A person licensed to conduct a waste depot who is required to provide a mass balance report under regulation 71(2) must record the following particulars in relation to vehicles that enter the depot for a purpose directly related to the operation of the depot (whether or not the vehicle is being, or is intended to be, used to deliver or transport waste or other matter):
  - (a) the date on which the vehicle enters and leaves the depot;
  - (b) the time at which the vehicle enters and leaves the depot;

- (c) in the case of a vehicle used by the holder of a licence to conduct a waste transport business—the registration number of the vehicle;
- (d) the weight of the vehicle on entering and on leaving the depot;
- (e) any other information required under the *Waste Reporting, Record Keeping and Measurement Standard*.

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) Subregulation (1) does not apply to—

- (a) a vehicle used by an authorised officer in the course of the officer's duties; or
- (b) a vehicle, or vehicle of a class declared by the Authority or specified in the *Waste Reporting, Record Keeping and Measurement Standard* for the purposes of this subregulation.

### **75F—Records of waste and other matter used for operational purposes**

A person licensed to conduct a waste depot who is required to provide a mass balance report under regulation 71(2) must record the following information in relation to any waste and other matter used for operational purposes:

- (a) the amount of the waste and other matter and its waste and matter type;
- (b) the location within the depot at which, and the purpose for which, the waste or other matter is used;
- (c) the date the waste or other matter is used;
- (d) the particulars of any approval of the Authority in relation to the use of the waste or other matter for operational purposes;
- (e) any other information required under the *Waste Reporting, Record Keeping and Measurement Standard*.

Maximum penalty: \$4 000.

Expiation fee: \$300.

### **75G—Additional requirements in relation to making, retention and availability of records**

A person licensed to conduct a waste depot who is required to record information under this Division must—

- (a) record and keep the information in the manner and form required under the *Waste Reporting, Record Keeping and Measurement Standard* or as approved by the Authority by notice in writing; and
- (b) ensure that each record is kept for at least 5 years after the record was made; and
- (c) make any of the records available for inspection and copying by an authorised officer on request.

Maximum penalty: \$4 000.

Expiation fee: \$300.

## **75H—Exemption from record keeping requirements**

- (1) The Authority may, on application by the holder of a waste depot licence or on its own initiative, exempt the holder from compliance with any (or all) of the record keeping requirements under this Division.
- (2) Before issuing an exemption under subregulation (1), the Authority may consider—
  - (a) the scale or location of the relevant waste depot; and
  - (b) the nature of the business or operation conducted at the depot by the licence holder; and
  - (c) any other matters or circumstances the Authority considers relevant.
- (3) An exemption issued by the Authority under this regulation—
  - (a) must be by notice in writing; and
  - (b) may be subject to conditions; and
  - (c) may be varied or revoked by the Authority at any time by further notice in writing (including by varying or revoking any conditions of the exemption, or by imposing new conditions).

## **Division 5—Video monitoring**

### **75I—Video monitoring systems**

- (1) Subject to regulation 75J, the holder of a licence to conduct a landfill depot must, if the depot has, in the preceding 12 month period, received 20 000 tonnes or more of solid waste and other matter, within such reasonable period as specified by the Authority by notice in writing to the licence holder—
  - (a) install, operate and maintain a video monitoring system at the landfill depot in accordance with the requirements specified in the notice or the *Waste Reporting, Record Keeping and Measurement Standard*; and
  - (b) operate the video monitoring system during the times specified in the notice (which may be at all times).

Maximum penalty: \$4 000.

Expiation fee: \$300.

- (2) The Authority may, for any reasonable purpose connected with the administration or enforcement of the Act, direct the holder of a licence to conduct a waste depot (other than a depot to which subregulation (1) applies) by notice in writing, within such reasonable period as specified in the notice—
  - (a) to install, operate and maintain a video monitoring system at the waste depot in accordance with the requirements specified in the notice or the *Waste Reporting, Record Keeping and Measurement Standard* for such period specified in the notice (which must not exceed 5 years); and
  - (b) to operate the video monitoring system during the times specified in the notice (which may be at all times).



- (3) A video monitoring system under subregulations (1) and (2) must comply with the specifications specified in the notice or the *Waste Reporting, Record Keeping and Measurement Standard* (as the case requires).  
Maximum penalty: \$4 000.  
Expiation fee: \$300.
- (4) A licence holder must comply with the requirements of a notice under subregulation (2).  
Maximum penalty: \$4 000.  
Expiation fee: \$300.
- (5) The licence holder must—
  - (a) ensure that video monitoring records under this regulation are kept—
    - (i) for at least 12 months after being made; or
    - (ii) for any reasonable purpose connected with the administration or enforcement of the Act—
      - (A) for such longer period as the Authority may direct by notice in writing to the licence holder; or
      - (B) if the Authority directs by notice in writing to the licence holder—until further notice; and
  - (b) make video monitoring records under this regulation available for inspection and copying by an authorised officer on request.  
Maximum penalty: \$4 000.  
Expiation fee: \$300.
- (6) The Authority may, at any time by notice in writing to the licence holder, vary or revoke a notice under this regulation (including by varying or revoking any requirements or specifications specified in the notice or imposing new requirements or specifications).

### **75J—Exemption from video monitoring system requirements**

- (1) The Authority may, on application of the holder of a waste depot licence or on its own initiative, exempt the holder from compliance with any (or all) of the requirements under regulation 75I.
- (2) Before issuing an exemption under subregulation (1), the Authority may consider—
  - (a) the scale or location of the relevant waste depot; and
  - (b) the nature of the business or operation conducted at the depot by the licence holder; and
  - (c) any other matters or circumstances the Authority considers relevant.
- (3) An exemption issued by the Authority under this regulation—
  - (a) must be by notice in writing; and
  - (b) may be subject to conditions; and

- (c) may be varied or revoked by the Authority, by further notice in writing, at any time (including by varying or revoking any conditions of the exemption, or by imposing new conditions).

## **Division 6—Vehicle flow plans**

### **75K—Vehicle flow plans**

A person licensed to conduct a waste depot who is required to provide a mass balance report under regulation 71(2) must—

- (a) if required by the Authority by notice in writing to the licence holder, within the time specified in the notice, prepare a vehicle flow plan in relation to vehicle movement at the depot in accordance with the requirements specified in the *Waste Reporting, Record Keeping and Measurement Standard*; and
- (b) make the plan available for inspection and copying by an authorised officer on request.

Maximum penalty: \$4 000.

Expiation fee: \$300.

## **Part 7—Other fees and charges**

### **76—Registration or cancellation of registration of environment protection order (section 95)**

For the purposes of section 95(4a) of the Act—

- (a) the prescribed amount recoverable in respect of the registration of an environment protection order in relation to land from the person to whom the order was issued is—
  - (i) for the first entry made by the Registrar-General in registering the order—18 fee units; and
  - (ii) for each subsequent entry made by the Registrar-General in registering the order—5 fee units; and
- (b) the prescribed amount recoverable in respect of the cancellation of registration of an environment protection order in relation to land from the person to whom the order was issued is—
  - (i) for the first endorsement made by the Registrar-General in cancelling the registration of the order—13 fee units; and
  - (ii) for each subsequent endorsement made by the Registrar-General in cancelling the registration of the order—1 fee unit.

### **77—Registration or cancellation of registration of clean-up order or clean-up authorisation (section 103)**

For the purposes of section 103(2a) of the Act—

- (a) the prescribed amount recoverable in respect of the registration of a clean-up order or clean-up authorisation from the person whose contravention gave rise to the issuing of the order or authorisation is—
  - (i) for the first entry made by the Registrar-General in registering the order or authorisation—18 fee units; and
  - (ii) for each additional entry made by the Registrar-General in registering the order or authorisation—5 fee units; and
- (b) the prescribed amount recoverable in respect of the cancellation of registration of a clean-up order or clean-up authorisation from the person whose contravention gave rise to the issuing of the order or authorisation is—
  - (i) for the first endorsement made by the Registrar-General in cancelling the registration of the order or authorisation—13 fee units; and
  - (ii) for each subsequent endorsement made by the Registrar-General in cancelling the registration of the order or authorisation—1 fee unit.

## **78—Registration or cancellation of site contamination assessment order or site remediation order (section 103R)**

For the purposes of section 103R(2) of the Act—

- (a) the prescribed amount recoverable in respect of the registration of a site contamination assessment order or site remediation order in relation to land from the person to whom the order was issued is—
  - (i) for the first entry made by the Registrar-General in registering the order—18 fee units; and
  - (ii) for each subsequent entry made by the Registrar-General in registering the order—5 fee units; and
- (b) the prescribed amount recoverable in respect of the cancellation of registration of a site contamination assessment order or site remediation order in relation to land from the person to whom the order was issued is—
  - (i) for the first endorsement made by the Registrar-General in cancelling the registration of the order—13 fee units; and
  - (ii) for each subsequent endorsement made by the Registrar-General in cancelling the registration of the order—1 fee unit.

## **79—Prescribed fee for emergency authorisation (section 105)**

- (1) Subject to this regulation, the prescribed fee in respect of an emergency authorisation for the purposes of section 105(2)(a) of the Act is 37 fee units.
- (2) If the Authority is satisfied that—
  - (a) the circumstances giving rise to the issuing of the authorisation were within the control of the person to whom it is issued; and
  - (b) there is no need for inspection by an authorised officer of the place or vehicle in respect of which the authorisation is to apply,the prescribed fee is 26 fee units.
- (3) If the Authority is satisfied that the circumstances giving rise to the issuing of the authorisation were beyond the control of the person to whom it is issued, the prescribed fee is 0 fee units.

## **80—Recovery of administrative and technical costs associated with contraventions (section 135)**

- (1) For the purposes of section 135(1)(c) of the Act, the fee payable in respect of action taken to investigate a contravention of the Act is—
  - (a) in the case of action commenced during business hours, the sum of—
    - (i) 11 fee units; and
    - (ii) if the action exceeds 2 hours in duration—
      - (A) 4 fee units for each subsequent hour or part of an hour for action taken during business hours; and
      - (B) 8 fee units for each subsequent hour or part of an hour for action taken outside of business hours; and

- 
- (b) in the case of action commenced outside of business hours, the sum of—
- (i) 21 fee units; and
  - (ii) if the action exceeds 2 hours in duration—
    - (A) 4 fee units for each subsequent hour or part of an hour for action taken during business hours; and
    - (B) 8 fee units for each subsequent hour or part of an hour for action taken outside of business hours.
- (2) For the purposes of section 135(1)(c) of the Act, the fee payable in respect of action taken to issue an order under Part 10 of the Act in respect of a contravention of the Act is 11 fee units.
- (3) In this regulation—
- business hours*** means the hours between 8.45 am and 5 pm on any day other than a Saturday, Sunday or public holiday.

**80A—Recovery of administrative and technical costs associated with action under Part 10A (section 135A)**

- (1) For the purposes of section 135A(2) of the Act, the fee payable in respect of action taken in accordance with section 135A of the Act is the sum of—
- (a) the reasonable costs incurred by the Authority to engage a site contamination auditor or site contamination consultant to take action in accordance with that section; and
  - (b) —
    - (i) in the case of action commenced during business hours, the sum of—
      - (A) 11 fee units; and
      - (B) if the action exceeds 2 hours in duration—
        - 4 fee units for each subsequent hour or part of an hour for action taken during business hours; and
        - 8 fee units for each subsequent hour or part of an hour for action taken outside of business hours; or
    - (ii) in the case of an action commenced outside of business hours, the sum of—
      - (A) 21 fee units; and
      - (B) if the action exceeds 2 hours in duration—
        - 4 fee units for each subsequent hour or part of an hour for action taken during business hours; and
        - 8 fee units for each subsequent hour or part of an hour for action taken outside of business hours.
- (2) In this regulation—
- business hours*** means the hours between 8:45 am and 5 pm on any day other than a Saturday, Sunday or public holiday;

*reasonable costs* include (but are not limited to) the cost of the following:

- (a) taking a sample;
- (b) conducting tests, examinations or analyses;
- (c) undertaking a site investigation;
- (d) undertaking a risk assessment;
- (e) undertaking a remediation options assessment;
- (f) preparing a site remediation plan;
- (g) preparing a remediation validation report;
- (h) preparing a site management plan.

### **81—Interest on amounts recoverable by Authority under sections 64D, 95, 103 and 103R**

For the purposes of sections 64D(1)(a), 95(5)(a), 103(3)(a) and 103R(4)(a) of the Act, the prescribed rate of interest per annum on an amount recoverable by the Authority but not paid within the period fixed by the Authority is 24% calculated in respect of each month (or part of a month) for which the amount remains unpaid.

### **82—Further fees**

Further fees are payable for the purposes of the Act as set out in Schedule 4.

## **Part 8—Miscellaneous**

### **83—Payment of fees by instalments and recovery of fees**

- (1) The Authority may, in allowing the payment of a fee under the Act or these regulations by instalments, add to each amount payable as an instalment a charge by way of interest, or an administrative fee, as determined by the Authority with the approval of the Minister.
- (2) The Authority may recover any instalment of a fee or other amount payable by a person under the Act or these regulations—
  - (a) as a debt by action in a court of competent jurisdiction; or
  - (b) by adding the amount so payable to a fee otherwise payable under the Act or these regulations by that person.
- (3) If the Authority allows a fee to be paid by instalments, the fee is the amount that would be payable under the Act or these regulations apart from this regulation plus, for each instalment that is not paid by the date for payment—
  - (a) if the default occurs up to or including 30 June 2010—\$20 plus 1% of the instalment for the first month for which the default continues and 2% of the instalment for each further month for which the default continues; and
  - (b) if the default occurs after 30 June 2010—\$300 or 5% of the instalment (whichever is higher) for each month (or part of a month) for which the default continues.

### **84—Authority may require copy of decision on development applications**

If an application for development authorisation is referred to the Authority under the *Development Act 1993*, the relevant authority that determines the application under that Act must, if required by the Authority by notice in writing, furnish the Authority with a full copy of the relevant authority's decision on the application as soon as practicable (but not later than 1 month) after the decision is made.

### **85—Exemption from requirement for licence for transportation of controlled waste**

- (1) A person will be exempt from the requirement under section 36 of the Act to hold a licence in respect of the transportation of controlled waste into or through South Australia from another participating State, or from South Australia to another participating State if—
  - (a) the person holds a licence or other similar authority that—
    - (i) has been granted by a participating State other than South Australia; and
    - (ii) is the same as or has a similar effect to an environmental authorisation that authorises the activities specified in clause 3(5) or clause 3(6) (or both) of Schedule 1 Part A of the Act; and
  - (b) the person ensures that a copy of the consignment authorisation obtained in relation to the controlled waste being transported is carried in the vehicle transporting the waste; and

- (c) the person ensures that the conditions to which the consignment authorisation is subject (if any) are complied with to the extent that those conditions apply to the transportation of the controlled waste; and
  - (d) the person complies with the conditions of the person's licence or other authority granted by the participating State, to the extent that those conditions apply to the transportation of the controlled waste.
- (2) In this regulation—

**Commonwealth Act** means the *National Environment Protection Council Act 1994* of the Commonwealth, as in force from time to time;

**consignment authorisation** has the same meaning as in the Controlled Waste Transport Measure;

**controlled waste** has the same meaning as in the Controlled Waste Transport Measure;

**Controlled Waste Transport Measure** means the National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure made on 26 June 1998 and as in force from time to time under the Commonwealth Act;

**participating State** means a participating State, or a participating Territory, within the meaning of the Controlled Waste Transport Measure.

#### **86—Exemption from item 4(c) of Schedule 1 of *Environment Protection (Air Quality) Policy 1994***

The generation of electricity by gas turbines located outside metropolitan Adelaide is exempt from the application of item 4(c) of Schedule 1 of the *Environment Protection (Air Quality) Policy 1994*.

