

South Australia

Environment Protection (Waste to Resources) Policy 2010

under the *Environment Protection Act 1993*

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Legislative history

Part 1—Preliminary

1—Short title

This policy may be cited as the *Environment Protection (Waste to Resources) Policy 2010*.

2—Commencement

This policy will come into operation on a day to be fixed by the Governor by notice in the Gazette.

3—Interpretation

- (1) In this policy, unless the contrary intention appears—

Act means the *Environment Protection Act 1993*;

ANZECC means the Australian and New Zealand Environment and Conservation Council;

appropriate licensed material recovery facility or composting depot in relation to waste, means a material recovery facility or composting depot licensed for the reception, storage or treatment of waste of that kind;

appropriate licensed or approved depot in relation to waste, means—

- (a) a depot licensed for the reception, storage, treatment or disposal of waste of that kind; or
- (b) a depot that the Authority has determined may be conducted for the reception, storage, treatment or disposal of waste of that kind without the requirement for an environmental authorisation under Part 6 of the Act;

composting depot means a depot for the treatment of organic waste for the production of compost, and includes a composting works as described in clause 6(3) of Schedule 1 Part A of the Act;

depot means a landfill depot, material recovery facility, transfer station or composting depot;

dispose of waste includes deposit the waste and cause or allow the waste to be disposed of or deposited;

domestic waste means waste produced in the course of a domestic activity;

hazardous waste means listed waste having a characteristic described in schedule A list 2 of the *National Environment Protection (Movement of controlled waste between States and Territories) Measure*, as amended from time to time;

HCBs means Hexachlorobenzenes;

landfill depot means a depot for the controlled disposal of waste to land;

licence condition means a condition of a licence under Part 6 of the Act;

licensed means subject to a licence under Part 6 of the Act;

liquid waste means waste classified as liquid waste in accordance with the assessment process set out in the guideline *Liquid waste classification test*, re-issued by the Authority in September 2003;

listed waste means waste of a kind specified in Schedule 1 Part B of the Act;

material recovery facility means a depot for the treatment of waste for resource recovery, other than a composting depot;

medical sharp means an object or device that has been discarded in the course of medical, dental or veterinary practice or research and has a sharp point, protuberance or cutting edge that is capable of causing a penetrating injury to humans, and includes (but is not limited to) needles, hypodermic needles, syringes with needles or any other surgical instruments;

medical waste means waste consisting of—

- (a) medical sharps; or
- (b) human tissue, bone, organ, body part or foetus; or
- (c) a vessel, bag or tube containing a liquid body substance; or
- (d) an animal carcass discarded in the course of veterinary research or medical practice or research; or

- (e) a specimen or culture discarded in the course of medical, dental or veterinary practice or research and any material that has come into contact with such a specimen or culture; or
- (f) any other article or matter that is discarded in the course of medical, dental or veterinary practice or research and that poses a significant risk to the health of a person who comes into contact with it;

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

metropolitan council means a council whose area is wholly or partly within Metropolitan Adelaide;

OCPs means Organochlorine pesticides;

oil means—

- (a) petroleum based oils including lubricant base oils, prepared lubricant additives containing carrier oils, lubricants for engines, gear sets, pumps and bearings, greases, hydraulic fluids, brake fluids, transmission oils, and transformer and heat transfer oils; or
- (b) synthetic equivalents of the substances referred to in paragraph (a); or
- (c) cooking oil other than cooking oil used in the course of a domestic activity;

operator of a depot that is licensed means the holder of the licence in respect of the depot;

packaging includes containers and wrapping;

PCBs means Polychlorinated Biphenyls;

prescribed activity means—

- (a) medical practice other than—
 - (i) the practice of pathology; or
 - (ii) medical practice at a hospital; or
- (b) dental practice other than at a hospital; or
- (c) nursing practice other than at a hospital; or
- (d) operating a nursing home; or
- (e) veterinary practice; or
- (f) operating a hospital with a capacity of less than 40 beds; or
- (g) operating an immunisation clinic;

prescribed container means a container—

- (a) that is impervious to moisture and leak-proof or, in the case of containers storing only discarded medical sharps or any other sharp article, leak resistant; and
- (b) that will not rip, tear or burst under normal conditions of handling; and

