

South Australia

Development (Waste Reform) Variation Regulations 2019

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Waste Reform) Variation Regulations 2019*.

2—Commencement

These regulations will come into operation on 1 June 2019, immediately after the *Environment Protection (Variation of Act, Schedule 1) (Waste Reform) Regulations 2019* come into operation.

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 *Development Regulations 2008*

4—Variation of regulation 83AB—Statement of Compliance

Regulation 83AB(10)(d)—delete "septic tank drainage system" and substitute:

community wastewater management system (within the meaning of Schedule 1 Part AA of the *Environment Protection Act 1993*)

5—Variation of Schedule 8—Referrals and concurrences

Schedule 8, clause 2 (Table), item 10(a)(ii)—delete "sewerage or common septic tank effluent disposal scheme" and substitute:

community wastewater management system (within the meaning of Schedule 1 Part AA of the *Environment Protection Act 1993*)

6—Variation of Schedule 21—Activities of environmental significance

(1) Schedule 21 clause 1(3)—delete subclause (3) and substitute:

(3) **Hydrocarbon storage or production works:** the conduct of works or a facility—

(a) for the storage of hydrocarbon or hydrocarbon products in tanks that, in aggregate, have a storage capacity—

(i) in the case of works or a facility located wholly or partly within a River Murray Protection Area under the *River Murray Act 2003*—exceeding 10 but not exceeding 2 000 cubic metres; or

(ii) in any other case—exceeding 100 but not exceeding 2 000 cubic metres; or

(b) for the production of hydrocarbon or hydrocarbon products, being works with a production capacity not exceeding 20 tonnes per hour.

(2) Schedule 21 clause 3—delete the clause and substitute:

3—Resource recovery, waste disposal and related activities

(1) **Incineration:** the conduct of a depot, facility or works—

(a) for the disposal by incineration (by way of thermal oxidation using fuel burning equipment) of solid trade waste; and

(b) that has a processing capacity not exceeding 100 kilograms per hour.

- (2) **Wastewater treatment:** the conduct of *wastewater treatment works*, being sewage treatment works, community wastewater management systems, winery wastewater treatment works or any other wastewater treatment works with the capacity to treat, during a 12 month period—
- (a) in the case of works located wholly or partly within a water protection area—more than 2.5 ML but not more than 5 ML of wastewater; and
 - (b) in the case of works located wholly outside of a water protection area—more than 12.25 ML but not more than 50 ML of wastewater.

In this subclause—

community wastewater management system has the same meaning as in Schedule 1 Part AA of the *Environment Protection Act 1993*;

wastewater has the same meaning as in Schedule 1 Part AA of the *Environment Protection Act 1993*;

water protection area has the same meaning as in the *Environment Protection Act 1993*.

- (3) Schedule 21 clause 4(1)—delete subclause (1) and substitute:

- (1) **Piggeries:** the conduct of a piggery (being premises having confined or roofed structures for keeping pigs) with a capacity of—
- (a) in the case of a piggery located wholly outside of a water protection area—more than 1 300 but not more than 6 500 standard pig units; or
 - (b) in the case of a piggery located wholly or partly within a water protection area—more than 130 but not more than 650 standard pig units.

In this subclause—

standard pig units has the same meaning as in Schedule 1 Part A clause 5(4) of the *Environment Protection Act 1993*;

water protection area has the same meaning as in the *Environment Protection Act 1993*.

- (4) Schedule 21 clause 5(1)—delete "**Abattoirs, Slaughterhouses or Poultry Processing Works**" and substitute:

Meat processing works

- (5) Schedule 21 clause 5(4)(b)—delete "septic tank effluent disposal system" wherever occurring and substitute in each case:

community wastewater management system

- (6) Schedule 21 clause 5(4)—after paragraph (b) insert:

In this subclause—

community wastewater management system has the same meaning as in Schedule 1 Part AA of the *Environment Protection Act 1993*.

- (7) Schedule 21 clause 7(4)—delete subclause (4) and substitute:

- (4) **Land division:** development involving—

- (a) land division creating 1 or more additional allotments for residential purposes—
- (i) within 400 metres of an "Extractive Industry" zone or "Mineral Extraction" zone in a Development Plan; or
 - (ii) within 500 metres of land used as a landfill depot for which a licence is required under that Act; or
 - (iii) within 500 metres of land used for sewage treatment works, a community wastewater management system or any other wastewater treatment works with the capacity to treat, during a 12 month period, more than 5 ML of wastewater; or
 - (iv) within 500 metres of land used for a piggery (being premises having confined or roofed structures for keeping pigs) with a capacity of more than 130 standard pig units; or
 - (v) within 500 metres of land used for the keeping of poultry involving an enclosed shed area exceeding 1 000 square metres; or
- (b) land division creating 50 or more allotments for residential purposes.