#### **86A—Exemption from Act—Maralinga nuclear test site**

- (1) The following classes of persons are exempt from the application of the Act in respect of site contamination or any other matter caused by, or related to, the British Nuclear Test Program and minor trials conducted at the Maralinga nuclear test site:
  - (a) the Crown in right of the State;
  - (b) so far as the Act binds the Crown in its other capacities—the Crown in those other capacities;
  - (c) Maralinga Tjarutja.
- (2) An activity undertaken in accordance with the Maralinga nuclear test site handback deed, or the management plan for the Maralinga nuclear test site, is exempt from the application of the Act.
- (3) In this regulation—

**British Nuclear Test Program, minor trials, Maralinga nuclear test site, Maralinga nuclear test site handback deed** and **Maralinga Tjarutja** have the same meaning as in the *Maralinga Tjarutja Land Rights Act 1984*;

**management plan**, for the Maralinga nuclear test site, has the same meaning as in Part 3 Division 1B of the *Maralinga Tjarutja Land Rights Act 1984*.



## 86B—Cultana Training Area

- (1) An activity undertaken within the Cultana Training Area by or on behalf of, or with the authority or permission of, the Commonwealth Department of Defence or an arm of the Australian Defence Force is exempt from the application of the Act.
- (2) In this regulation—

***Cultana Training Area*** means the land comprised by the following:

- (a) the Allotment comprising Pieces 81, 82 and 83 in Deposited Plan 85852 Out of Hundreds (Port Augusta);
- (b) Allotment 6 in Deposited Plan 88907 Hundred of Handyside County of Manchester and Out of Hundreds (Port Augusta);
- (c) Sections 4, 13, 14 and 15, Hundred of Jenkins County of Manchester;
- (d) Allotment 7 in Deposited Plan 29397 Out of Hundreds (Port Augusta);
- (e) the Allotment comprising the Pieces 8, 9, 10 and 11 in Deposited Plan 29397 Out of Hundreds (Port Augusta);
- (f) Allotment 68 in Deposited Plan 85851 Hundred of Cultana County of York;
- (g) Allotment 72 in Deposited Plan 85851 Hundred of Cultana County of York;
- (h) the Allotment comprising Pieces 30, 31 and 32 in Deposited Plan 85850 Out of Hundreds (Whyalla), Out of Hundreds (Port Augusta) and Hundred of Cultana County of York;
- (i) Allotment 67 in Deposited Plan 93251, Hundred of Cultana County of York and Out of Hundreds (Port Augusta).

## 86C—SA Motorsport Park

- (1) The conduct of—
  - (a) a motor sport activity on a motor racing circuit; or
  - (b) a motor sport event on a motor racing circuit, or a recreational, artistic, cultural or other similar activity, including a street party, associated with the motor sport event,

within the SA Motorsport Park is exempt from the application of the general environmental duty under section 25 of the Act in relation to noise and Part 4 of the *Environment Protection (Noise) Policy 2007* if the activity or event (as the case requires) is conducted in accordance with any guidelines in relation to noise prepared by the State Coordinator-General appointed under the *Development Regulations 2008* and approved by the Authority.

- (2) ***SA Motorsport Park*** means the land within the shaded area in the map set out in Schedule 5 and described as the "SA Motorsport Park Development Site".

## 87—Transitional provisions relating to bodies corporate under repealed Acts

- (1) In this regulation—

***former body corporate*** means—

- (a) the Environmental Protection Council established under the *Environmental Protection Council Act 1972*;

- (b) the South Australian Waste Management Commission continued in existence under the *Waste Management Act 1987*.
- (2) Pursuant to section 140(5) of the Act, the following provisions apply in relation to a former body corporate:
  - (a) a reference to a former body corporate in an instrument or in a judgment, order or process of a court will be taken to be a reference to the Authority;
  - (b) legal proceedings commenced by or against a former body corporate may be continued by or against the Authority;
  - (c) the Registrar-General will, on application by the Authority and on being furnished with such duplicate certificates of title or other documents as the Registrar-General may require, register the Authority as the proprietor of an interest in land vested in the Authority by this regulation.

## Schedule 1—Forms

### 1—Form of notice of execution of warrant (regulation 14)

#### Notice of execution of warrant

*Environment Protection Act 1993*—section 88(7)

\*TO: The occupier of *[insert address or description of place]*

\*TO: The person apparently in charge of *[insert description of vehicle]*

TAKE NOTICE that—

- *[insert name of magistrate]*, a magistrate, did at *[insert time]* on *[insert date]* issue a warrant to break into or open any part of, or anything in or on—
  - \* the place described above.
  - \* the vehicle described above.
- I *[insert name of authorised officer]*, an authorised officer under the *Environment Protection Act 1993* did execute the warrant on *[insert date]*.
- \* No property was seized.
  - \* The following items of property were seized:  
*[insert details]*

Date:

Signature of authorised officer:

*\*Strike out whichever is inapplicable*

### 2—Form of notice of right to elect to be prosecuted (regulation 15)

#### Civil penalty for contravention—notice of right to elect to be prosecuted for contravention

*Environment Protection Act 1993*—section 104A(3)

File Number:

Issued by:

Date:

To: *[insert title (Mr/Mrs/Ms) and full name, company name (if applicable), postal address and any other information relevant for service of the notice]*

#### Notice to alleged offender

- 1 The Environment Protection Authority (the Authority) is satisfied that you have committed an offence by contravening a provision of the *Environment Protection Act 1993* as follows:  
Provision contravened:  
Address or location of contravention:  
Details of contravention:
- 2 The purpose of this notice is to advise you that you may, by written notice to the Authority, elect to be prosecuted for the contravention (see section 104A(3) of the Act).

**If you do not elect to be prosecuted, the Authority may commence civil penalty proceedings under section 104A of the Act for the purpose of obtaining an order from the Court that you pay an amount as a civil penalty in respect of the contravention.**

In these civil proceedings, any contravention of the Act would only need to be proved on the balance of probabilities.

3 **If you elect to be prosecuted, rather than negotiating a civil penalty with the Authority or facing civil penalty proceedings, you must serve a written notice on the Authority within 21 days after service of this notice.**

4 The following matters are relevant to the provision of a notice of election to the Authority:

- (1) The notice must be addressed to the Authority as follows:  
*[insert relevant information]*
- (2) You may choose to use the Attachment (below) or you may inform the Authority by your own letter, quoting your name and the File Number shown at the top of this document.
- (3) Section 104A of the Act may be found at [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au) and additional information about the Act can be obtained from [www.epa.sa.gov.au](http://www.epa.sa.gov.au). Information concerning this notice can also be obtained by telephoning the Manager, Investigations Branch on *[insert telephone number]*.
- (4) If you do not, within 21 days after service of this notice, give notice to the Authority of election to be prosecuted, proceedings may be commenced to recover a civil penalty in the Environment, Resources and Development Court.

#### **Attachment—Notice to Authority of election to be prosecuted**

To: Environment Protection Authority  
*[insert address]*

File number of notice under section 104A(3) of the *Environment Protection Act 1993*:  
*[insert file number]*

##### **\* Individual**

I elect to be prosecuted for the alleged contravention specified in the notice of the file number set out above.

Name in full:

Contact details:

Date:

Signed:

##### **\* Company**

I, having authority to act for and on behalf of the company in this matter, give notice that the company elects to be prosecuted for the alleged contravention specified in the notice of the file number set out above.

Name of company:

Name in full of person with authority to act:

Contact details:

Date:

Signed:

*\*Strike out whichever is inapplicable*



## **Schedule 2—Environmental authorisations—application and authorisation fees**

### **Part 1—Descriptions and maps of areas (regulation 3)**

#### **1—Interpretation**

- (1) In this Schedule—

*Geocentric Datum of Australia 2020* or *GDA2020* has the same meaning as in the determination under section 8A of the *National Measurement Act 1960* of the Commonwealth for the recognised-value standard of measurement of position;

*Map Grid of Australia 2020* or *MGA2020* means the system of rectangular coordinates derived from a Universal Transverse Mercator projection of latitudes and longitudes based on the Geocentric Datum of Australia 2020.

- (1a) For the purposes of the descriptions in this Schedule—

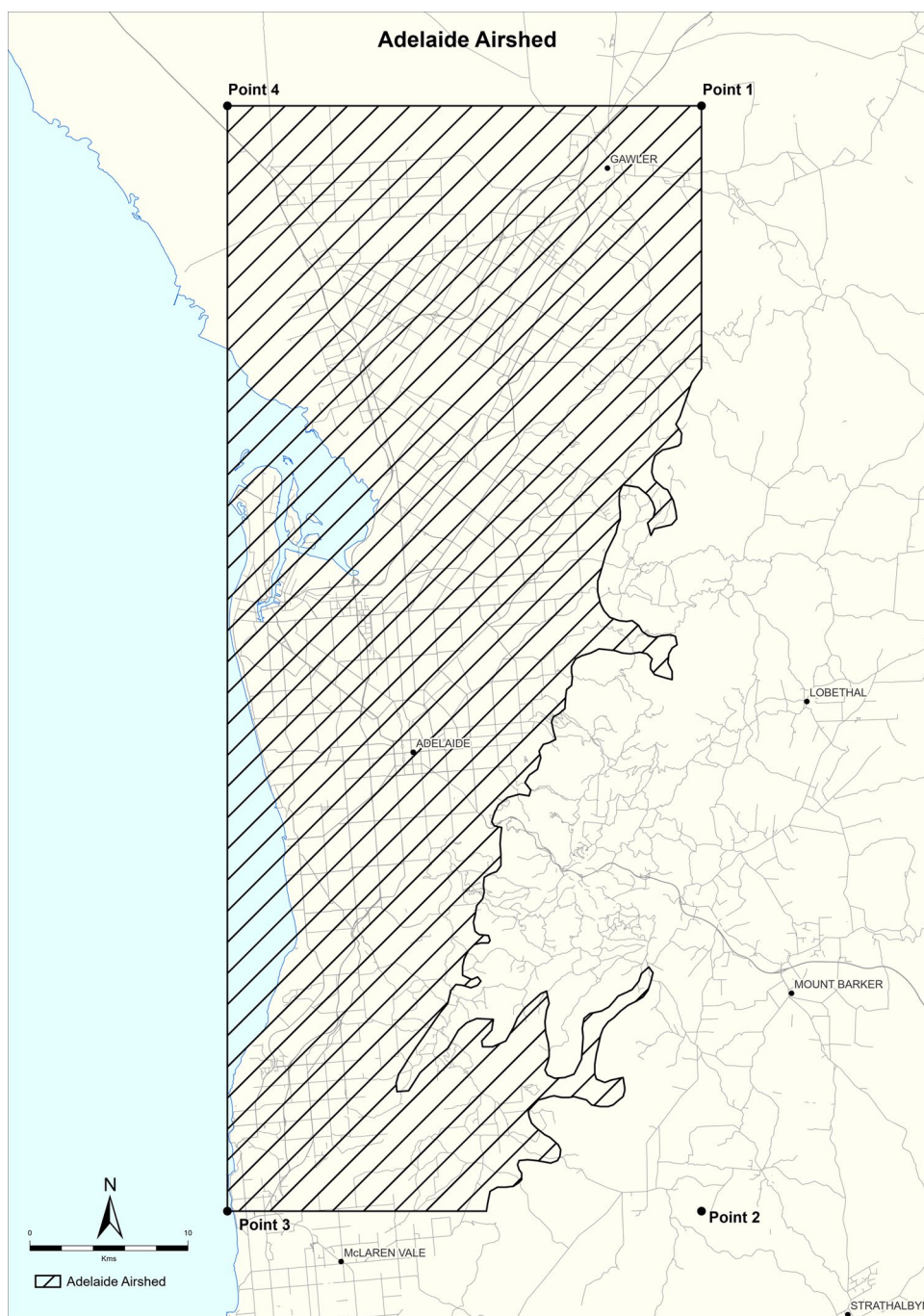
- (a) all lines are geodesics based on the Geocentric Datum of Australia 2020; and
- (b) all coordinates are given according to the Map Grid of Australia 2020.

- (2) The point references given in a description in this Schedule are references to the corresponding points in the map that follows the description.

- (3) The maps included in this Schedule are provided for convenience of reference only.

## 2—Adelaide airshed

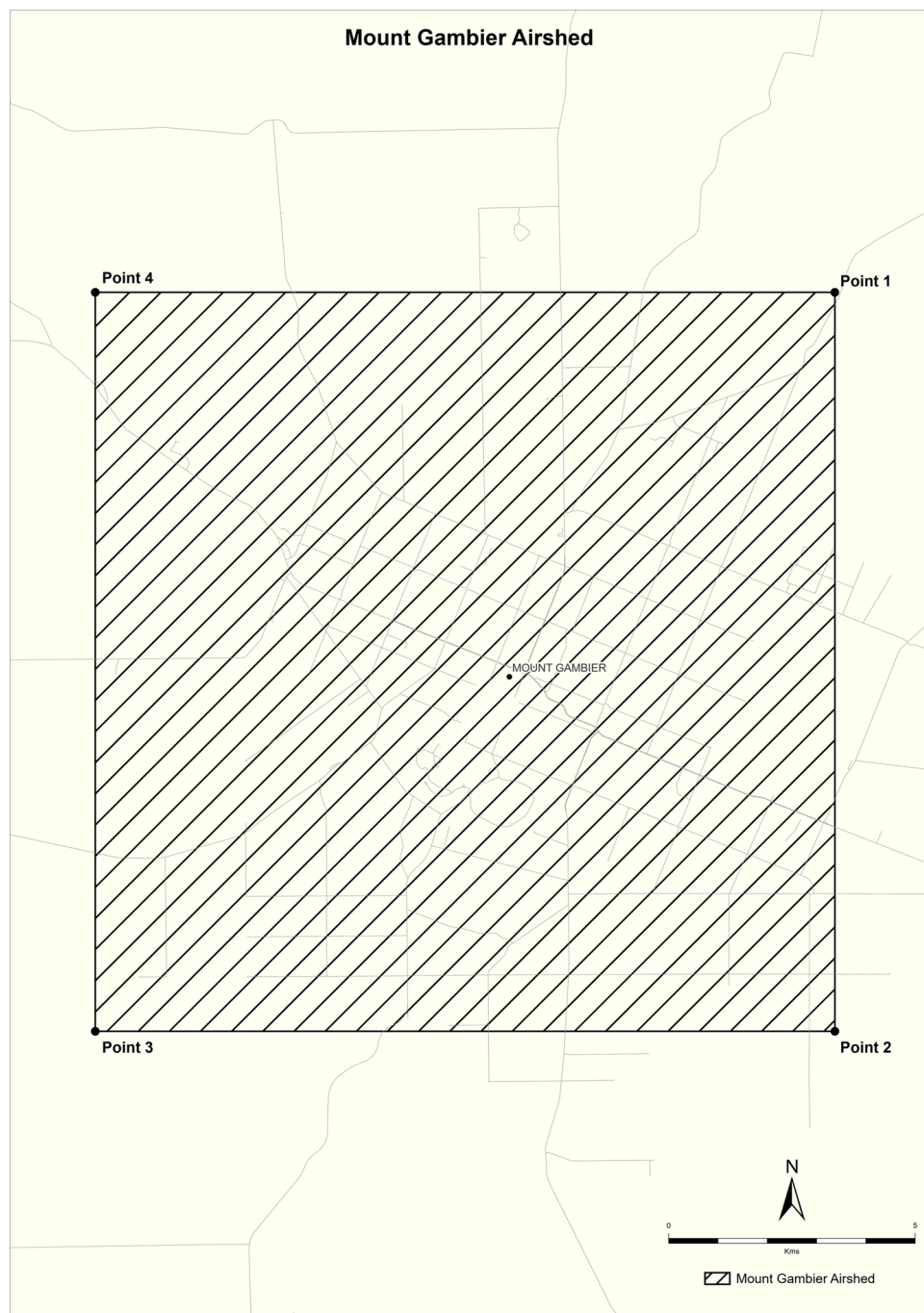
The Adelaide airshed is comprised of the area contained within and bounded by a line commencing (in zone 54) at East 299122m, North 6173180m (point 1), then southerly to East 299122m, North 6103180m (point 2), then westerly to East 269122m, North 6103180m (point 3), then northerly to East 269122m, North 6173180m (point 4), then easterly to the point of commencement, but excluding that part of the area that is more than 300 metres above sea level.