- (c) on which is displayed a label that complies with the labelling requirements of the *Industry Code of Practice for the Management of Clinical and Related Wastes 2007*, 5th edition, prepared by the Australian and New Zealand Clinical Waste Management Industry Group, as amended from time to time; and
- (d) that, in the case of a container for waste consisting of medical sharps, complies with the requirements of AS 4031-1992 *Non-reusable containers for the collection of sharp medical items used in health care areas*, as amended from time to time, AS 4261:1994 *Reusable containers for the collection of sharp items used in human and animal applications*, as amended from time to time, AS 4939-2001 *Non-reusable personal use containers for the collection and disposal of hypodermic needles and syringes*, as amended from time to time, or British Standard 7320:1990 *Specification for sharps containers*, as amended from time to time, as the case requires;

prohibited landfill waste for an area means waste of a kind declared in Schedule 4 to be prohibited landfill waste for that area;

resource recovery in relation to waste, means—

- (a) reusing the waste; or
- (b) recycling the waste; or
- (c) recovering energy or other resources from the waste;

sinkhole means a surface depression caused by a collapse of soil or overlying formation above fractured or cavernous bedrock;

transfer station means a depot for the reception and aggregation of waste streams prior to their transport to some other depot or place for further sorting, resource recovery or disposal;

waste management includes resource recovery operations;

waste management hierarchy has the same meaning as in the *Zero Waste SA Act 2004*;

waste management objective—see clause 7;

waste transporter means a person who collects or transports waste for fee or reward;

wastewater has the same meaning as in the *Environment Protection (Water Quality) Policy 2003*.

- (2) For the purposes of this policy, a reference to the **treatment** of waste is a reference to the treatment of waste in some way—
 - (a) to recover material from the waste that may be reused or recycled; or
 - (b) to recover energy or other resources from the waste; or
 - (c) to prepare the waste for further treatment to recover material from the waste that may be reused or recycled or to recover energy or other resources from the waste,

and includes, but is not limited to, sorting, shredding, crushing, compacting or packaging the waste.

- (3) For the purposes of this policy, unless the contrary intention appears, a reference to waste of a particular kind includes a reference to waste that contains waste of that kind to a significant extent.
- (4) For the avoidance of doubt (but unless the contrary intention appears), a reference in this policy to the disposal of waste includes a reference to the stockpiling of waste.
- (5) In this policy, the expression *mandatory provision* followed by a statement as to the category of an offence signifies that contravention of the provision at whose foot the expression appears will be an offence of the stated category for the purposes of Part 5 of the Act.

Note—

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

4—Certain material declared to be waste

For the purposes of the definition of *waste* in section 3(1) of the Act, waste or material resulting from the treatment of waste continues to be waste except insofar as—

- (a) it constitutes a product that meets specifications or standards published from time to time or approved in writing by the Authority; or
- (b) if no specification or standard published or approved in writing by the Authority applies to such waste or treatment of waste—it constitutes a product that is ready and intended for imminent use without the need for further treatment to prevent any environmental harm that might result from such use.

5—Amendment of policy without following normal procedure

- (1) The following provisions of this policy may be amended by the Minister by notice in the Gazette under section 32(1)(c) of the Act:
 - (a) clause 3(1);
 - (b) clause 10(1);
 - (c) clause 11(2);
 - (d) clause 15(2);
 - (e) clause 18(3);
 - (f) Part 4 Division 3;
 - (g) Part 6;
 - (h) Schedule 1;
 - (i) Schedule 2;
 - (j) Schedule 3;
 - (k) Schedule 4;
 - (l) Schedule 5.