In this subclause—

community wastewater management system has the same meaning as in Schedule 1 Part AA of the *Environment Protection Act 1993*;

landfill depot has the same meaning as in Schedule 1 Part A clause 3(3)(a) of the *Environment Protection Act 1993*;

standard pig units has the same meaning as in Schedule 1 Part A clause 5(4) of the *Environment Protection Act 1993*;

wastewater has the same meaning as in Schedule 1 Part AA of the *Environment Protection Act 1993*.

7—Variation of Schedule 22—Activities of major environmental significance

- (1) Schedule 22 Part A clause 1(4) to (6)—delete subclauses (4) to (6) (inclusive) and substitute:
 - (5) **Hydrocarbon storage or production works:** the conduct of works or a facility—
 - (a) for the storage of hydrocarbon or hydrocarbon products in tanks that, in aggregate, have a storage capacity of more than 2 000 cubic metres;
 - (b) for the production of hydrocarbon or hydrocarbon products, being works with a production capacity of more than 20 tonnes per hour.
 - (6) **Timber preservation works:** the conduct of timber preservation works (within the meaning of Schedule 1 Part A clause 1(6) of the *Environment Protection Act 1993*).
- (2) Schedule 22 Part A clause 2(2)—after "asphaltic materials" insert:

(by heating in a furnace, kiln or other fuel fired plant)
- (3) Schedule 22 Part A clause 2(6)—delete subclause (6) and substitute:
 - (6) **Drum reconditioning or treatment works:** the conduct of drum reconditioning or treatment works (within the meaning of Schedule 1 Part A clause 2(6) of the *Environment Protection Act 1993*).
- (4) Schedule 22 Part A clause 2(11)—delete subclause (11)
- (5) Schedule 22 Part A clause 2(12)(c)—delete "and" and substitute:

or
- (6) Schedule 22 Part A clause 2(13)—delete "**Wood**" and substitute:

Timber
- (7) Schedule 22 Part A clause 3—delete the clause and substitute:

3—Resource recovery, waste disposal and related activities

- (1) **Waste recovery:** the conduct of a *waste recovery facility* (within the meaning of Schedule 1 Part A clause (3)(1) of the *Environment Protection Act 1993*) for which a licence is required under that Act.
- (2) **Waste reprocessing:** the conduct of any of the following activities (each with the meaning of Schedule 1 Part A clause (3)(2) of the *Environment Protection Act 1993*) for which a licence is required under that Act:
 - (a) *composting works*;
 - (b) *scrap metal treatment works*;
 - (c) *tyre waste treatment works*;
 - (d) *waste lead acid battery treatment works*;
 - (e) *waste reprocessing facility*.

- (3) **Waste disposal:** the conduct of any of the following activities (each within the meaning of Schedule 1 Part A clause 3(3) of the *Environment Protection Act 1993*) for which a licence is required under that Act:
 - (a) a *landfill depot*;
 - (b) a *liquid waste depot*;
 - (c) an *incineration depot*.
- (4) **Wastewater treatment:** the conduct of a wastewater treatment works (within the meaning of Schedule 1 Part A clause 3(4) of the *Environment Protection Act 1993*) for which a licence is required under that Act.
- (5) **Activities involving listed wastes:** the conduct of any of the following activities (each within the meaning of Schedule 1 Part A clause 3(5) of the *Environment Protection Act 1993*) for which a licence is required under that Act:
 - (a) an *activity producing listed waste*;
 - (b) the *reception or storage of listed waste*;
 - (c) the *treatment of listed waste*.
- (6) **Waste transport:** the conduct of—
 - (a) a *waste transport business (category A)* (within the meaning of Schedule 1 Part A clause 3(6)(a) of the *Environment Protection Act 1993*) for which a licence is required under that Act; or
 - (b) a *waste transport business (category B)* (within the meaning of Schedule 1 Part A clause 3(6)(b) of the *Environment Protection Act 1993*) for which a licence is required under that Act.
- (8) Schedule 22 Part A clause 5(4)—delete subclause (4) and substitute:
 - (4) **Piggeries:** the conduct of a piggery (within the meaning of Schedule 1 Part A clause 5(4) of the *Environment Protection Act 1993*).
- (9) Schedule 22 Part A clause 6(1)—delete "**Abattoirs, Slaughterhouses or Poultry Processing Works**" and substitute:

Meat processing works
- (10) Schedule 22 Part A clause 6(3)—delete subclause (3)
- (11) Schedule 22 Part A clause 6(4)—delete subclause (4) and substitute:
 - (4) **Fish processing:** the conduct of works for scaling, gilling, gutting, filleting or otherwise processing fish for sale (within the meaning of Schedule 1 Part A clause 6(4) of the *Environment Protection Act 1993*, and excluding those works and activities excluded by clause 6(4) of that Schedule).