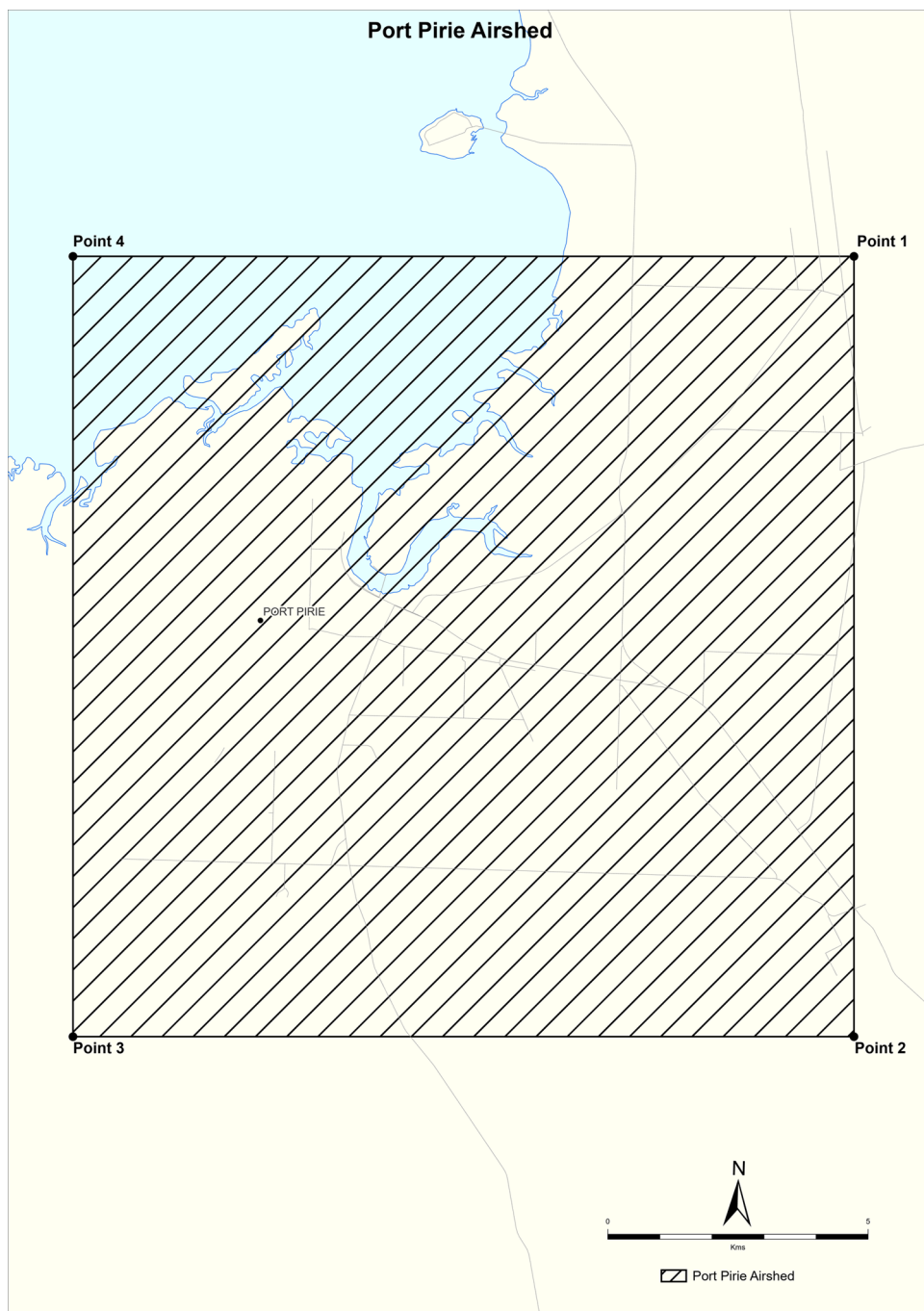
### 3—Mount Gambier airshed

The Mount Gambier airshed is comprised of the area contained within and bounded by a line commencing (in zone 54) at East 487223m, North 5821478m (point 1), then southerly to East 487223m, North 5806478m (point 2), then westerly to East 472223m, North 5806478m (point 3), then northerly to East 472223m, North 5821478m (point 4), then easterly to the point of commencement.



#### 4—Port Pirie airshed

The Port Pirie airshed is comprised of the area contained within and bounded by a line commencing (in zone 54) at East 230703m, North 6331481m (point 1), then southerly to East 231563m, North 6316507m (point 2), then westerly (in zone 53) to East 775530m, North 6315872m (point 3), then northerly to East 775530m, North 6330872m (point 4), then easterly to the point of commencement.



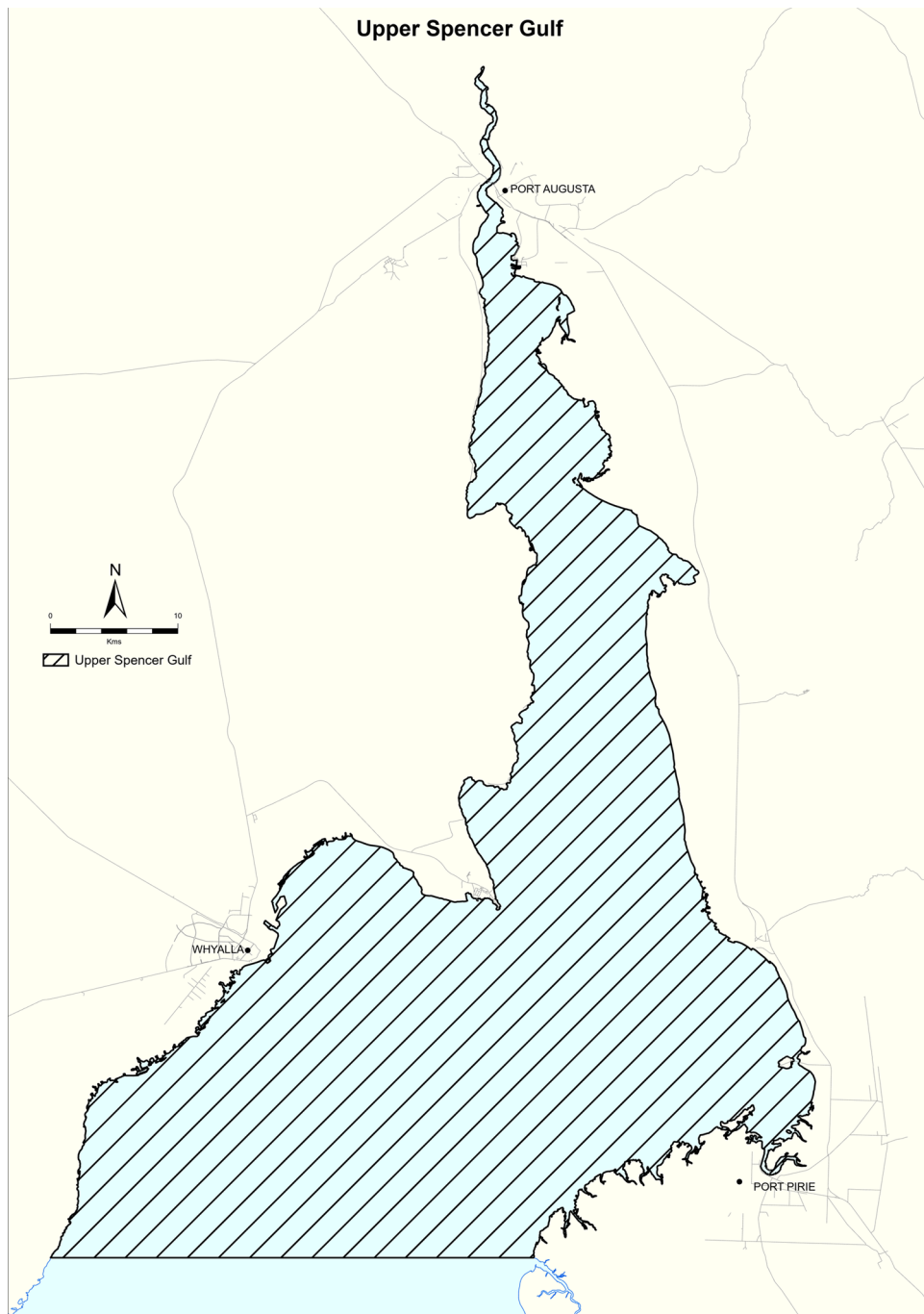
## 5—Port River region

The Port River region comprises the waters (within the limits of the State and vested in the Crown) of the Adelaide Dolphin Sanctuary established by the *Adelaide Dolphin Sanctuary Act 2005* as at 1 July 2008.



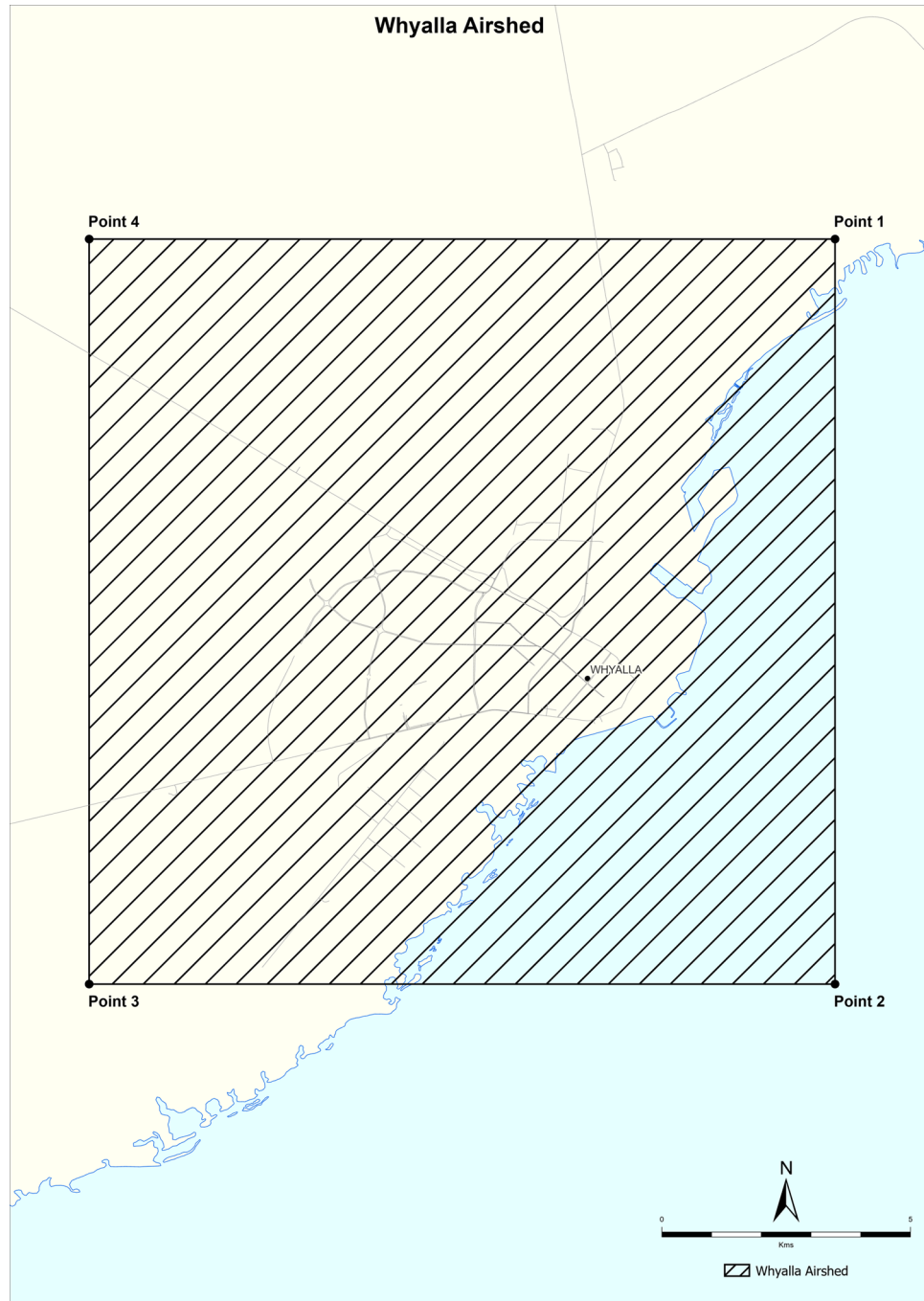
## 6—Upper Spencer Gulf

The Upper Spencer Gulf is comprised of the waters north of a line (in zone 53) at North 6317894m and bounded by mean high water springs.



## 7—Whyalla airshed

The Whyalla airshed is comprised of the area contained within and bounded by a line commencing (in zone 53) at East 745530m, North 6350872m (point 1), then southerly to East 745530m, North 6335872m (point 2), then westerly to East 730530m, North 6335872m (point 3), then northerly to East 730530m, North 6350872m (point 4), then easterly to the point of commencement.



## Part 2—Environment management component (regulation 30)

### 8—Interpretation

- (1) A reference in this Part to a *prescribed activity of environmental significance* is to be taken to be a reference to the corresponding activity specified in Schedule 1 Part A of the Act.
- (2) A reference in this Part to a *prescribed environmental measure* means a reference to the following measures in place during the licence period:
  - (a) for an activity specified in clause 1(6) of Schedule 1 Part A of the Act (timber preservation works)—a system for the on-site containment of the preservatives used in the works and for monitoring whether groundwater is contaminated by a preservative used in the works;
  - (b) for an activity specified in clause 3(4) of Schedule 1 Part A of the Act (wastewater treatment works)—a system for the disposal of wastewater collected or otherwise managed in the works involving the sustainable reuse of the wastewater or disposal of the wastewater to an evaporation lagoon;
  - (c) for an activity specified in clause 3(3)(a) of Schedule 1 Part A of the Act (landfill depot)—a leachate and landfill gas management system that complies with the guidelines entitled *Environmental management of landfill facilities (municipal solid waste and commercial industrial general waste)* as issued by the Authority in January 2007;
  - (d) for an activity specified in clause 6(1) of Schedule 1 Part A of the Act (meat processing works)—measures that result in wastewater produced at the works complying with each of the following levels:
    - (i) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;
    - (ii) an oil and grease level that is at least 99% less than that of the untreated wastewater;
    - (iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,assessed in accordance with an approved estimation or monitoring technique for the activity;
  - (e) for an activity specified in clause 3(2)(a) of Schedule 1 Part A of the Act (composting works)—a system for preventing the contamination of groundwater by chemical substances in the compost, by means, for example, of a suitable lining under the compost;
  - (f) for an activity specified in clause 6(7) of Schedule 1 Part A of the Act (rendering or fat extraction works)—measures that result in wastewater produced at the works complying with each of the following levels:
    - (i) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;
    - (ii) an oil and grease level that is at least 99% less than that of the untreated wastewater;

- (iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,  
assessed in accordance with an approved estimation or monitoring technique for the activity;
- (g) for an activity specified in clause 6(11) of Schedule 1 Part A of the Act (a winery or distillery)—measures that result in wastewater produced at the winery or distillery complying with each of the following levels:
  - (i) an electrical conductivity or total dissolved solids load that is at least 50% lower than that of the untreated wastewater;
  - (ii) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;
  - (iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,  
assessed in accordance with an approved estimation or monitoring technique for the activity;
- (h) for an activity specified in clause 8(6a) of Schedule 1 Part A of the Act (desalination plants)—
  - (i) if wastewater is discharged from a desalination plant to a wastewater lagoon—
    - (A) in the case of a class 1 prescribed environmental measure for the lagoon—a system for the disposal of the wastewater into the lagoon involving the sustainable reuse of the wastewater; and
    - (B) in the case of a class 2 prescribed environmental measure for the lagoon—a lining system for the lagoon (for example, HDPE lining or a lining with an equivalent level of impermeability) for preventing the contamination of land and waters from wastewater discharged from the desalination plant into the lagoon; and
    - (C) in the case of a class 3 prescribed environmental measure for the lagoon—a system enabling the detection of leakage, from the lagoon into surrounding land or waters, of wastewater discharged from the desalination plant into the lagoon; and
  - (ii) if wastewater is discharged from a desalination plant to land other than a wastewater lagoon, in the case of a class 4 prescribed environmental measure for the discharge—a system for the disposal of the wastewater involving the sustainable reuse of the wastewater;
- (i) for an activity specified in clause 8(9) of Schedule 1 Part A of the Act (Pumped hydroelectricity production works) both of the following measures:

- (i) a lining system for the water reservoir at the works or facility (for example, high density polyethylene lining or a lining with an equivalent level of impermeability) for preventing the contamination of surrounding land and waters from the storage of water used in the production of hydroelectricity;
  - (ii) a system enabling the detection of leakage of water into surrounding land or waters from the water reservoir at the works or facility used to store water used in the production of hydroelectricity.
- (3) For the purposes of the item relating to clause 8(9) of the Act in the table in clause 9 of this Part—

***category 1 pumped hydroelectricity works or facility*** means a pumped hydroelectricity works or facility—

- (a) at which the water used in the hydroelectricity production process has a salinity of 1 200 milligrams of total dissolved solids per litre or more; and
- (b) in respect of which the Authority has determined, in accordance with guidelines issued by the Authority, that there is, or is reasonable potential for, acid rock drainage into nearby underground, surface or marine waters as a result of the hydroelectricity production process at the works or facility;

***category 2 pumped hydroelectricity works or facility*** means a pumped hydroelectricity works or facility—

- (a) at which the water used in the hydroelectricity production process has a salinity of less than 1 200 milligrams of total dissolved solids per litre; and
- (b) in respect of which the Authority has determined, in accordance with guidelines issued by the Authority, that there is, or is reasonable potential for, acid rock drainage into nearby underground, surface or marine waters as a result of the hydroelectricity production process at the works or facility.