- (2) The following kinds of changes may be made to a provision by amendment under subclause (1):
 - (a) in the case of clause 3(1)—a change that is consequential on a change to some other provision;
 - (b) in the case of clause 10(1) and clause 15(2)—the addition of a further exception;
 - (c) in the case of clause 11(2) and clause 18(3)—the substitution of a later date;
 - (d) in the case of any provision, but subject to paragraphs (b) and (c)—the revocation or substitution of the provision wholly or in part, the variation of the text of the provision or the insertion of material into the provision.
- (3) The Authority must not make a recommendation to the Minister for amendment of any of the provisions referred to in subclause (1) unless—
 - (a) the proposal for the amendment has been reduced to writing, clearly setting out the purpose and the likely economic, business, social and environmental impacts of and reasons for the proposed amendment; and
 - (b) there has been consultation with relevant government agencies and relevant organisations, prescribed bodies and industries and the community likely to be affected by the proposed amendment; and
 - (c) the views expressed by those consulted have been considered by the Authority and communicated to the Minister.
- (4) The Authority must not make a recommendation to the Minister for amendment of Schedule 4 to declare a kind of waste to be prohibited landfill waste for an area unless, before doing so, the Authority has considered the waste management objective and each of the following to the extent they are relevant:
 - (a) whether the disposal of waste of that kind to landfill in that area (or anywhere) presents an unacceptable risk to the health and safety of any person or the environment;
 - (b) whether processes, technologies or systems exist that enable resource recovery in relation to waste of that kind;
 - (c) whether there are existing or developing markets to enable resource recovery in relation to waste of that kind;
 - (d) whether it is reasonable or practicable, having regard to the location and availability of depots, processes, technologies or systems, to implement resource recovery in relation to waste of that kind produced in that area;
 - (e) whether it is reasonable and practicable for new processes, technologies or systems to be put in place to enable resource recovery in relation to waste of that kind produced in that area;
 - (f) whether there are programs in place in the State or elsewhere in Australia that reduce the need for the disposal of waste of that kind to landfill.

6—Application of policy

Subject to section 7 of the Act, this policy applies to all waste within the meaning of the Act other than waste of a kind specified in Schedule 1.

Part 2—Waste management objective

7—Waste management objective

- (1) The objective of this policy (the *waste management objective*) is to achieve sustainable waste management by applying the waste management hierarchy consistently with the principles of ecologically sustainable development set out in section 10 of the Act.
- (2) In order to meet the waste management objective, waste management in this State should also—
 - (a) promote best practice and accountable waste management, taking into account regional differences within the State; and
 - (b) include effective recording, monitoring and reporting systems with respect to waste transport, resource recovery and waste disposal; and
 - (c) promote environmental responsibility and involvement in waste avoidance, waste minimisation and waste management within the community.

8—Waste management objective and administration of policy

The Authority and other administering agencies must take the waste management objective into account in the administration of this policy.

9—Waste management objective and determinations by Authority under Part 6 of Act

The Authority must take the waste management objective into account—

- (a) in determining matters required to be determined by the Authority under Part 6 of the Act in relation to environmental authorisations or applications for environmental authorisations;
- (b) in determining matters required to be determined by the Authority under Part 6 of the Act in relation to applications for development authorisations referred to the Authority under the *Development Act 1993*.

Part 3—General waste management obligations

Division 1—Unlawful disposal of waste

10—Unlawful disposal of waste

- (1) A person must not dispose of waste except—
 - (a) at an appropriate licensed or approved depot; or
 - (b) by—
 - (i) depositing it in a receptacle provided by a council for collection by a kerbside waste collection service; or
 - (ii) placing it for collection as a part of a kerbside waste collection service provided by a council,

where it is the council's policy that waste of that kind may be disposed of by means of that service;

- (c) by depositing it in a safe and secure receptacle for transport, or collection and transport, to an appropriate licensed or approved depot; or
- (d) by incineration if that process is authorised at law; or
- (e) as required or authorised under an environmental authorisation or as otherwise required or authorised by the Authority; or
- (f) subject to subclause (3), to land owned or occupied by the person, or to land with the permission of the owner or occupier of the land (recognising that nothing in this provision can affect environmental, licensing or other requirements under the Act).

Mandatory provision:

- (a) Category A offence if the waste—
 - (i) is listed waste; or
 - (ii) is disposed of to land where the total costs and expenses that would reasonably be incurred to clean up the waste and transport it to and dispose of it at an appropriate licensed or approved depot would exceed \$50 000; or
 - (iii) is disposed of in a quantity, or total quantity, exceeding 20 kilograms; or
 - (iv) is disposed of in a manner referred to in subclause (3);
 - (b) in any other case—Category B offence.
- (2) In order to facilitate the proper management of waste that is to be collected under subclause (1)(b), a metropolitan council must provide a weekly general kerbside waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.
- (3) Subclause (1)(f) does not apply if the waste is disposed of—
- (a) in a manner that results in environmental harm affecting water occurring naturally above or under the ground or water introduced to an aquifer or other area under the ground; or
 - (b) in a manner that results in site contamination or an environmental nuisance; or
 - (c) in a sinkhole located in a karst environment; or
 - (d) in a manner that causes or has the potential to cause unstable geotechnical conditions (including landslides, soil erosion or substantial movement of the waste); or
 - (e) in a manner that causes or has the potential to cause an infestation of vermin, rodents or other pests; or
 - (f) in a manner that is or may be a potential fire hazard.