- (12) Schedule 22 Part A clause 6(6)(b)—delete "septic tank effluent disposal" and substitute—
- community wastewater management
- (13) Schedule 22 Part A clause 6(6)—after paragraph (b) insert:
- In this subclause—
- community wastewater management system*** has the same meaning as in Schedule 1 Part AA of the *Environment Protection Act 1993*.
- (14) Schedule 22 Part A clause 7(2)(e)—delete paragraph (e) and substitute:
- (e) an activity for which a licence is not required under the *Environment Protection Act 1993*.
- (15) Schedule 22 Part A clause 8—after subclause (7) insert:
- (8) **Cremation or incineration of human or animal remains:** the conduct of a facility for the cremation or incineration of human or animal remains (referred to in Schedule 1 Part A clause 8(8) of the *Environment Protection Act 1993*).
- (16) Schedule 22 Part B—delete Part B and substitute:

Part B—Listed wastes

Acids and acidic solutions

Adhesives (excluding solid inert polymeric materials)

Alkali metals and alkaline earth metals

Alkalis and alkaline solutions

Antimony and antimony compounds and solutions

Arsenic and arsenic compounds and solutions

Asbestos

Barium compounds and solutions

Beryllium and beryllium compounds

Boron and boron compounds

Cadmium and cadmium compounds and solutions

Calcium carbide

Carbon disulphide

Carcinogens teratogens and mutagens

Chlorates

Chromium compounds and solutions

Copper compounds and solutions

Cyanides or cyanide solutions and cyanide complexes

Cytotoxic wastes

Dangerous substances within the meaning of the *Dangerous Substances Act 1979*

Distillation residues

Fluoride compounds

Halogens

Heterocyclic organic compounds containing oxygen, nitrogen or sulphur

Hydrocarbons and their oxygen, nitrogen and sulphur compounds (including oils)

Isocyanate compounds (excluding solid inert polymeric materials)

Laboratory chemicals

Lead compounds and solutions

Lime sludges or slurries

Manganese compounds

Medical waste (within the meaning of Schedule 1 Part AA of the *Environment Protection Act 1993*)

Mercaptans

Mercury compounds and equipment containing mercury

Nickel compounds and solutions

Nitrates

Organic halogen compounds (excluding solid inert polymeric materials)

Organic phosphates

Organic solvents

Organometallic residues

Oxidising agents

Paint sludges and residues

Perchlorates

Peroxides

Pesticides (including herbicides and fungicides)

Pharmaceutical wastes and residues

Phenolic compounds (excluding solid inert polymeric materials)

Phosphorus and its compounds

Polychlorinated biphenyls

Poisons within the meaning of the *Controlled Substances Act 1984*

Reactive chemicals

Reducing agents

Selenium and selenium compounds and solutions

Silver compounds and solutions
Solvent recovery residues
Sulphides and sulphide solutions
Surfactants
Thallium and thallium compounds and solutions
Vanadium compounds
Zinc compounds and solutions

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

development authorisation has the same meaning as in the principal Act;

existing authorisee means a person who, immediately before the commencement of this clause, held a development authorisation under old Schedule 21 or 22;

new Schedule 21 means Schedule 21 of the principal regulations as amended by these regulations;

new Schedule 22 means Schedule 22 of the principal regulations as amended by these regulations;

old Schedule 21 means Schedule 21 of the principal regulations as in force immediately before the commencement of this clause;

old Schedule 22 means Schedule 22 of the principal regulations as in force immediately before the commencement of this clause;

principal Act means the *Development Act 1993*;

principal regulations means the *Development Regulations 2008*.

2—Development authorisations to continue

- (1) Subject to subclause (2), a development authorisation that, immediately before the commencement of this clause, authorised development that involves, or is for the purposes of, an activity under old Schedule 21 or 22, continues after that commencement as a development authorisation in relation to the same activity under new Schedule 21 or 22 (despite the fact that the activity may be differently described or numbered under new Schedule 21 or 22) and is subject to the same conditions (if any) as those applying immediately before that commencement.
- (2) The relevant authority may, on its own initiative or on application by an existing authorisee—
 - (a) grant a new development authorisation to the person; or
 - (b) revoke an existing development authorisation; or
 - (c) by notice in writing to the authorisee given within 2 years after the commencement of this clause—

- (i) vary the terminology or numbering in the existing development authorisation; or
 - (ii) impose or vary a condition of the existing development authorisation, if, in the opinion of the relevant authority, it is necessary or desirable to do so as a consequence of the variation of Schedule 21 or 22 of the principal regulations by these regulations.
- (3) If the relevant authority takes action under subclause (2), the relevant authority may dispense with the requirement for applications and payment of fees as it considers appropriate.
 - (4) Public notice is not required to be given under the principal Act or the principal regulations in respect of a development authorisation that is granted or varied pursuant to this clause.
 - (5) For the avoidance of doubt, a reference in this clause to a condition of a development authorisation includes a reference to a term of a development authorisation, or an authorisation or any other right or limitation set out in a development authorisation.

Made by the Governor

with the advice and consent of the Executive Council
on 17 January 2019

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