- (4) In subclause (3)—

***surface waters*** means waters other than underground waters;

***underground waters*** means—

- (a) waters occurring naturally under the ground; or
- (b) waters introduced to an aquifer or other area under the ground including water pumped, diverted or released into a well for storage underground.

## 9—Environment management component

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
<b>Clause 1</b>	<b>Petroleum and chemical</b>	
cl 1(1)	Chemical storage and warehousing facilities	3
cl 1(2)(a)(i)	Chemical works (inorganic) comprising—	
	(a) a soda ash plant	80
	(b) works associated with a uranium plant (where the main or a significant product is uranium)	20



<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(c) works of any other kind	8
cl 1(2)(a)(ii)	Chemical works (organic) comprising—	
	(a) works emitting less than 100 tonnes of volatile organic compounds during the licence period	8
	(b) works emitting 100 tonnes or more of volatile organic compounds during the licence period	12
cl 1(2)(b)	Chemical works (salt production)	3
cl 1(2)(c)	Chemical works (hydrogen production)	8
cl 1(3)	Coke works	80
cl 1(5a)	Petrol stations	from 1 January 2020—3
cl 1(5)(a)	Hydrocarbon storage works	from 1 July 2019 to 31 December 2019—3
		from 1 January 2020—10
cl 1(5)(b)	Hydrocarbon production works comprising—	
	(a) works or facilities emitting less than 500 tonnes of volatile organic compounds during the licence period	8
	(b) works or facilities emitting 500 tonnes or more but less than 1 000 tonnes of volatile organic compounds during the licence period	50
	(c) works or facilities emitting 1 000 tonnes or more of volatile organic compounds during the licence period	80
cl 1(6)	Timber preservation works comprising—	
	(a) works using, during the licence period, boron or other light organic solvents approved by the Authority as preservatives presenting a low environmental risk	8
	(b) works using, during the licence period, other preservatives (eg preservatives containing heavy metals or creosote)—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(ii) in any other case	50
<b>Clause 2</b>	<b>Manufacturing and mineral processing</b>	
cl 2(1)	Abrasive blasting comprising—	
	(a) mobile works	3

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(b) works other than mobile works	2
cl 2(2)	Hot mix asphalt preparation comprising—	
	(a) mobile works	12
	(b) works other than mobile works	8
cl 2(3)	Cement works comprising—	
	(a) works emitting less than 100 tonnes of particulates during the licence period	20
	(b) works emitting 100 tonnes or more of particulates during the licence period	50
cl 2(4)	Ceramic works comprising—	
	(a) glass works emitting 25 tonnes or more of particulates during the licence period	50
	(b) brick works emitting 2 tonnes or more of fluorides during the licence period	12
	(c) other glass works or brick works	8
	(d) works of any other kind (eg pottery works)	2
cl 2(5)	Concrete batching works (whether or not mobile)	2
cl 2(6)	Drum reconditioning or treatment works	3
cl 2(7)	Ferrous and non-ferrous metal melting works comprising—	
	(a) works producing emissions of more than 2 500 kilograms of volatile organic compounds during the licence period in respect of which—	
	(i) the Authority is satisfied of compliance by the licensee with the EPA odour criteria	12
	(ii) the Authority is satisfied of non-compliance by the licensee with the EPA odour criteria	50
	(b) works producing emissions of 2 500 kilograms or less of volatile organic compounds during the licence period	4
cl 2(8)	Metallurgical works	80
cl 2(9)	Mineral works	12
cl 2(10)	Pulp or paper works	80
cl 2(12)(a)	Surface coating works (metal finishing)	8
cl 2(12)(b)	Surface coating works (hot dip galvanizing) comprising—	
	(a) works producing emissions to air during the licence period of 1 000 kilograms or more of zinc	12
	(b) works producing emissions to air during the licence period of 100 kilograms or more but less than 1 000 kilograms of zinc	8

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(c) works producing emissions to air during the licence period of less than 100 kilograms of zinc	4
cl 2(12)(c)	Surface coating works (spray painting or powder coating)	3
cl 2(13)	Timber processing works comprising—	
	(a) works producing emissions to air during the licence period of 50 tonnes or more of particulates	12
	(b) works producing emissions to air during the licence period of less than 50 tonnes of particulates	3
cl 2(14)	Maritime construction works	3
cl 2(15)	Vehicle production works	20
<b>Clause 3</b>	<b>Resource recovery, waste disposal and related activities</b>	
cl 3(1)	Waste recovery facility comprising a depot, facility or works that, during the licence period, receives for preliminary treatment (or has the capacity for preliminary treatment of)—	
	(a) more than 200 000 tonnes of waste or other matter	77
	(b) more than 100 000 tonnes but not more than 200 000 tonnes of waste or other matter	38
	(c) more than 50 000 tonnes but not more than 100 000 tonnes of waste or other matter	20
	(d) more than 20 000 tonnes but not more than 50 000 tonnes of waste or other matter	12
	(e) more than 5 000 tonnes but not more than 20 000 tonnes of waste or other matter	5
	(f) more than 2 000 tonnes but not more than 5 000 tonnes of waste or other matter	3
	(g) more than 1 000 tonnes but not more than 2 000 tonnes of waste or other matter	2
	(h) 1 000 tonnes or less of waste or other matter	1
cl 3(2)(a)	Composting works comprising—	
	(a) depot, facility or works producing or capable of producing, during the licence period, compost from green waste only—	
	(i) in the case of depot, facility or works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	2
	(B) in any other case	4

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(ii) in the case of depot, facility or works the floor of which is more than 15 metres above groundwater	2
	(b) depot, facility or works producing or capable of producing, during the licence period, compost from only animal manure or from only animal manure and green waste—	
	(i) in the case of depot, facility or works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	3
	(B) in any other case	8
	(ii) in the case of depot, facility or works the floor of which is more than 15 metres above groundwater	3
	(c) depot, facility or works producing or capable of producing, during the licence period, compost from waste of any other kind (whether or not in addition to animal manure or green waste)—	
	(i) in the case of depot, facility or works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	4
	(B) in any other case	12
	(ii) in the case of depot, facility or works the floor of which is more than 15 metres above groundwater	4
cl 3(2)(b)	Scrap metal treatment works	3
cl 3(2)(c)	Tyre waste treatment works comprising a depot, facility or works, that has, during the licence period, the capacity to treat—	
	(a) more than 200 000 tonnes of tyre waste	77
	(b) more than 100 000 tonnes but not more than 200 000 tonnes of tyre waste	38
	(c) more than 50 000 tonnes but not more than 100 000 tonnes of tyre waste	20
	(d) more than 20 000 tonnes but not more than 50 000 tonnes of tyre waste	12

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(e) more than 5 000 tonnes but not more than 20 000 tonnes of tyre waste	5
	(f) more than 2 000 tonnes but not more than 5 000 tonnes of tyre waste	3
	(g) more than 1 000 tonnes but not more than 2 000 tonnes of tyre waste	2
	(h) 1 000 tonnes or less of tyre waste	1
cl 3(2)(d)	Waste lead acid battery treatment works	1
cl 3(2)(e)	Any other waste reprocessing facility comprising a depot, facility or works that, during the licence period, receives or has the capacity to treat—	
	(a) more than 200 000 tonnes of waste or other matter	77
	(b) more than 100 000 tonnes but not more than 200 000 tonnes of waste or other matter	38
	(c) more than 50 000 tonnes but not more than 100 000 tonnes of waste or other matter	20
	(d) more than 20 000 tonnes but not more than 50 000 tonnes of waste or other matter	12
	(e) more than 5 000 tonnes but not more than 20 000 tonnes of waste or other matter	5
	(f) more than 2 000 tonnes but not more than 5 000 tonnes of waste or other matter	3
	(g) more than 1 000 tonnes but not more than 2 000 tonnes of waste or other matter	2
	(h) 1 000 tonnes or less of waste or other matter	1
cl 3(3)(a)	Landfill depot comprising—	
	(a) a depot, facility or works receiving more than 200 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	50
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	
	(ii) in any other case	80
	(b) a depot, facility or works receiving more than 100 000 tonnes but not more than 200 000 tonnes of solid waste (other than waste fill) during the licence period—	

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) if—	20
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	
	(ii) in any other case	50
(c)	a depot, facility or works receiving more than 50 000 tonnes but not more than 100 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	12
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	
	(ii) in any other case	20
(d)	a depot, facility or works receiving more than 20 000 tonnes but not more than 50 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	8
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	
	(ii) in any other case	12
(e)	a depot, facility or works receiving more than 5 000 tonnes but not more than 20 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	4
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	
	(ii) in any other case	8
(f)	a depot, facility or works receiving more than 2 000 tonnes but not more than 5 000 tonnes of solid waste (other than waste fill) during the licence period—	

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(i) if—	3
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	
	(ii) in any other case	4
	(g) a depot, facility or works receiving more than 1 000 tonnes but not more than 2 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	2
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	
	(ii) in any other case	3
	(h) a depot, facility or works receiving 1 000 tonnes or less of solid waste (other than waste fill) during the licence period—	
	(i) if—	1
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot, facility or works	
	(ii) in any other case	2
cl 3(3)(b)	Liquid waste depot comprising—	
	(a) a depot, facility or works receiving more than 100 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	50
	(ii) involving disposal other than to a sewer	80
	(b) a depot, facility or works receiving more than 50 000 kilolitres but not more than 100 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	20
	(ii) involving disposal other than to a sewer	50
	(c) a depot, facility or works receiving more than 20 000 kilolitres but not more than 50 000 kilolitres of liquid waste during the licence period—	

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	12
	(ii) involving disposal other than to a sewer	20
	(d) a depot, facility or works receiving more than 5 000 kilolitres but not more than 20 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	8
	(ii) involving disposal other than to a sewer	12
	(e) a depot, facility or works receiving more than 2 000 kilolitres but not more than 5 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	4
	(ii) involving disposal other than to a sewer	8
	(f) a depot, facility or works receiving more than 1 000 kilolitres but not more than 2 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	3
	(ii) involving disposal other than to a sewer	4
	(g) a depot, facility or works receiving 1 000 kilolitres or less of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	2
	(ii) involving disposal other than to a sewer	3
cl 3(3)(c)	Incineration depot, facility or works—	
	(a) for disposal of chemical waste	50
	(b) for disposal of medical waste, cytotoxic waste and quarantine waste	50
	(c) for disposal of solid municipal waste	50
	(d) for disposal of solid trade waste	50
cl 3(4)(a)	Wastewater treatment works located wholly or partly within the Mount Lofty Ranges Water Protection Area involving—	
	(a) the discharge of 500 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	50
	(ii) in any other case	80



<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(b) the discharge of 100 megalitres or more but less than 500 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	20
	(ii) in any other case	50
	(c) the discharge of 50 megalitres or more but less than 100 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	8
	(ii) in any other case	12
	(d) the discharge of 20 megalitres or more but less than 50 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	4
	(ii) in any other case	8
	(e) the discharge of less than 20 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	3
	(ii) in any other case	4
cl 3(4)(b)	Wastewater treatment works located wholly outside of the Mount Lofty Ranges Water Protection Area or any other water protection area involving—	
	(a) the discharge of 1 000 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	50
	(ii) in any other case	80
	(b) the discharge of 500 megalitres or more but less than 1 000 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	20
	(ii) in any other case	50

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(c) the discharge of 100 megalitres or more but less than 500 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	8
	(ii) in any other case	12
	(d) the discharge of 50 megalitres or more but less than 100 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	4
	(ii) in any other case	8
	(e) the discharge of 20 megalitres or more but less than 50 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	3
	(ii) in any other case	4
	(f) the discharge of less than 20 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	2
	(ii) in any other case	3
cl 3(5)(a)	Activity producing listed waste comprising—	
	(a) an activity producing medical waste and no other listed waste during the licence period	1
	(b) in any other case—	
	(i) an activity producing more than 250 tonnes of listed waste during the licence period	8
	(ii) an activity producing more than 100 tonnes but not more than 250 tonnes of listed waste during the licence period	3
	(iii) an activity producing more than 5 tonnes but not more than 100 tonnes of listed waste during the licence period	2
	(iv) an activity producing 5 tonnes or less of listed waste during the licence period	1

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
cl 3(5)(b)	Reception or storage of listed waste comprising—	
	(a) a depot, facility or works receiving more than 200 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	77
	(b) a depot, facility or works receiving more than 100 000 tonnes but not more than 200 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	38
	(c) a depot, facility or works receiving more than 50 000 tonnes but not more than 100 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	20
	(d) a depot, facility or works receiving more than 20 000 tonnes but not more than 50 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	12
	(e) a depot, facility or works receiving more than 5 000 tonnes but not more than 20 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	5
	(f) a depot, facility or works receiving more than 2 000 tonnes but not more than 5 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	3
	(g) a depot, facility or works receiving more than 1 000 tonnes but not more than 2 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	2
	(h) a depot, facility or works receiving 1 000 tonnes or less of listed waste during the licence period for resource recovery or transfer to another location	1
cl 3(5)(c)	Treatment of listed waste comprising—	
	(a) a depot, facility or works receiving more than 200 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	77
	(b) a depot, facility or works receiving more than 100 000 tonnes but not more than 200 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	38
	(c) a depot, facility or works receiving more than 50 000 tonnes but not more than 100 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	20

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(d) a depot, facility or works receiving more than 20 000 tonnes but not more than 50 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	12
	(e) a depot, facility or works receiving more than 5 000 tonnes but not more than 20 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	5
	(f) a depot, facility or works receiving more than 2 000 tonnes but not more than 5 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	3
	(g) a depot, facility or works receiving more than 1 000 tonnes but not more than 2 000 tonnes of listed waste during the licence period for resource recovery or transfer to another location	2
	(h) a depot, facility or works receiving 1 000 tonnes or less of listed waste during the licence period for resource recovery or transfer to another location	1
cl 3(6)(a)	Waste transport business (category A)—	
	(a) for each vehicle that is an assessable vehicle during the licence period and is not used other than to collect and transport medical waste not exceeding 40 litres at any 1 time	0.3
	(b) for each vehicle that is an assessable vehicle during the licence period other than a vehicle referred to in paragraph (a)	0.9
cl 3(6)(b)	Waste transport business (category B)—for each vehicle that is an assessable vehicle during the licence period	0.3
<b>Clause 4</b>	<b>Activities in specified areas</b>	
cl 4(1)	Brukunga mine site and associated acid neutralisation plant	30
cl 4(2)(a)	Discharge during the licence period of stormwater to underground aquifers by means other than a stormwater drainage system from land or premises situated in the area of the City of Mount Gambier	12
cl 4(2)(b)	Discharge during the licence period of stormwater to underground aquifers from a stormwater drainage system situated in the City of Mount Gambier	12
cl 4(2)(c)	Discharge during the licence period of stormwater to underground aquifers from a stormwater drainage system situated in metropolitan Adelaide—	
	(a) if 50 megalitres or more is discharged during the licence period	4
	(b) if 10 megalitres or more but not more than 50 megalitres is discharged during the licence period	3