- (4) An owner or occupier of land must not permit another to dispose of waste to the land in a manner referred to in subclause (3).

Mandatory provision: Category A offence.

- (5) The result of disposing of waste in contravention of this clause is declared to be environmental harm for the purposes of section 5(1)(b) of the Act.

Division 2—Waste to be treated prior to disposal to landfill

11—Waste to be treated prior to disposal to landfill

- (1) This clause applies to waste produced in an area specified in Schedule 2 other than waste excluded from the application of this clause by Schedule 3.

- (2) This clause will not apply until the second anniversary of the day fixed by the Governor for this policy to come into operation.

- (3) A person must not dispose of waste to which this clause applies at a landfill depot unless the waste results from, or has been subject to, resource recovery processes carried out—

- (a) at an appropriate licensed material recovery facility or composting depot; or
- (b) at some other facility that has been approved by the Authority for the purposes of this clause; or
- (c) in accordance with the waste management hierarchy and to the extent reasonably achievable.

Mandatory provision: Category B offence.

- (4) The operator of a landfill depot must not receive waste to which this clause applies for disposal at the depot unless the waste results from, or has been subject to, resource recovery processes carried out—

- (a) at an appropriate licensed material recovery facility or composting depot; or
- (b) at some other facility that has been approved by the Authority for the purposes of this clause; or
- (c) in accordance with the waste management hierarchy and to the extent reasonably achievable.

Mandatory provision: Category B offence.

- (5) For the purposes of this clause, waste received at a landfill depot will be taken to result from, or have been subject to, resource recovery processes if it has been received from—

- (a) an appropriate licensed material recovery facility or composting depot; or
- (b) some other facility that has been approved by the Authority for the purposes of this clause.

- (6) The Authority may—

- (a) grant an approval to a facility for the purposes of subclauses (3), (4) and (5) subject to such conditions as the Authority thinks fit (and the Authority may vary those conditions from time to time);
- (b) revoke such an approval on such grounds as the Authority thinks fit.

(7) The conditions of an approval may be varied by the addition, substitution or deletion of 1 or more conditions.

(8) In this clause—

resource recovery processes means processes carried out for resource recovery, which may include a determination, following examination of waste, that the waste need not be subject to treatment, or further treatment, for resource recovery so long as any such determination is made in accordance with—

- (a) any licence conditions that are expressed to apply for the purposes of this clause; or
- (b) any conditions that apply under subclause (6); or
- (c) any guidelines published from time to time by the Authority for the purposes of this clause.

Division 3—Disposal of prohibited landfill waste

12—Disposal of prohibited landfill waste

(1) A person must not dispose of waste at a landfill depot if the waste was produced in an area for which the waste is prohibited landfill waste.

Mandatory provision: Category B offence.

(2) A person must not dispose of waste in an area for which the waste is prohibited landfill waste by depositing it in a receptacle for collection or transport for disposal at a landfill depot.

Mandatory provision: Category B offence.

(3) The operator of a landfill depot must not receive waste for disposal at the depot if—

- (a) the waste was produced in an area for which the waste is prohibited landfill waste; or
- (b) the depot is situated in an area for which the waste is prohibited landfill waste.

Mandatory provision: Category B offence.

(4) This clause does not apply to the disposal or receipt of waste at a landfill depot if—

- (a) a determination has been made, following examination of the waste, that the waste need not be subject to treatment, or further treatment, for the removal of material that is prohibited landfill waste; and
- (b) the determination has been made—
 - (i) at an appropriate licensed material recovery facility or composting depot in accordance with any licence conditions that are expressed to apply for the purposes of this clause; or
 - (ii) at some other facility that has been approved by the Authority for the purposes of this clause in accordance with any conditions that apply under this clause; or
 - (iii) in accordance with any guidelines published from time to time by the Authority for the purposes of this clause.

