

South Australia

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

under the *Environment Protection Act 1993*

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#### **1—Short title**

These regulations may be cited as the *Environment Protection (Exempt Classes of Persons and Activities) Regulations 2001*.

#### **3—Interpretation**

In these regulations—

*the Act* means the *Environment Protection Act 1993*, and includes statutory instruments made under the Act.

#### **4—Exemptions under section 140(2)(b)**

Under section 140(2)(b) of the Act, the classes of persons and activities set out in Schedule 1 are exempt, either unconditionally or subject to conditions specified in the Schedule, from the application of the Act or provisions of the Act that are specified in the Schedule.

## Schedule 1—Exempt classes of persons and activities

### Part 1—Exemption of electricity generation

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

The generation of electricity by gas turbines located outside Metropolitan Adelaide (as defined in the *Development Act 1993*) is exempt from the application of item 4(c) of the Schedule of the *Environment Protection (Air Quality) Policy 1994*.

### Part 2—Exemption of irrigated agriculture

#### 2—Interpretation

*In this Part—*

***irrigated agriculture***—a person undertakes irrigated agriculture if the person—

- (a) undertakes flood irrigation for the commercial production of livestock, pastures or crops on land; or
- (b) engages in farm management practices that include the discharge of polluted water (other than a discharge regulated under the *Code of Practice for Milking Shed Effluent 2003*, published by the Authority); or
- (c) undertakes the maintenance and operation of irrigation drainage channels for the reception, delivery and discharge of water or undertakes activities as an irrigation authority under the *Irrigation Act 1994*;

***Lower Murray Reclaimed Irrigation Area*** means that portion of the land lying within the area bounded in bold in the map in Schedule 2 (which area is more particularly defined in *GRO Plan No 572/1990*) situated between the following geographic coordinates:

- (a) northern extent 346700E, 6135900N; and
- (b) southern extent 353200E; 6086700N;

***prescribed pollutant*** means—

- (a) Biochemical Oxygen Demand (5 day test);
- (b) colour (Hazen units);
- (c) ammonia (total as nitrogen);
- (d) ammonia (NH<sub>3</sub> as nitrogen);
- (e) oxidised nitrogen (as nitrogen);
- (f) phosphorus (total as phosphorus);
- (g) phosphorus (soluble as phosphorus);
- (h) suspended sediment;
- (i) total nitrogen (as nitrogen);

- (j) *total organic carbon;*
- (k) *turbidity (Nephelometric Turbidity Units (NTU));*
- (l) *faecal coliforms or E.coli;*
- (m) *Enterococci.*

### **3—Exemption from clause 13 of *Environment Protection (Water Quality) Policy 2003***

- (1) *A person undertaking irrigated agriculture within the Lower Murray Reclaimed Irrigation Area is exempt from the application of clause 13 of the Environment Protection (Water Quality) Policy 2003 subject to the following conditions:*
  - (a) *the person must comply with environmental guidelines for the Lower Murray Reclaimed Irrigation Area, published by the Authority;*
  - (b) *the person must comply with an environment improvement and management program, approved by the Authority, to address potential impacts on water quality in the River Murray in relation to activities undertaken by the person.*
- (2) *However, a person undertaking irrigated agriculture within the Lower Murray Reclaimed Irrigation Area is only exempt from the application of clause 13 of the Environment Protection (Water Quality) Policy 2003 in respect of the discharge of a prescribed pollutant.*

### **4—Expiry of Part**

*This Part will expire on 31 December 2008.*

*Note—*

*Part 2 has expired.*

### Schedule 2—Map



## Legislative history

### Notes

- 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).

### Revocation of regulations

The *Environment Protection (Exempt Classes of Persons and Activities) Regulations 2001* were revoked by Sch 5 cl 2 of the *Environment Protection Regulations 2009* on 1.9.2009.

### Principal regulations and variations

Year	No	Reference	Commencement
2001	39	<i>Gazette 17.5.2001 p1829</i>	17.5.2001: r 2
2005	162	<i>Gazette 7.7.2005 p2316</i>	7.7.2005: r 2

### Provisions varied

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

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>7.7.2005</i>
<i>Sch</i>	<i>deleted by 162/2005 r 4</i>	<i>7.7.2005</i>
Sch 1	inserted by 162/2005 r 4	7.7.2005
Pt 2	expired: Sch 1 cl 4	(31.12.2008)
Sch 2	inserted by 162/2005 r 4	7.7.2005