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(c) if less than 10 megalitres is discharged during the licence period	2
<b>Clause 5</b>	<b>Animal husbandry, aquaculture and other activities</b>	
cl 5(1)	Cattle feedlots	4
cl 5(3)	Saleyards comprising—	
	(a) a saleyard located within the South East Water Protection Area—	
	(i) if 20 megalitres or more of effluent is produced at the saleyard during the licence period	12
	(ii) if less than 20 megalitres is produced at the saleyard during the licence period	4
	(b) a saleyard located outside the South East Water Protection Area—	
	(i) if 20 megalitres or more of effluent is produced at the saleyard during the licence period	8
	(ii) if less than 20 megalitres is produced at the saleyard during the licence period	3
cl 5(4)	Piggeries comprising—	
	(a) a piggery producing more than 200 000 kilograms of nitrogen during the licence period	12
	(b) a piggery producing more than 100 000 kilograms but not more than 200 000 kilograms of nitrogen during the licence period	8
	(c) a piggery producing more than 50 000 kilograms but not more than 100 000 kilograms of nitrogen during the licence period	4
	(d) a piggery producing more than 20 000 kilograms but not more than 50 000 kilograms of nitrogen during the licence period	3
	(e) a piggery producing not more than 20 000 kilograms of nitrogen during the licence period	2
cl 5(5)	Poultry farm comprising a broiler farm—	
	(a) where the total area of the sheds or structures used to keep the poultry is 13 500 square metres or more but less than 27 000 square metres	2
	(b) where the total area of the sheds or structures used to keep the poultry is 27 000 square metres or more but less than 54 000 square metres	3
	(c) where the total area of the sheds or structures used to keep the poultry is 54 000 square metres or more	4

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
<b>Clause 6</b>	<b>Food production and animal and plant product processing</b>	
cl 6(1)	Meat processing works comprising—	
	(a) an abattoir and rendering plant producing 100 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the plant or that all the wastewater is discharged to a sewer or to some other off-site wastewater treatment works that are licensed or carried on under a licence	12
	(ii) in any other case	20
	(b) an abattoir and rendering plant producing less than 100 megalitres of wastewater during the licence period	12
	(c) works not associated with a rendering plant producing 100 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority that all the wastewater is discharged to a sewer or to some other off-site wastewater treatment works that are licensed or carried on under a licence	3
	(ii) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	4
	(iii) in any other case	8
	(d) works not associated with a rendering plant producing less than 100 megalitres of wastewater during the licence period	3
cl 6(2)	Breweries comprising—	
	(a) a brewery producing 20 megalitres or more of wastewater during the licence period	20
	(b) a brewery producing less than 20 megalitres of wastewater during the licence period	4
	(c) a brewery disposing of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence during the licence period	3
cl 6(4)	Fish processing works comprising—	
	(a) works disposing of wastewater to land (and not to marine or inland waters) during the licence period	4

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(b) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence or works not disposing of wastewater at all during the licence period	3
cl 6(5)	Milk processing works comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence	8
	(b) works of any other kind	12
cl 6(6)(a)	Produce processing works (deep fat frying, roasting or drying)	4
cl 6(6)(b)	Produce processing works (disposing, during the licence period, of wastewater otherwise than to a sewer or community wastewater management system) comprising—	
	(a) olive processing works	12
	(b) works of any other kind	8
cl 6(7)	Rendering or fat extraction works comprising—	
	(a) works producing 100 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or that all the wastewater is discharged to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence	12
	(ii) in any other case	20
	(b) works producing less than 100 megalitres of wastewater during the licence period	12
cl 6(8)	Curing or drying works	3
cl 6(9)	Tanneries or fellmongeries comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence	3
	(b) works of any other kind—	
	(i) if the works produce more than 10 megalitres of wastewater during the licence period	12
	(ii) if the works produce 10 megalitres or less of wastewater during the licence period	3

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
cl 6(10)	Woolscouring or wool carbonising works comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence	3
	(b) works of any other kind	8
cl 6(11)(a)	Wineries or distilleries (works outside the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence	3
	(b) works of any other kind (ie works not disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence)—	
	(i) in the case of works producing 20 megalitres or less of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	3
	(B) in any other case	4
	(ii) in the case of works producing more than 20 megalitres but no more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	12
	(B) in any other case	20
	(iii) in the case of works producing more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(B) in any other case	50
cl 6(11)(b)	Wineries or distilleries (works within the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence	4



<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(b) works not disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence—	
	(i) in the case of works producing 10 megalitres or less of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	4
	(B) in any other case	8
	(ii) in the case of works producing more than 10 megalitres but no more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	12
	(B) in any other case	20
	(iii) in the case of works producing more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(B) in any other case	50
<b>Clause 7</b>	<b>Materials handling and transportation</b>	
cl 7(1)	Bulk shipping facilities	8
cl 7(2)	Railway operations	8
cl 7(3)(a)	Crushing, grinding or milling works (chemicals or rubber)	4
cl 7(3)(b)	Crushing, grinding or milling works (agricultural crop products) comprising—	
	(a) olive processing works (whether or not mobile)—	
	(i) in the case of works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment works that are licensed or carried on under a licence	3
	(ii) in any other case	12
	(b) mobile works other than olive processing works	8
	(c) works of any other kind	4
cl 7(3)(c)	Crushing, grinding or milling works (rock, ores or minerals)	4
cl 7(4)	Dredging—for each day on which dredging occurs during the licence period	1
cl 7(5)	Coal handling and storage	3

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
cl 7(6)	Earthworks drainage—for each day on which earthworks drainage is carried on during the licence period	0.25
cl 7(7)	Extractive industries—	
	(a) within the Mount Lofty Ranges Water Protection Area	4
	(b) in any other area	3
<b>Clause 8</b>	<b>Other</b>	
cl 8(1)	Aerodromes	3
cl 8(2)(a)	Fuel burning comprising—	
	(a) the burning of coal or timber—	
	(i) at premises within the Adelaide airshed—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	80
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	50
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	12
	(ii) at premises in any other area—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	50
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	12
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	4
	(b) the burning of diesel in internal combustion engines for a total of less than 25 hours during the licence period	1
	(c) the burning of diesel in any other circumstances or for any other purpose or the burning of any fuel other than coal, timber or diesel—	
	(i) at premises within the Adelaide airshed—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	50
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	20

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	8
	(ii) at premises in any other area—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	20
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	8
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	3
cl 8(2)(b)	Fuel burning comprising the burning of fuel to stove enamel or to bake or dry substances releasing dust or air impurities	3
cl 8(3)	Helicopter landing facilities	1
cl 8(4)(a)	Marinas and boating facilities (moorings or dry storage)	2
cl 8(4)(b)	Marinas and boating facilities (repair and maintenance facilities)	3
cl 8(5)	Motor racing or testing venues	3
cl 8(6)	Shooting ranges	1
cl 8(6a)	Desalination plants comprising—	
	(a) a desalination plant that discharges wastewater to the marine environment—	
	(i) for discharges of more than 2 megalitres but not more than 1 000 megalitres of wastewater during the licence period	5
	(ii) for discharges of more than 1 000 megalitres but not more than 10 000 megalitres of wastewater during the licence period	12
	(iii) for discharges of more than 10 000 megalitres during the licence period	30
	(b) a desalination plant that discharges wastewater to a wastewater lagoon—	
	(i) for discharges of more than 2 megalitres but not more than 50 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of effective class 1, class 2 and class 3 prescribed environmental measures for the lagoon	1

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(B) if the licensee satisfies the Authority of the existence of effective class 2 and class 3 prescribed environmental measures for the lagoon	2
	(C) if the licensee satisfies the Authority of the existence of an effective class 1 prescribed environmental measure for the lagoon	3
	(D) in any other case	4
	(ii) for discharges of more than 50 megalitres but not more than 500 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of effective class 1, class 2 and class 3 prescribed environmental measures for the lagoon	3
	(B) if the licensee satisfies the Authority of the existence of effective class 2 and class 3 prescribed environmental measures for the lagoon	4
	(C) if the licensee satisfies the Authority of the existence of an effective class 1 prescribed environmental measure for the lagoon	5
	(D) in any other case	6
	(iii) for discharges of more than 500 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of effective class 1, class 2 and class 3 prescribed environmental measures for the lagoon	9
	(B) if the licensee satisfies the Authority of the existence of effective class 2 and class 3 prescribed environmental measures for the lagoon	10
	(C) if the licensee satisfies the Authority of the existence of an effective class 1 prescribed environmental measure for the lagoon	11
	(D) in any other case	12
	(c) a desalination plant that discharges wastewater to inland waters or land (other than to a wastewater lagoon)—	
	(i) for discharges of more than 2 megalitres but not more than 50 megalitres of wastewater during the licence period—	

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(A) if, in the case of the discharge of the wastewater to land, the licensee satisfies the Authority of the existence of an effective class 4 prescribed environmental measure for the discharge	3
	(B) in any other case	4
	(ii) for discharges of more than 50 megalitres but not more than 500 megalitres of wastewater during the licence period—	
	(A) if, in the case of the discharge of the wastewater to land, the licensee satisfies the Authority of the existence of an effective class 4 prescribed environmental measure for the discharge	5
	(B) in any other case	6
	(iii) for discharges of more than 500 megalitres of wastewater during the licence period—	
	(A) if, in the case of the discharge of the wastewater to land, the licensee satisfies the Authority of the existence of an effective class 4 prescribed environmental measure for the discharge	11
	(B) in any other case	12
cl 8(7)	Discharges to marine or inland waters (heat, or antibiotic or chemical water treatments)—	
	(a) for discharges of 100 megalitres or more during the licence period	20
	(b) for discharges of 10 megalitres or more but less than 100 megalitres during the licence period	8
	(c) for discharges of less than 10 megalitres during the licence period	4
cl 8(8)	Cremation or incineration of human or animal remains	2
cl 8(9)	Pumped hydroelectricity production works comprising—	
	(a) works or a facility located in whole or in part in a water protection area—	
	(i) in the case of a category 1 pumped hydroelectricity works or facility—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or facility	26
	(B) in any other case	37
	(ii) in the case of a category 2 pumped hydroelectricity works or facility—	

**Environment Protection Regulations 2009—1.4.2021**

## Schedule 2—Environmental authorisations—application and authorisation fees

Schedule 1 of Act (clause reference)	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or facility	23
	(B) in any other case	34
	(iii) in the case of a pumped hydroelectricity works or facility (other than a category 1 or category 2 pumped hydroelectricity works or facility) at which the water used in the hydroelectricity production process has a salinity of 1 200 milligrams of total dissolved solids per litre or more—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or facility	15
	(B) if the licensee satisfies the Authority that a prescribed environmental measure is not required for the works or facility	15
	(C) in any other case	26
	(iv) in the case of a pumped hydroelectricity works or facility (other than a category 1 or category 2 pumped hydroelectricity works or facility) at which the water used in the hydroelectricity production process has a salinity of less than 1 200 milligrams of total dissolved solids per litre—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or facility	12
	(B) if the licensee satisfies the Authority that a prescribed environmental measure is not required for the works or facility	12
	(C) in any other case	23
	(b) works or a facility located outside a water protection area—	
	(i) in the case of a category 1 pumped hydroelectricity works or facility—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or facility	23
	(B) in any other case	34
	(ii) in the case of a category 2 pumped hydroelectricity works or facility—	

**1.4.2021—Environment Protection Regulations 2009**  
Environmental authorisations—application and authorisation fees—Schedule 2

<b>Schedule 1 of Act (clause reference)</b>	<b>Prescribed activity of environmental significance (including indicator of level of activity if applicable)</b>	<b>Fee units</b>
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or facility	20
	(B) in any other case	31
	(iii) in the case of a pumped hydroelectricity works or facility (other than a category 1 or category 2 pumped hydroelectricity works or facility) at which the water used in the hydroelectricity production process has a salinity of 1 200 milligrams of total dissolved solids per litre or more—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or facility	12
	(B) if the licensee satisfies the Authority that a prescribed environmental measure is not required for the works or facility	12
	(C) in any other case	23
	(iv) in the case of a pumped hydroelectricity works or facility (other than a category 1 or category 2 pumped hydroelectricity works or facility) at which the water used in the hydroelectricity production process has a salinity of less than 1 200 milligrams of total dissolved solids per litre—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or facility	9
	(B) if the licensee satisfies the Authority that a prescribed environmental measure is not required for the works or facility	9
	(C) in any other case	20





## Schedule 3—Site contamination

### Part 1—Potentially contaminating activities (regulation 50)

#### 1—Interpretation

In this Part—

*recycling* includes reprocessing, recovery and purification.

#### 2—Activities undertaken in course of business

Activity	Definition
Abrasive blasting	Operation of works for abrasive blast cleaning or disposal of abrasive blasting material (including mobile abrasive blasting works and abrasive blast cleaning carried out in fully enclosed booths but excluding abrasive blast cleaning undertaken for residential purposes)
Acid sulphate soil generation	Oxidation of iron sulphide in potential acid sulphate soil material (sulphidic material) resulting in formation of actual acid sulphate soil material or sulphuric material
Agricultural activities	Any of the following activities undertaken in the course of agriculture: <ul style="list-style-type: none"><li>(a) burial of animals or parts of animals;</li><li>(b) burial of other waste;</li><li>(c) irrigation using wastewater;</li><li>(d) intensive application or administration of a listed substance to animals, plants, land or water (excluding routine spraying, in accordance with manufacturers' instructions, of pesticides used in broad-acre farming)</li></ul>
Airports, aerodromes or aerospace industry	Operation of premises for commercial or charter aircraft take-off and landing or manufacture, repair or maintenance of commercial or charter aircraft or aircraft equipment
Animal burial	Burial of animals or parts of animals other than in the course of agriculture
Animal dips or spray race facilities	Operation of animal dips or spray race facilities
Animal feedlots	Operation of confined yards or areas for holding of animals and feeding of animals principally by mechanical means or by hand
Animal saleyards	Operation of yards at which cattle, sheep or other animals are gathered and confined for the purpose of their sale, auction or exchange (including associated transport loading facilities and associated wastewater disposal)
Asbestos disposal	Disposal of asbestos or asbestos products
Asphalt or bitumen works	Operation of works for manufacture of asphalt or bitumen
Battery manufacture, recycling or disposal	Assembly, disassembly, manufacture or recycling of batteries (excluding storage of batteries for sale)
Breweries	Production of beer by infusion, boiling or fermentation

<b>Activity</b>	<b>Definition</b>
Brickworks	Production of bricks (including glazing of bricks)
Bulk shipping facilities	Operation of facilities for bulk handling of agricultural crop products, rock, ores, minerals or liquid organic chemical substances to or from wharf or wharfside facility (including sea-port grain terminals)
Cement works	Operation of works for production of cement clinker or grinding of cement clinker using argillaceous and calcareous materials
Ceramic works	Operation of works for manufacture of tiles, pipes, pottery goods, refractories or other ceramic products
Charcoal manufacture	Manufacture of charcoal
Coal handling or storage	Handling of coal, coke or carbonaceous material by any means or storage of coal, coke or carbonaceous reject material
Coke works	Production, quenching, cutting, crushing or grading of coke
Compost or mulch production or storage	Production or storage of compost, mulch or garden soils
Concrete batching works	Operation of works for production of concrete or concrete products manufactured by inclusion of cement, sand, rock, aggregate or similar materials
Curing or drying works	Operation of works for smoking, drying or curing meat, fish or other edible products by application of heat or smoke
Defence works	Operation of military defence establishments (including training areas)
Desalination plants	Operation of desalination plants
Dredge spoil disposal or storage	Disposal of dredge spoil onto land or storage of dredge spoil
Drum reconditioning or recycling works	Operation of works for reconditioning or recycling of metal or plastic drums
Dry cleaning	Operation of premises for dry cleaning
Electrical or electronics component manufacture	Manufacture of electrical or electronics components
Electrical substations	Operation of electrical substations
Electrical transformer or capacitor works	Operation of works for manufacture, repair, storage or disposal of electrical transformers, capacitors or associated equipment or fluids
Electricity generation or power plants	Operation of electricity generation or power plants
Explosives or pyrotechnics facilities	Operation of facilities for manufacture of explosives or pyrotechnics
Fertiliser manufacture	Manufacture of agricultural fertiliser
Fibreglass manufacture	Manufacture of fibreglass products
Fill or soil importation	Importation, to premises of a business, of soil or other fill originating from a site at which another potentially contaminating activity has taken place