- (5) For the purposes of subclause (3), prohibited landfill waste received at a landfill depot will be taken to have been the subject of a determination referred to in subclause (4) if it has been received from—
- (a) an appropriate licensed material recovery facility or composting depot; or
 - (b) some other facility that has been approved by the Authority for the purposes of this clause.
- (6) The Authority may—
- (a) grant an approval to a facility for the purposes of subclauses (4) and (5) subject to such conditions as the Authority thinks fit (and the Authority may vary those conditions from time to time);
 - (b) revoke such an approval on such grounds as the Authority thinks fit.
- (7) The conditions of an approval may be varied by the addition, substitution or deletion of 1 or more conditions.

13—Exemptions under Part 6 of Act

Section 39(1) of the Act does not apply to an application for an exemption from clause 12.

Division 4—General waste transport

14—General waste transport

A person who transports waste on or in a vehicle must—

- (a) take all reasonable and practicable steps to cover, contain or secure the waste to ensure that it remains on or in the vehicle throughout the course of transportation; and
- (b) ensure that the vehicle being used to transport the waste is designed and sufficiently well maintained so as to prevent the spillage or leakage of the waste; and
- (c) take all reasonable and practicable steps to prevent spillage or leakage of the waste during loading and unloading of the waste; and
- (d) not cause any danger or potential danger by transporting volatile waste in the passenger compartment or transporting incompatible kinds of waste in the same container, or in close proximity in or on the vehicle; and
- (e) if a waste transporter, have on the vehicle an emergency spill kit of a kind suitable for waste of the kind being transported; and
- (f) comply with all reasonable directions of the operator of a licensed depot at which the waste is received; and
- (g) comply with the provisions of the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, Seventh Edition published by the National Transport Commission, as amended from time to time.

Mandatory provision: Category D offence.

Part 4—Additional obligations relating to particular activities and wastes

Division 1—Management of unlicensed activities involving listed wastes

15—Management of unlicensed activities involving listed wastes

- (1) Subject to subclause (2), a person who is not required to hold a licence in respect of an activity that produces, or involves the storage, handling, treatment or disposal of, listed waste must, if the person engages in that activity—
 - (a) ensure that if the listed waste is removed by a waste transporter, the transporter is a licensed waste transporter authorised to transport waste of that kind; and
 - (b) in disposing of the listed waste, take reasonable steps to ensure that the waste is transported to an appropriate licensed or approved depot.

Mandatory provision: Category B offence.

- (2) Subclause (1) does not apply—
 - (a) to the disposal of waste if the waste is—
 - (i) deposited in a receptacle provided by a council for collection by a kerbside waste collection service; or
 - (ii) placed for collection as a part of a kerbside waste collection service provided by a council,and it is the council's policy that waste of that kind may be disposed of by means of that service; or
 - (b) in respect of medical waste produced in the course of a prescribed activity.

Division 2—Medical waste

16—Collection and transport of medical waste

- (1) Medical waste produced in the course of a prescribed activity must, as soon as is reasonably practicable after its production, be placed in a prescribed container and—
 - (a) collected for disposal by—
 - (i) a licensed waste transporter authorised to collect and transport medical waste; or
 - (ii) a council; or
 - (b) transported by a person employed or engaged in the business producing the waste directly to—
 - (i) a licensed depot at which medical waste may be received pursuant to the licence; or
 - (ii) a hospital.

- (2) A person who carries on a business involving a prescribed activity must ensure that medical waste produced in the course of the business is placed in a prescribed container and collected or transported in accordance with subclause (1).

Mandatory provision: Category B offence.

17—Duties of councils, hospitals and pharmacies in relation to medical waste

- (1) This clause applies to—
- (a) a council or hospital that receives and stores medical waste produced in the course of a prescribed activity; and
 - (b) a pharmacy that receives and stores medical waste produced in the course of a domestic activity.
- (2) A council, hospital or pharmacy to which this clause applies must ensure that the following provisions are complied with in relation to any medical waste received by it:
- (a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;
 - (b) all medical waste must be stored in containers that are—
 - (i) weatherproof; and
 - (ii) shatterproof; and
 - (iii) insect and vermin proof; and
 - (iv) leak proof or, in the case of containers storing only discarded medical sharps or any other sharp articles, leak resistant;
 - (c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;
 - (d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;
 - (e) all containers of medical waste must be stored in a secure location;
 - (f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;
 - (g) discarded medical sharps or any other sharp articles—
 - (i) must be contained for disposal in containers that comply with the requirements of AS 4031-1992 *Non-reusable containers for the collection of sharp medical items used in health care areas*, as amended from time to time, AS 4261:1994 *Reusable containers for the collection of sharp items used in human and animal applications*, as amended from time to time, AS 4939-2001 *Non-reusable personal use containers for the collection and disposal of hypodermic needles and syringes*, as amended from time to time, or British Standard 7320:1990 *Specification for sharps containers*, as amended from time to time, as the case requires; and
 - (ii) must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;

