

South Australia

Environment Protection (Fees and Levy) Variation Regulations 2009

under the *Environment Protection Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Environment Protection (Fees and Levy) Variation Regulations 2009*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on the day on which they are made.
- (2) Regulation 17D (to be inserted by regulation 7 of these regulations) will come into operation on 1 June 2009.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

4—Variation of regulation 5—Application fee for grant of works approval

Regulation 5(3)—delete subregulation (3)

5—Variation of regulation 13AB—Prescribed amount for registration or cancellation of registration of clean-up order or clean-up authorisation

- (1) Regulation 13AB(a)—after "registering the order" wherever occurring insert:
or authorisation
- (2) Regulation 13AB(b)—after "registration of the order" wherever occurring insert:
or authorisation

6—Revocation of regulation 17

Regulation 17—delete the regulation

7—Insertion of regulations 17C and 17D

After regulation 17B insert:

17C—Conditions requiring approval of certain works and processes—prescribed fee

- (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:

Estimated cost of works or change in process	Fee units
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.

17D—Recovery of administrative and technical costs associated with contraventions—fees

- (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 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.

Schedule 1—Transitional provision

1—Transitional provision

Regulation 5(3) of the *Environment Protection (Fees and Levy) Regulations 1994* in force immediately before the commencement of regulation 4 continues to apply in relation to an application made before the commencement of regulation 4.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 29 January 2009

No 7 of 2009

EPCS08/0014; EPCS08/0016