Activity	Definition
Fire extinguisher or retardant manufacture	Manufacture of fire extinguishers or fire retardants
Fire stations	Underground storage of fuel at fire stations
Fire training areas	Operation of premises for fire training involving the use of liquid fuel, fire accelerants, aqueous film forming foam or similar substances
Foundry	Manufacture of metal products by injecting or pouring molten metal into moulds
Fuel burning facilities	Burning of solid or liquid fuel (including for generation of power or steam at rate of heat release exceeding 1MW)
Furniture restoration	Restoration of furniture
Gasworks	Operation of gasworks or gas holders
Glass works	Operation of works for manufacture of glass products
Glazing	Glazing of ceramics or pottery
Hat manufacture or felt processing	Manufacture of hats or processing of felt
Incineration	Incineration within the meaning of Schedule 1 Part A clause 3(1) of the Act
Iron or steel works	Operation of works for manufacture of iron or steel
Laboratories	Operation of laboratories
Landfill sites	Operation of sites for disposal of waste onto or into land
Lime burner	Manufacture (by means of kiln) of cement or lime from limestone (including associated storage of waste)
Metal coating, finishing or spray painting	Finishing, treating or coating of metal (including anodising, galvanising, pickling, electroplating, heat treatment, powder coating, enamelling and spray painting)
Metal forging	Forging of metal products
Metal processing, smelting, refining or metallurgical works	Operation of works for melting (by means of furnace) of ferrous or non-ferrous metal or smelting or reduction of ores to produce metal
Mineral processing, metallurgical laboratories or mining or extractive industries	Chemical or physical extraction or processing of metalliferous ores, storage of mining or exploration waste (for example, in tailings dams, overburden or waste rock dumps) mining or processing of minerals or operation of laboratories or pilot facilities for processing or testing of minerals
Mirror manufacture	Manufacture of mirrors
Motor vehicle manufacture	Manufacture of motor vehicles
Motor vehicle racing or testing venues	Operation of facilities designed and used for motor vehicle competitions or motor vehicle speed or performance trials
Motor vehicle repair or maintenance	Operation of premises for repair or maintenance of motor vehicles or parts of motor vehicles (including engine reconditioning works)
Motor vehicle wrecking yards	Operation of yards for wrecking or dismantling of motor vehicles or parts of motor vehicles

<b>Activity</b>	<b>Definition</b>
Mushroom farming	Farming of mushrooms
Oil recycling works	Operation of works for recycling of oil
Oil refineries	Operation of works for refining of crude petroleum oil or shale
Paint manufacture	Manufacture (including blending, mixing and formulation) of paint
Pest control works	Operation of premises for storage of pesticides or filling or washing of tanks used in pest control operations
Plastics manufacture works	Operation of works for manufacture (including blending, mixing and formulation) of plastics or plastic components (excluding processing and moulding of plastics manufactured elsewhere)
Printing works	Operation of printing works
Pulp or paper works	Operation of works for manufacture of timber pulp or paper
Railway operations	Railway operations within the meaning of Schedule 1 Part A clause 7(2) of Act
Rubber manufacture or processing	Manufacture or processing of rubber or rubber products
Scrap metal recovery	Recovery (including cleaning) of scrap metal
Service stations	Operation of retail fuel outlets
Ship breaking	Wrecking or dismantling of ships
Spray painting	Spray painting other than spray painting of metal
Tannery, fellmongery or hide curing	Operation of works for preservation or treatment of animal skins or hides
Textile operations	Manufacture or dyeing of fabrics or materials
Transport depots or loading sites	Operation of transport depots or loading sites
Tyre manufacture or retreading	Manufacture or retreading of tyres
Vermiculture	Cultivation of earthworms for production of earthworms or earthworm castings
Vessel construction, repair or maintenance	Operation of works or facilities (whether on water or land) for construction, repair or maintenance of vessels
Waste depots	Reception, storage or treatment (including recycling) of waste or disposal of waste to land or water
Wastewater storage, treatment or disposal	Storage (including in tanks, lagoons and ponds) or treatment (including recycling) of wastewater or disposal of wastewater to land or water
Water discharge to underground aquifer	Direct discharge of water from surface of land to underground aquifer
Wetlands or detention basins	Operation of bodies of water less than 6 metres deep for collection and management of stormwater or other wastewater for urban amenity, flood mitigation or ecological or other environmental purposes
Wineries or distilleries	Operation of works for processing grapes or other produce to make wine or spirits

---

Activity	Definition
Wood preservation works	Operation of works involving treatment or preservation of timber using chemicals
Woolscouring or wool carbonising works	Operation of works involving cleaning or carbonising of wool other than in course of handicraft business where wool is further processed for retail sale
Works depots	Operation of works depots by councils or utilities

### 3—Domestic activities

---

Activity	Definition
Fill or soil importation	Importation, to domestic premises, of soil or other fill originating from a site at which another potentially contaminating activity has taken place
Liquid organic chemical substances—storage	Storage of more than 500 litres of liquid organic chemical substances in underground or aboveground tanks or vessels at a discrete premises (excluding storage of oil for domestic heating at the premises)

### 4—Listed substances

Acidic solutions  
Acids  
Adhesives (excluding solid inert polymeric materials)  
Alkali metals  
Alkaline earth metals  
Alkaline solutions  
Alkalis  
Antimony  
Antimony compounds  
Antimony solutions  
Arsenic  
Arsenic compounds  
Arsenic solutions  
Asbestos  
Barium compounds  
Barium solutions  
Beryllium  
Beryllium compounds  
Boron  
Boron compounds  
Cadmium  
Cadmium compounds  
Cadmium solutions  
Calcium carbide  
Carbon disulphide  
Carcinogens  
Chlorates  
Chromium compounds  
Chromium solutions  
Copper compounds

Copper solutions  
Cyanide complexes  
Cyanides  
Cyanide solutions  
Cytotoxic wastes  
Dangerous substances within the meaning of the *Dangerous Substances Act 1979*  
Distillation residues  
Equipment containing mercury  
Fluoride compounds  
Halogens  
Heterocyclic organic compounds containing oxygen, nitrogen or sulphur  
Isocyanate compounds (excluding solid inert polymeric materials)  
Laboratory chemicals  
Lead compounds  
Lead solutions  
Lime sludges or slurries  
Liquid organic chemical substances  
Manganese compounds  
Medical waste within the meaning of Schedule 1 Part B of the Act  
Mercaptans  
Mercury compounds  
Mutagens  
Nickel compounds  
Nickel solutions  
Nitrates  
Organic halogen compounds (excluding solid inert polymeric materials)  
Organic phosphates  
Organic solvents  
Organometallic residues  
Oxidising agents  
Paint sludges or residues  
Perchlorates  
Peroxides  
Pesticides  
Pharmaceutical wastes or residues  
Phenolic compounds (excluding solid inert polymeric materials)  
Phosphorus  
Phosphorus compounds  
Poisons within the meaning of the *Drugs Act 1908*  
Polychlorinated biphenyls  
Radionuclides  
Reactive chemicals  
Reducing agents  
Selenium  
Selenium compounds  
Selenium solutions  
Silver compounds  
Silver solutions  
Solvent recovery residues  
Sulphides

Sulphide solutions  
Surfactants  
Teratogens  
Thallium  
Thallium compounds  
Thallium solutions  
Vanadium compounds  
Zinc compounds  
Zinc solutions

## Part 2—Annual returns by auditors (regulation 65)

### 5—Form of annual return

#### Annual return by auditor

(under section 103Y of the *Environment Protection Act 1993*)

Period to which annual return relates\*\*\*:

Name of auditor\*:

Auditor's accreditation number:

Term of auditor's accreditation: to

Name of auditor's company or business:

Auditor's business address:

Auditor's business telephone number(s):

Auditor's fax number:

Auditor's email address:

Provide details\*\* of each audit undertaken during the period to which the return relates\*\*\* for which the auditor was the responsible auditor\* including the following details for each audit:

- the EPA reference and site location;
- if the person for whom the audit has been commissioned is different to the person last notified to the EPA, the name of the new person and his or her commissioning authority (eg EPA, owner, occupier, developer or other);
- whether the audit was, during that period, commenced, ongoing, completed or terminated before completion;
- if the audit was commenced, completed or terminated during that period, the date of commencement, completion or termination.

Has the auditor, during the period to which the return relates\*\*\*, under these regulations or under legislation similar to these regulations in force in another State or Territory of the Commonwealth—

- |   |        |
|---|--------|
| • been the subject of disciplinary action (or any preliminary investigations preceding such possible action)? | Yes/No |
| • had his or her accreditation or similar authority suspended or cancelled?                                   | Yes/No |

- |  |        |
|--|--------|
| • been disqualified from acting as a site contamination auditor?   | Yes/No |
| • had conditions imposed on his or her accreditation or similar authority limiting the range of activities that he or she may undertake? | Yes/No |
| • had an application for such accreditation or similar authority refused?  | Yes/No |

If yes to any of the above questions, provide details\*\*:

What is the amount and the expiry date of the policy of professional indemnity insurance held by the auditor or by which the auditor is covered?

Indicate auditor's current employment status:

Employee	Yes/No
Self employed	Yes/No
Partner	Yes/No
Unemployed	Yes/No

Other [provide details]:

Indicate auditor's current accreditation status under these regulations:

Accredited	Yes/No
Under suspension other than voluntary suspension	Yes/No
Under voluntary suspension	Yes/No
Previously accredited	Yes/No

Other [provide details]:

Indicate details of any professional development or training relating to site contamination undertaken by the auditor during the period to which the return relates\*\*\*:

### Declaration

To the best of my knowledge, all information provided in this form is current and correct at the time of signing and dating.

Signed\*:

Dated:

*\* This form must be completed and signed by the responsible auditor, being, under the Environment Protection Act 1993 and these regulations, the auditor who personally carried out or directly supervised the work involved in the audits.*

*\*\* If insufficient space, details may be annexed to this form.*

*\*\*\* The period to which the return relates is the 12 month period commencing 8 weeks before the anniversary of the day on which the auditor's accreditation was last renewed or, in the case of an auditor in his or her first year of accreditation, the period from the day on which the auditor's accreditation was granted to 8 weeks before the anniversary of that day.*



*This annual return must be lodged with the EPA in accordance with section 103Y of the Environment Protection Act 1993.*

## Part 3—Notifications by auditors after commencement or termination of audit (regulation 66)

### 6—Form of notification by auditor after commencement of audit

#### Notification by auditor after commencement of audit

(under section 103Z of the *Environment Protection Act 1993*)

Name of auditor\*:

Auditor's accreditation number:

Term of auditor's accreditation: \_\_\_\_\_ to \_\_\_\_\_

Name of auditor's company or business:

Auditor's project reference:

Name of audit site *[if applicable]*:

Address of audit site:

Name of council for area in which audit site is situated *[if within council area]*:

Provide the following particulars\*\* relating to the relevant land and the audit site:

- certificates of title of all the relevant land and an indication of whether the audit site comprises all or part only of the land shown on or described in the certificates of title;
- details sufficient to identify the location of the land, including section or allotment numbers, area and hundred and coordinates (GDA2020/MGA2020 and associated zone (52, 53 or 54));
- audit plans indicating the location and extent of the audit site (which must comply with the guidelines issued by the EPA from time to time).

Name of owner of audit site:

Name of occupier of audit site:

Name, postal address and position of person who commissioned audit:

Indicate authority of person who commissioned audit:

EPA	Yes/No
-----	--------

Owner	Yes/No
-------	--------

Occupier	Yes/No
----------	--------

Developer	Yes/No
-----------	--------

Other *[please specify]*:

Indicate reasons for audit *[indicate all reasons]*:

Required under the <i>Development Act 1993</i>	Yes/No
--	--------

Required under the <i>Environment Protection Act 1993</i>	Yes/No
---	--------

Other *[please specify]*:

If audit is required under the *Environment Protection Act 1993*, provide EPA reference number:

Indicate audit purposes *[indicate all purposes]*:

Determining the nature and extent of any site contamination present or remaining on or below the surface of the site	Yes/No
--	--------

Determining the suitability of the site for a sensitive use or another use or range of uses	Yes/No
---	--------

Determining what remediation is or remains necessary for a specified use or range of uses	Yes/No
---	--------

*[NB: An audit may be required for all of the above purposes.]*

Date of commencement of audit:

Estimated date of completion of audit:

If this audit is 1 of a series of audits to be undertaken in relation to the audit site, indicate the total number of audits proposed to be undertaken (if known) and the completion or estimated completion dates for those audits (if known)\*\*:

Indicate:

- proposed site use:
- current site use, or, if currently unoccupied, most recent site use:
- any potentially contaminating activities (within the meaning of regulation 50 of these regulations) known to have occurred at the site:

If audit is required for development consent under the *Development Act 1993*, indicate:

- relevant planning authority:
- development application number *[if known]*:
- site zoning:

### **Declaration**

I am not aware of any conflict of interest within the meaning of section 103X of the *Environment Protection Act 1993* that would preclude me from undertaking this audit.

To the best of my knowledge, all information provided in this form is current and correct at the time of signing and dating.

Signed\*:

Dated:

*\* This form must be completed and signed by the "responsible auditor", being, under the Environment Protection Act 1993 and these regulations, the auditor who personally carried out or directly supervised the work involved in the audit.*

*\*\* If insufficient space, details may be annexed to this form.*

*This notification must be lodged with the EPA.*

*Details of this notification will be recorded in the public register kept by the EPA under section 109 of the Environment Protection Act 1993.*

## 7—Form of notification by auditor after termination (before completion) of audit

### Notification by auditor after termination (before completion) of audit

(under section 103Z of the *Environment Protection Act 1993*)

Name of auditor\*:

Auditor's accreditation number:

Name of auditor's company or business:

EPA reference:

Name of audit site *[if applicable]*:

Address of audit site:

Name, postal address and position of person who terminated audit:

Indicate authority of person who terminated audit:

EPA	Yes/No
Owner	Yes/No
Occupier	Yes/No
Developer	Yes/No
Auditor	Yes/No

Other *[please specify]*:

Date audit terminated:

Reasons for termination\*\*:

### Declaration

To the best of my knowledge, all information provided in this form is current and correct at the time of signing and dating.

Signed\*:

Dated:

*\* This form must be completed and signed by the "responsible auditor", being, under the Environment Protection Act 1993 and these regulations, the auditor who personally carried out or directly supervised the work involved in the audit.*

*\*\* If insufficient space, details may be annexed to this form.*

*This notification must be lodged with the EPA.*

*Details of this notification will be recorded in the public register kept by the EPA under section 109 of the Environment Protection Act 1993.*

## Part 4—Site contamination audit statement (regulation 67)

### 8—Form of site contamination audit statement

#### Site contamination audit statement

(under section 103Z of the *Environment Protection Act 1993*)

This statement contains the summary of the findings of the site contamination audit set out in the site contamination audit report titled: *[insert title of site contamination audit report]* (referred to in this form as the **report**) dated: *[insert report date]*

Name of auditor\*:

Auditor's accreditation number:

Name of auditor's company or business:

Auditor's project reference:

EPA reference:

Name of audit site *[if applicable]*:

Address of audit site:

Name of council for area in which audit site is situated *[if within council area]*:

Provide the following particulars\*\* relating to the relevant land and the audit:

- certificates of title of all the relevant land and an indication of whether the audit site comprises all or part only of the land shown on or described in the certificates of title;
- details sufficient to identify the location of the land, including section or allotment numbers, area and hundred and coordinates (GDA2020/MGA2020 and associated zone (52, 53 or 54));
- if the audit site comprises part only of the land described in the certificates of title, or if there is no certificate of title for the land comprising the audit site—survey plans prepared by a licensed surveyor;
- audit plans indicating the location and extent of the audit site (which must comply with the guidelines issued by the EPA from time to time).