- (h) medical waste must be disposed of as soon as reasonably practicable;
- (i) all medical waste must be—
 - (i) disposed of by incineration; or
 - (ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit; or
 - (iii) collected for disposal by—
 - (A) a licensed waste transporter authorised to collect and transport medical waste; or
 - (B) a council;
- (j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;
- (k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.

Mandatory provision: Category B offence.

18—Disposal of medical sharps

- (1) A person must not dispose of medical sharps by—
 - (a) depositing medical sharps in a receptacle provided by a council for collection by a kerbside waste collection service; or
 - (b) placing medical sharps for collection as a part of a kerbside waste collection service provided by a council.

Mandatory provision: Category D offence.

- (2) In this clause—

medical sharp includes needles, hypodermic needles, syringes with needles or other surgical instruments that have been used in a domestic situation for medical purposes.
- (3) This clause will not apply until the second anniversary of the day fixed by the Governor for this policy to come into operation.

Division 3—Management of other particular wastes

19—Matters to be taken into account by Authority under Part 6 of Act in relation to HCBs, OCPs and PCBs

- (1) In determining matters required to be determined by the Authority under Part 6 of the Act—
 - (a) in relation to environmental authorisations or applications for environmental authorisations; or
 - (b) in relation to applications for development authorisations referred to the Authority under the *Development Act 1993*,

that involve the management of HCBs, the Authority must, in addition to taking into account the waste management objective, take into account the *National Strategy for the Management of Scheduled Wastes*, as amended from time to time, and the *Hexachlorobenzene Waste Management Plan* prepared under the *National Strategy for the Management of Scheduled Wastes* by ANZECC, as amended from time to time.

- (2) In determining matters required to be determined by the Authority under Part 6 of the Act—
- (a) in relation to environmental authorisations or applications for environmental authorisations; or
 - (b) in relation to applications for development authorisations referred to the Authority under the *Development Act 1993*,

that involve the management of OCPs, the Authority must, in addition to taking into account the waste management objective, take into account the *National Strategy for the Management of Scheduled Wastes*, as amended from time to time, and the *Organochlorine Pesticides Waste Management Plan* prepared under the *National Strategy for the Management of Scheduled Wastes* by ANZECC, as amended from time to time.

- (3) In determining matters required to be determined by the Authority under Part 6 of the Act—
- (a) in relation to environmental authorisations or applications for environmental authorisations; or
 - (b) in relation to applications for development authorisations referred to the Authority under the *Development Act 1993*,

that involve the management of PCBs, the Authority must, in addition to taking into account the waste management objective, take into account the *National Strategy for the Management of Scheduled Wastes*, as amended from time to time, and the *Polychlorinated Biphenyls Waste Management Plan* prepared under the *National Strategy for the Management of Scheduled Wastes* by ANZECC, as amended from time to time.

Part 5—Waste management codes of practice and general environmental duty

20—Waste management codes of practice and general environmental duty

- (1) For the purposes of section 25(3)(b) of the Act, compliance with a prescribed code of practice by a person to whom the code applies will satisfy the general environmental duty under section 25 of the Act in relation to pollution by waste of a kind to which the code applies.
- (2) For the purposes of subclause (1), a prescribed code of practice is to be taken to include a requirement for compliance with—
- (a) any other provision of this policy; and
 - (b) any provision of another environment protection policy or the regulations under the Act; and
 - (c) any condition of an environmental authorisation,

to the extent to which the provision or condition is applicable to an activity to which the prescribed code of practice applies.

(3) In this clause—

prescribed code of practice means a document declared to be a prescribed code of practice by Schedule 5.