Name of owner of audit site:

Name of occupier of audit site:

Name, postal address and position of person who commissioned audit:

Indicate authority of person who commissioned audit:

EPA	Yes/No
Owner	Yes/No
Occupier	Yes/No
Developer	Yes/No

Other *[please specify]*:

Reasons for audit *[indicate all reasons]*:

Required under the <i>Development Act 1993</i>	Yes/No
Required under the <i>Environment Protection Act 1993</i>	Yes/No
Other <i>[please specify]</i> :	

If audit was required under the *Environment Protection Act 1993*, provide EPA reference number:

Audit purposes *[indicate all purposes]*:

Determining the nature and extent of any site contamination present or remaining on or below the surface of the site	Yes/No
--	--------

Determining the suitability of the site for a sensitive use or another use or range of uses	Yes/No
---	--------

Determining what remediation is or remains necessary for a specified use or range of uses	Yes/No
---	--------

*[NB: An audit may be required for all of the above purposes.]*

If audit was required for development consent under the *Development Act 1993*, provide:

- name of relevant planning authority:
- development application number *[if known]*:
- site zoning:
- proposed site use:

Date of commencement of audit:

Date of notification of commencement of audit to EPA:

Date of completion of audit:

### Summary of findings

*Provide the summary of the findings of the site contamination audit as set out in the report.*

*If there is insufficient space on this form, provide the summary as an annexure to this form.*

*[NB: A site contamination audit report must comply with the guidelines from time to time issued by the EPA.]*

### Certification of copy of summary of findings

I certify that the summary of findings contained within or annexed to this statement represents a true and accurate summary of the findings of the site contamination audit set out in the report.

Signed\*:

Dated:

*\* This form must be completed and signed by the "responsible auditor", being, under the Environment Protection Act 1993 and these regulations, the auditor who personally carried out or directly supervised the work involved in the audit.*

*\*\* If insufficient space, details may be annexed to this form.*

*This site contamination audit statement must be lodged, on completion of the audit, with the council for the area in which the audit site is situated and any prescribed body (see regulation 68 of these regulations).*

*The report (including the summary of findings) will be recorded in the public register kept by the EPA under section 109 of the Environment Protection Act 1993.*

## Schedule 4—Fees and levy

### Part 1—Fees

#### 1—Fee unit

In these regulations (except Part 2 of this Schedule), the monetary value of a fee unit is—

- (a) for the purposes of the annual authorisation fee for a licence (including a projected annual authorisation fee under regulation 27(4) and (5))—
  - (i) for the flat fee component—\$77.50;
  - (ii) for the environment management component—\$866.00;
  - (iii) for the pollutant load-based component—\$7.65;
  - (iv) for the water reuse component—\$19.20;
- (b) for all other purposes—\$23.80.

#### 2—Miscellaneous fees

- 1 **Application for approval of the transfer of an environmental authorisation** (section 49(5) of the Act)—
  - (a) if the authorisation fee last paid or payable was less than \$1 000 5 fee units
  - (b) if the authorisation fee last paid or payable was not less than \$1 000 but not more than \$1 999 10 fee units
  - (c) if the authorisation fee last paid or payable was not less than \$2 000 but not more than \$4 999 20 fee units
  - (d) if the authorisation fee last paid or payable was not less than \$5 000 but not more than \$9 999 30 fee units
  - (e) if the authorisation fee last paid or payable was not less than \$10 000 but not more than \$49 999 50 fee units
  - (f) if the authorisation fee last paid or payable was \$50 000 or more 100 fee units
- 2 **Beverage container approvals and annual fees** (Part 8 Division 2 of the Act)—
  - (a) application for approval of a class of containers as category A or category B containers (section 68 of the Act)—
    - (i) for 1 class of container 15 fee units
    - (ii) for 2 to 5 classes of container (inclusive) 25 fee units
    - (iii) for 6 to 10 classes of container (inclusive) 37 fee units
    - (iv) for 11 to 20 classes of container (inclusive) 61 fee units
    - (v) for more than 20 classes of container 109 fee units
  - (b) application for approval to operate a collection depot (section 69 of the Act)—
    - (i) for a collection depot other than a reverse vending machine 7 fee units
    - (ii) for a reverse vending machine 18 fee units

---

	(c)	application for approval to carry on business as a super collector (section 69 of the Act)	43 fee units
	(d)	annual fee for operating a collection depot (section 69A of the Act)—	
	(i)	for a collection depot within metropolitan Adelaide	15 fee units
	(ii)	for a collection depot outside metropolitan Adelaide	7.5 fee units
	(e)	annual fee for carrying on business as a super collector (section 69A of the Act)	32 fee units
3		<b>Accreditation as site contamination auditor</b> (section 103V of the Act and Part 5 Division 2 of the regulations)—	
	(a)	application for accreditation (regulation 54)	\$584.00
	(b)	grant of accreditation (regulation 55) or renewal of accreditation (regulation 59)	\$5 998.00
	(c)	annual fee for accreditation (regulation 58)	\$3 471.00
	(d)	replacement of certificate of accreditation or identity card (regulation 62)	\$77.50
4		<b>Inspection of the register</b> (section 109(5) of the Act)—	
	(a)	each manual inspection	1 fee unit
	(b)	each inspection requiring access to a computer—	
	(i)	for the first 10 minutes (or part of that 10 minutes) of access	1 fee unit
	(ii)	for each additional 10 minutes (or part of that 10 minutes) of access	1 fee unit
5		<b>Copy of part of the register</b> (section 109(6) of the Act)—	
	(a)	first page	\$6.10
	(b)	each additional page	\$2.20

## **Part 2—Waste depot levy**

### **3—Waste depot levy**

- (1) Pursuant to section 113 of the Act (but subject to Part 6 of these regulations and this clause), the prescribed levy payable by the holder of a licence to conduct a waste disposal depot in respect of waste received at the depot is—
- |      |  |         |
|------|--|---------|
| (a)  | for solid waste—   |         |
| (i)  | in the case of a licence holder that is a council that has made an election under regulation 75 (per tonne of solid waste disposed of at the depot)  | \$78.00 |
| (ii) | in the case of the holder of a licence to conduct a landfill depot or incineration depot (not being a licence holder referred to in subparagraph (i)) (per tonne of designated solid waste disposed of, used or handled at the depot)— |         |
| (A)  | if the depot is situated outside of metropolitan Adelaide and the waste has been brought to the depot by or on behalf of premises where the waste was generated situated outside of metropolitan Adelaide                              | \$78.00 |



- |     |   |          |
|-----|---|----------|
| (B) | if the depot is situated within metropolitan Adelaide and the waste has been brought to the depot by or on behalf of a council the area of which lies wholly outside of metropolitan Adelaide | \$78.00  |
| (C) | in any other case   | \$156.00 |
| (b) | for liquid waste (per kilolitre disposed of at the depot)   | \$42.50  |

- (2) If under the licence the waste disposal depot is required to cover landfill at the depot with material on a daily or more frequent basis, the amount of the levy payable in respect of the waste under subclause (1)(a)(ii) is to be subject to a deduction calculated in accordance with the following formula:

$$PCD \times W \times LR$$

where—

**PCD** is the percentage cover deduction of 10%

**W** is the total amount of designated solid waste (in tonnes) disposed of (including any waste used as cover for landfill) at the depot in the relevant period

**LR** is the average levy rate paid per tonne of solid waste disposed of at the depot in the relevant period (excluding any solid waste in respect of which payment of all or part of the levy is waived or refunded under section 116 of the Act).

**Note—**

To the extent to which the calculation of the levy payable under this clause following the application of the deduction under this subclause results in an amount that is less than \$0, that amount, to the extent that it is less than \$0, is to be disregarded and may not be carried over to another period.

- (3) For the purposes of this clause, **designated solid waste** means the following solid waste (including waste fill):
- (a) solid waste disposed of at the depot;
  - (b) solid waste used as cover for landfill at the depot on a daily or more frequent basis;
  - (c) solid waste used at the depot for an operational use, other than an approved operational use;
  - (d) solid waste that is the subject of unauthorised stockpiling at the depot;
  - (e) solid waste that has been stockpiled at the depot in contravention of the relevant licence.

- (4) In this clause—

**approved operational use** has the same meaning as in regulation 69A;

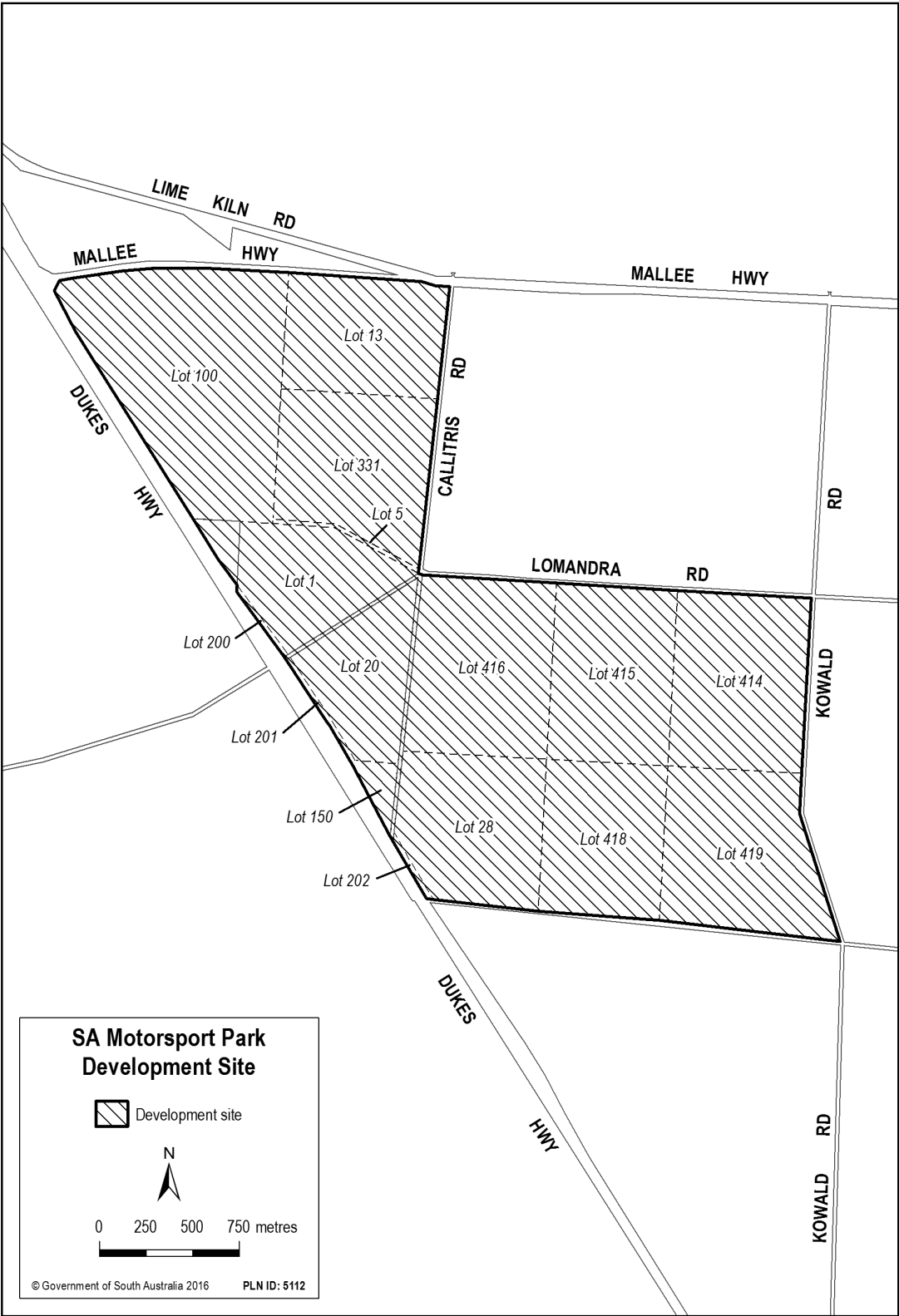
**incineration depot** means a depot, facility or works referred to in Schedule 1 Part A clause 3(3)(c) of the Act;

**landfill depot** means a depot, facility or works referred to in Schedule 1 Part A clause 3(3)(a) of the Act;

**operational use** has the same meaning as in regulation 68A(1);

*waste disposal depot* means a depot, facility or works referred to in Schedule 1 Part A clause 3(3) of the Act.

# Schedule 5—SA Motorsport Park Map





## Legislative history

### Notes

- This version is comprised of the following:
 

Part 1	1.6.2019
Part 2	1.6.2019
Part 3	1.6.2019
Part 4	11.7.2013
Part 5	22.2.2018
Part 6	1.12.2021
Part 7	1.7.2019
Part 8	28.8.2016
Schedule 1	1.6.2019
Schedule 2	1.4.2021
Schedule 3	24.9.2020
Schedule 4	1.7.2023
Schedule 5	28.8.2016
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Environment Protection Regulations 2009* revoked the following:

*Environment Protection (Beverage Container) Regulations 2008*

*Environment Protection (Exempt Classes of Persons and Activities) Regulations 2001*

*Environment Protection (Fees and Levy) Regulations 1994*

*Environment Protection (General) Regulations 1994*

*Environment Protection (Site Contamination) Regulations 2008*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2009	227	<i>Gazette 27.8.2009 p4216</i>	1.9.2009: r 2
2009	274	<i>Gazette 26.11.2009 p5285</i>	26.11.2009: r 2
2010	27	<i>Gazette 22.4.2010 p1498</i>	22.4.2010: r 2

**Environment Protection Regulations 2009—1.7.2023**

## Legislative history

2010	76	<i>Gazette 10.6.2010 p2745</i>	1.7.2010: r 2
2010	168	<i>Gazette 1.7.2010 p3361</i>	Pt 2 (r 4)—1.7.2010: r 2
2011	34	<i>Gazette 5.5.2011 p1332</i>	1.7.2011: r 2
2011	155	<i>Gazette 9.6.2011 p2421</i>	1.7.2011: r 2
2012	120	<i>Gazette 31.5.2012 p2458</i>	1.7.2012: r 2
2012	161	<i>Gazette 14.6.2012 p2778</i>	1.7.2012: r 2
2013	45	<i>Gazette 23.5.2013 p2033</i>	1.7.2013: r 2
2013	73	<i>Gazette 6.6.2013 p2157</i>	1.7.2013: r 2
2013	167	<i>Gazette 27.6.2013 p2785</i>	1.7.2013: r 2
2013	181	<i>Gazette 11.7.2013 p3044</i>	11.7.2013: r 2
2013	228	<i>Gazette 5.9.2013 p3778</i>	30.11.2013: r 2
2014	82	<i>Gazette 19.6.2014 p2513</i>	1.7.2014: r 2
2014	184	<i>Gazette 26.6.2014 p3036</i>	26.6.2014: r 2
2015	121	<i>Gazette 18.6.2015 p2706</i>	1.7.2015: r 2
2016	27	<i>Gazette 28.4.2016 p1319</i>	28.8.2016: r 2
2016	63	<i>Gazette 23.6.2016 p2162</i>	1.7.2016: r 2
2016	181	<i>Gazette 7.7.2016 p2901</i>	1.9.2016: r 2
2017	122	<i>Gazette 22.6.2017 p2324</i>	1.7.2017: r 2
2018	13	<i>Gazette 30.1.2018 p580</i>	22.2.2018: r 2
2018	115	<i>Gazette 21.6.2018 p2313</i>	1.7.2018: r 2
2019	2	<i>Gazette 17.1.2019 p109</i>	1.6.2019 immediately after the commencement of Environment Protection (Variation of Act, Schedule 1) (Waste Reform) Regulations 2019: r 2
2019	142	<i>Gazette 13.6.2019 p2056</i>	1.7.2019: r 2
2019	158	<i>Gazette 20.6.2019 p2207</i>	1.7.2019: r 2
2020	81	<i>Gazette 4.6.2020 p2837</i>	1.7.2020: r 2
2020	277	<i>Gazette 24.9.2020 p4670</i>	24.9.2020: r 2
2020	309	<i>Gazette 10.12.2020 p5639</i>	1.7.2021: r 2
2020	312	<i>Gazette 17.12.2020 p5750</i>	1.4.2021: r 2
2021	16	<i>Gazette 18.2.2021 p522</i>	1.12.2021: r 2
2021	61	<i>Gazette 3.6.2021 p1826</i>	1.7.2021: r 2
2021	80	<i>Gazette 24.6.2021 p2263</i>	1.7.2021 immediately after 309/2020 except rr 6, 7 & 9—1.12.2021 immediately after 16/2021: r 2
2022	29	<i>Gazette 10.6.2022 p1463</i>	1.7.2022: r 2
<b>2023</b>	<b>38</b>	<b><i>Gazette 18.5.2023 p1017</i></b>	<b>1.7.2023: r 2</b>