Part 6—Design, construction and operational standards for depots

21—Matters to be taken into account by Authority in relation to landfill depots

In determining matters required to be determined by the Authority—

- (a) under Part 6 of the Act in relation to environmental authorisations, or applications for environmental authorisations, that relate to landfill depots; or
- (b) under Part 6 of the Act in relation to applications for development authorisations referred to the Authority under the *Development Act 1993* that relate to landfill depots,

the Authority must, in addition to taking into account the waste management objective, take into account the *EPA Guidelines for Environmental Management of Landfill Facilities (Municipal Solid Waste and Commercial and Industrial General Waste)* 2007 prepared by the Authority, as amended from time to time.

22—Matters to be taken into account by Authority in relation to material recovery facilities and beverage container collection depots and super collectors

In determining matters required to be determined by the Authority—

- (a) under Part 6 of the Act in relation to environmental authorisations, or applications for environmental authorisations, that relate to material recovery facilities; or
- (b) under Part 6 of the Act in relation to applications for development authorisations referred to the Authority under the *Development Act 1993* that relate to material recovery facilities; or
- (c) under section 69 of the Act in relation to applications for approvals under that section,

the Authority must, in addition to taking into account the waste management objective, take into account the *Environmental Guidelines for Resource Recovery and Waste Transfer Depots* 2001 and the *Environmental Guidelines for Collection Depots* 2000 prepared by the Authority, as amended from time to time.

23—Matters to be taken into account by Authority in relation to transfer stations

In determining matters required to be determined by the Authority—

- (a) under Part 6 of the Act in relation to environmental authorisations, or applications for environmental authorisations, that relate to transfer stations; or

- (b) under Part 6 of the Act in relation to applications for development authorisations referred to the Authority under the *Development Act 1993* that relate to transfer stations,

the Authority must, in addition to taking into account the waste management objective, take into account the *Environmental Guidelines for Resource Recovery and Waste Transfer Depots 2001* prepared by the Authority, as amended from time to time.

Schedule 1—Waste to which policy does not apply

For the purposes of clause 6, this policy does not apply to the following waste:

- (a) radioactive waste the management or disposal of which is regulated under the *Radiation Protection and Control Act 1982* or a law of the Commonwealth.

Schedule 2—Specified areas for clause 11

The following areas are specified for the purposes of clause 11 (Waste to be treated prior to disposal to landfill):

- (a) Metropolitan Adelaide.

Schedule 3—Waste excluded from application of clause 11

Waste of the following kinds is excluded from the application of clause 11 (Waste to be treated prior to disposal to landfill):

- (a) hazardous waste;
- (b) medical waste;
- (c) quarantine waste;
- (d) wastewater;
- (e) waste collected by a council by a kerbside waste collection service where the council also provides separate kerbside waste collection services for recyclable waste and vegetative matter;
- (f) waste collected by a council through its street sweeping operations or through the emptying of rubbish bins located in public places;
- (g) waste that the operators of all licensed material recovery facilities or composting depots are not authorised under their licences to receive at the facilities or depots;
- (h) waste that is required or authorised by an environmental authorisation to be disposed of to landfill without treatment or otherwise required or authorised by the Authority to be disposed of to landfill without treatment;
- (i) for the period until the third anniversary of the day fixed by the Governor for this policy to come into operation—domestic waste transported other than by a licensed waste transporter.

Schedule 4—Prohibited landfill waste

- 1 For the purposes of clause 12 (Disposal of prohibited landfill waste), the waste identified below is prohibited landfill waste for the specified area.

Waste	Area
<i>Risk-based</i>	
(1) Hazardous waste	All of the State
(2) Lead acid batteries	All of the State
(3) Liquid waste	All of the State
(4) Medical waste	All of the State
(5) Oil	All of the State
(6) Tyres—whole tyres other than earth mover tyres and tyres that have been exposed to radioactive materials through mining operations	All of the State
(7) On and after the first anniversary of the day fixed by the Governor for this policy to come into operation—vehicles	All of the State
<i>Aggregated recoverable materials</i>	
(8) Cardboard and paper waste aggregated for resource recovery separately from other waste	All of the State
(9) Glass packaging aggregated for resource recovery (whether alone or with other recyclables)	All of the State
(10) Metals—aluminium, copper, steel or iron or a blend or alloy of any such metals aggregated for resource recovery (whether alone or with other recyclables), other than metal products with components of different metals that cannot be readily separated	All of the State
(11) PET or HDPE plastic packaging aggregated for resource recovery (whether alone or with other recyclables)	All of the State
(12) Vegetative matter aggregated for resource recovery and collected by a council by a kerbside waste collection service operated as a separate collection service for such waste, other than such waste collected from within a quarantine area declared under the <i>Fruit and Plant Protection Act 1992</i>	All of the State
(13) On and after the first anniversary of the day fixed by the Governor for this policy to come into operation—PP or LDPE plastic packaging aggregated for resource recovery (whether alone or with other recyclables)	All of the State
(14) On and after the second anniversary of the day fixed by the Governor for this policy to come into operation—PVC or PS plastic packaging aggregated for resource recovery (whether alone or with other recyclables)	All of the State
<i>Other</i>	
(15) On and after the second anniversary of the day fixed by the Governor for this policy to come into operation—fluorescent lighting and any other lighting that contains mercury	Metropolitan Adelaide