**Provisions varied**

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		

---

<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>26.11.2009</i>
<i>r 3</i>		
<i>r 3(1)</i>		
approved weighbridge	varied by 168/2010 r 4	1.7.2010
designated water pollutant	substituted by 228/2013 r 4(1)	30.11.2013
fee unit	substituted by 115/2018 r 4	1.7.2018
flat fee component	varied by 34/2011 r 4	1.7.2011
resource recovery	<i>deleted by 2/2019 r 4(1)</i>	<i>1.6.2019</i>
underground waters	inserted by 228/2013 r 4(2)	30.11.2013
vessel	<i>deleted by 2/2019 r 4(2)</i>	<i>1.6.2019</i>
waste transport business	<i>deleted by 2/2019 r 4(3)</i>	<i>1.6.2019</i>
<i>r 3(3)</i>	substituted by 228/2013 r 4(3)	30.11.2013
<i>r 3(4)</i>	inserted by 228/2013 r 4(3)	30.11.2013
<i>r 4</i>	<i>substituted by 76/2010 r 4</i>	<i>1.7.2010</i>
	<i>substituted by 155/2011 r 4</i>	<i>1.7.2011</i>
	<i>substituted by 120/2012 r 4</i>	<i>1.7.2012</i>
	<i>substituted by 73/2013 r 4</i>	<i>1.7.2013</i>
	<i>substituted by 82/2014 r 4</i>	<i>1.7.2014</i>
	<i>substituted by 121/2015 r 4</i>	<i>1.7.2015</i>
	<i>substituted by 63/2016 r 4</i>	<i>1.7.2016</i>
	<i>substituted by 122/2017 r 4</i>	<i>1.7.2017</i>
	<i>deleted by 115/2018 r 5</i>	<i>1.7.2018</i>
Pt 2		
<i>r 6</i>		
<i>r 6(1)</i>	varied by 2/2019 r 5(1)	1.6.2019
<i>r 6(2)</i>	varied by 2/2019 r 5(2)	1.6.2019
<i>r 11</i>	<i>deleted by 2/2019 r 6</i>	<i>1.6.2019</i>
<i>r 13</i>	varied by 2/2019 r 7	1.6.2019
Pt 3		
<i>r 19A</i>	inserted by 2/2019 r 8	1.6.2019
<i>r 22</i>		
<i>r 22(3)</i>	substituted by 2/2019 r 9	1.6.2019
<i>r 24</i>	varied by 2/2019 r 10	1.6.2019
<i>r 25</i>		
<i>r 25(1)</i>	substituted by 45/2013 r 4	1.7.2013
<i>r 27</i>		
<i>r 27(1)</i>	substituted by 45/2013 r 5	1.7.2013
<i>r 27(1a)</i>	inserted by 45/2013 r 5	1.7.2013
<i>r 28</i>		

**Environment Protection Regulations 2009—1.7.2023**

## Legislative history

---

r 28(1)	varied by 34/2011 r 5	1.7.2011
	varied by 228/2013 r 5(1), (2)	30.11.2013
r 28(2)	substituted by 228/2013 r 5(3)	30.11.2013
r 29	<i>deleted by 34/2011 r 6</i>	<i>1.7.2011</i>
r 31		
r 31(2)	varied by 228/2013 r 6(1)	30.11.2013
r 31(3a)	inserted by 228/2013 r 6(2)	30.11.2013
r 31(4)	varied by 228/2013 r 6(3)	30.11.2013
Table 2 heading	varied by 228/2013 r 6(4)	30.11.2013
r 31(7)	inserted by 228/2013 r 6(5)	30.11.2013
r 35	varied by 34/2011 r 7	1.7.2011
Pt 4		
r 42	varied by 34/2011 r 8	1.7.2011
	varied by 181/2013 r 4(1), (2)	11.7.2013
r 45		
r 45(1)	varied by 181/2013 r 5(1)	11.7.2013
r 45(3)		
flavoured milk	substituted by 181/2013 r 5(2)	11.7.2013
flavoured milk substitute	inserted by 181/2013 r 5(2)	11.7.2013
milk	substituted by 181/2013 r 5(2)	11.7.2013
milk substitute	inserted by 181/2013 r 5(2)	11.7.2013
r 46		
r 46(1)	varied by 155/2011 r 5(1)	1.7.2011
r 46(2)	substituted by 155/2011 r 5(2)	1.7.2011
Pt 5		
r 63	substituted by 13/2018 r 4	22.2.2018
Pt 6		
heading	varied by 309/2020 r 4	1.7.2021
Pt 6 Div 1		
heading	inserted by 309/2020 r 5	1.7.2021
r 68A	inserted by 309/2020 r 5	1.7.2021
r 68A(1)		
approved operational use	inserted by 16/2021 r 4	1.12.2021
approved operational use declaration	inserted by 16/2021 r 4	1.12.2021
Approved Operational Use Standard	inserted by 16/2021 r 4	1.12.2021
licensee	inserted by 16/2021 r 4	1.12.2021
operational purpose	inserted by 80/2021 r 4	1.7.2021
operational use	inserted by 80/2021 r 4	1.7.2021

---



---

r 68B	inserted by 309/2020 r 5	1.7.2021
r 68B(3)	<i>deleted by 80/2021 r 5(1)</i>	<i>1.7.2021</i>
r 68B(5)	inserted by 80/2021 r 5(2)	1.7.2021
r 69		
r 69(1)	substituted by 309/2020 r 6(1)	1.7.2021
r 69(1a)	inserted by 309/2020 r 6(1)	1.7.2021
r 69(3)	inserted by 309/2020 r 6(2)	1.7.2021
r 69A	inserted by 16/2021 r 5	1.12.2021
r 69A(1)	varied by 80/2021 r 6	1.12.2021
r 69B	inserted by 16/2021 r 5	1.12.2021
Pt 6 Div 2		
heading	inserted by 309/2020 r 7	1.7.2021
<i>r 70 before substitution by 115/2018</i>		
r 70(1)	<i>varied by 155/2011 r 6</i>	<i>1.7.2011</i>
	<i>varied by 161/2012 r 4(1), (2)</i>	<i>1.7.2012</i>
	<i>varied by 167/2013 r 4(1)—(4)</i>	<i>1.7.2013</i>
	<i>varied by 82/2014 r 5(1)—(4)</i>	<i>1.7.2014</i>
	<i>substituted by 121/2015 r 5(1)—(4)</i>	<i>1.7.2015</i>
	<i>varied by 63/2016 r 5(1)—(4)</i>	<i>1.7.2016</i>
	<i>varied by 181/2016 r 4(1)—(3)</i>	<i>1.9.2016</i>
	<i>varied by 122/2017 r 5(1)—(3)</i>	<i>1.7.2017</i>
r 70(2)	<i>varied by 27/2010 r 4</i>	<i>22.4.2010</i>
r 70	substituted by 115/2018 r 6	1.7.2018
r 70(2)	substituted by 16/2021 r 6	1.12.2021
Pt 6 Div 3		
heading	inserted by 309/2020 r 8	1.7.2021
r 70A	inserted by 309/2020 r 8	1.7.2021
r 71	substituted by 309/2020 r 9	1.7.2021
rr 71A and 71B	inserted by 309/2020 r 9	1.7.2021
r 72		
r 72(1)	substituted by 309/2020 r 10(1)	1.7.2021
r 72(3)	substituted by 309/2020 r 10(2)	1.7.2021
r 73		
r 73(1)	substituted by 309/2020 r 11(1)	1.7.2021
r 73(3)	varied by 309/2020 r 11(2)	1.7.2021
r 74	substituted by 309/2020 r 12	1.7.2021
rr 74A and 74B	inserted by 309/2020 r 12	1.7.2021
r 75		
r 75(1)	varied by 309/2020 r 13(1), (2)	1.7.2021
r 75(2)	varied by 309/2020 r 13(3)	1.7.2021
r 75(3)	substituted by 309/2020 r 13(4)	1.7.2021

---

**Environment Protection Regulations 2009—1.7.2023**

## Legislative history

---

r 75AA	inserted by 16/2021 r 7	1.12.2021
r 75AA(4)	varied by 80/2021 r 7	1.12.2021
r 75AAB	inserted by 16/2021 r 7	1.12.2021
Pt 6 Div 4	inserted by 309/2020 r 14	1.7.2021
Pt 6 Div 5	inserted by 309/2020 r 14	1.7.2021
r 75I		
r 75I(1)	varied by 80/2021 r 8(1)	1.7.2021
r 75I(2)	substituted by 80/2021 r 8(2)	1.7.2021
r 75I(4)	varied by 80/2021 r 8(3)	1.7.2021
r 75I(5)	varied by 80/2021 r 8(4)	1.7.2021
	(a)(iii) deleted by 80/2021 r 8(4)	1.7.2021
Pt 6 Div 6	inserted by 309/2020 r 14	1.7.2021
Pt 7		
r 80A	inserted by 142/2019 r 4	1.7.2019
Pt 8		
r 86A	inserted by 274/2009 r 4	26.11.2009
r 86B	inserted by 184/2014 r 4	26.6.2014
r 86C	inserted by 27/2016 r 4	28.8.2016
Sch 1		
cl 1	substituted by 2/2019 r 11	1.6.2019
Sch 2		
cl 1		
cl 1(1)	substituted by 277/2020 r 4(1)	24.9.2020
cl 1(1a)	inserted by 277/2020 r 4(1)	24.9.2020
cl 2	varied by 121/2015 r 7(1)	1.7.2015
	substituted by 277/2020 r 4(2)	24.9.2020
cl 3	varied by 121/2015 r 7(2)	1.7.2015
	substituted by 277/2020 r 4(2)	24.9.2020
cl 4	varied by 121/2015 r 7(3)	1.7.2015
	substituted by 277/2020 r 4(2)	24.9.2020
cll 5 and 6	substituted by 277/2020 r 4(2)	24.9.2020
cl 7	varied by 121/2015 r 7(4)	1.7.2015
	substituted by 277/2020 r 4(2)	24.9.2020
cl 8		
cl 8(2)	varied by 228/2013 r 7(1)	30.11.2013
	varied by 2/2019 r 12(1)—(5)	1.6.2019
	varied by 312/2020 r 4(1)	1.4.2021
cl 8(3), (4)	inserted by 312/2020 r 4(2)	1.4.2021
cl 9	varied by 34/2011 r 9(1)—(4)	1.7.2011
	varied by 228/2013 r 7(2)	30.11.2013
	substituted by 2/2019 r 12(6)	1.6.2019
	substituted by 142/2019 r 5	1.7.2019
	varied by 312/2020 r 4(3)—(5)	1.4.2021

Sch 3		
cl 6	varied by 277/2020 r 5(1)	24.9.2020
cl 8	varied by 277/2020 r 5(2)	24.9.2020
<i>Sch 4 before substitution by 81/2020</i>	<i>substituted by 76/2010 r 5</i>	<i>1.7.2010</i>
	<i>substituted by 155/2011 r 7</i>	<i>1.7.2011</i>
	<i>substituted by 120/2012 r 5</i>	<i>1.7.2012</i>
	<i>substituted by 73/2013 r 5</i>	<i>1.7.2013</i>
	<i>substituted by 82/2014 r 6</i>	<i>1.7.2014</i>
	<i>substituted by 121/2015 r 6</i>	<i>1.7.2015</i>
	<i>substituted by 63/2016 r 6</i>	<i>1.7.2016</i>
	<i>substituted by 122/2017 r 6</i>	<i>1.7.2017</i>
	<i>substituted by 115/2018 r 7</i>	<i>1.7.2018</i>
<i>Pt 1</i>	<i>substituted by 142/2019 r 6</i>	<i>1.7.2019</i>
<i>Pt 2</i>	<i>substituted by 158/2019 r 4</i>	<i>1.7.2019</i>
<i>Sch 4 before substitution by 29/2022</i>	<i>substituted by 81/2020 r 4</i>	<i>1.7.2020</i>
	<i>substituted by 61/2021 r 4</i>	<i>1.7.2021</i>
<i>Pt 2</i>	<i>substituted by 16/2021 r 8</i>	<i>1.12.2021</i>
	<i>varied by 80/2021 r 9(1)—(6)</i>	<i>1.12.2021</i>
Sch 4	substituted by 29/2022 r 3	1.7.2022
<b>Pt 1</b>	<b>substituted by 38/2023 r 3(1)</b>	<b>1.7.2023</b>
<b>Pt 2</b>	<b>amended by 38/2023 r 3(2)</b>	<b>1.7.2023</b>
<i>Sch 5</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>26.11.2009</i>
Sch 5	inserted by 27/2016 r 5	28.8.2016

## Transitional etc provisions associated with regulations or variations

### *Environment Protection Variation Regulations 2013 (No 228 of 2013), Sch 1*

#### 1—Transitional provision

If a person, immediately before the commencement of this clause, held a licence authorising an activity of a kind referred to in Schedule 1 Part A clause 8(7) of the Act (discharges to marine or inland waters) and the activity or activities undertaken under the licence are an activity or activities described in Schedule 1 Part A clause 8(6a) of the Act (as amended by the *Environment Protection (Variation of Act, Schedule 1) Regulations 2013*) as a desalination plant—

- (a) the person will, on that commencement, be taken to hold a licence to undertake the activity or activities so described for the remainder of the term, and subject to the same conditions (if any), applying immediately before that commencement; and

- (b) any reference in the licence to "discharges to marine or inland waters" as described in Schedule 1 Part A clause 8(7) of the Act immediately before the commencement of this clause, will, on that commencement, be taken to be a reference to a "desalination plant"; and
- (c) any reference in the licence to the undertaking of the activity or activities under Schedule 1 Part A clause 8(7) of the Act will, on that commencement, be taken to be a reference to the undertaking of the activity or activities under Schedule 1 Part A clause 8(6a) of the Act.

***Environment Protection (SACAT) Variation Regulations 2018 (No 13 of 2018),  
Sch 1***

**1—Transitional provision**

- (1) A right of appeal to the Administrative and Disciplinary Division of the District Court under regulation 63 of the principal regulations in existence before the relevant day (but not exercised before that day) will be exercised as if regulation 4 had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) Nothing in this clause affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced under the principal regulations before the relevant day.
- (3) In this clause—

***principal regulations*** means the *Environment Protection Regulations 2009*;

***relevant day*** means the day on which these regulations come into operation;

***Tribunal*** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

**Historical versions**

26.11.2009  
22.4.2010  
1.7.2010  
1.7.2011  
1.7.2012  
1.7.2013  
11.7.2013  
30.11.2013  
26.6.2014 (electronic only)  
1.7.2014  
1.7.2015  
1.7.2016  
28.8.2016  
1.9.2016  
1.7.2017

22.2.2018  
1.7.2018  
1.6.2019  
1.7.2019  
1.7.2020  
24.9.2020  
1.4.2021  
1.7.2021  
1.12.2021  
1.7.2022