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Schedule 4—Prohibited landfill waste

Waste	Area
(16) On and after the third anniversary of the day fixed by the Governor for this policy to come into operation—fluorescent lighting and any other lighting that contains mercury	All of the State, other than Metropolitan Adelaide
(17) On and after the second anniversary of the day fixed by the Governor for this policy to come into operation—computer monitors and televisions, including components, subassemblies and consumables that are part of the equipment when discarded	Metropolitan Adelaide
(18) On and after the third anniversary of the day fixed by the Governor for this policy to come into operation—computer monitors and televisions, including components, subassemblies and consumables that are part of the equipment when discarded	All of the State, other than Metropolitan Adelaide
(19) On and after the first anniversary of the day fixed by the Governor for this policy to come into operation—whitegoods	Metropolitan Adelaide
(20) On and after the first anniversary of the day fixed by the Governor for this policy to come into operation—whitegoods	All of the State, other than Metropolitan Adelaide
(21) On and after the third anniversary of the day fixed by the Governor for this policy to come into operation—electrical or electronic equipment not referred to above	Metropolitan Adelaide
(22) On and after the third anniversary of the day fixed by the Governor for this policy to come into operation—electrical or electronic equipment not referred to above	All of the State, other than Metropolitan Adelaide
(23) On and after the second anniversary of the day fixed by the Governor for this policy to come into operation—whole earth mover tyres	Metropolitan Adelaide
(24) On and after the second anniversary of the day fixed by the Governor for this policy to come into operation—whole earth mover tyres	All of the State, other than Metropolitan Adelaide
2 A reference in an item under clause 1 of this Schedule to waste that has been aggregated is a reference to such waste that has been aggregated at any time or at any stage in any process associated with dealing with the waste.	
3 (1) The Authority may—	
(a) by notice in the Gazette, suspend the operation of an item under clause 1 of this Schedule (including an item that is expressed to come into operation on a particular anniversary of the commencement of this policy) until a day to be fixed by further notice in the Gazette (being a day, if the Authority so declares, that is not before the expiration of a period specified by the Authority in relation to the particular item);	
(b) in relation to any item the operation of which is suspended under paragraph (a), by notice in the Gazette (after taking into account any declaration under that paragraph), fix a day on which the item will come into operation (and thus have effect for the purposes of this policy).	
(2) Subclause (1) does not limit the operation of clause 5 of Part 1 of the policy.	
4 In this Schedule—	
HDPE means High Density Polyethylene (No. 2 Plastics Identification Code marking);	

LDPE means Low Density Polyethylene (No. 4 Plastics Identification Code marking);

PET means Polyethylene Terephthalate (No. 1 Plastics Identification Code marking);

PP means Polypropylene (No. 5 Plastics Identification Code marking);

PS means Polystyrene (No. 4 Plastics Identification Code marking);

PVC means Polyvinyl Chloride (No. 3 Plastics Identification Code marking).

Schedule 5—Waste management codes of practice and general environmental duty

For the purposes of clause 20, the following are prescribed codes of practice:

- (a) the *Industry Code of Practice for the Management of Clinical and Related Wastes, 5th edition, 2007* prepared by the Australian and New Zealand Clinical Waste Management Industry Group, as amended from time to time .

Schedule 6—Revocation of *Environment Protection (Waste Management) Policy 1994*

The *Environment Protection (Waste Management) Policy 1994* is revoked.

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.

Principal policy

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 18.2.2010 p795	s 28	<i>Gazette 18.2.2010 p796</i>	1.9.2010: cl 2