

South Australia

# **Environment Protection (Mass Balance Reporting and Other Measures) Variation Regulations 2020**

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 (Mass Balance Reporting and Other Measures) Variation Regulations 2020*.

### 2—Commencement

These regulations come into operation on 1 July 2021.

### 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 Regulations 2009*

### 4—Variation of heading to Part 6

Heading to Part 6—after "levy" insert:

, records, reports and measurement of waste etc

### 5—Insertion of heading to Part 6 Division 1 and regulations 68A and 68B

Before regulation 69 insert:

#### Division 1—Preliminary

#### 68A—Interpretation

- (1) In this Part—  
*mass balance report*—see regulation 71(2);  
*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.
- (3) A person or body that receives information of a commercially sensitive nature directly or indirectly pursuant to this regulation must take reasonable steps to protect the information.
- (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.

### **6—Variation of regulation 69—Approval of weighbridges**

- (1) Regulation 69(1)—delete subregulation (1) and substitute:
  - (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) Regulation 69—after subregulation (2) insert:

(3) The holder of an approval of a weighbridge must not contravene a condition of the approval.

Maximum penalty: \$4 000.

Expiation fee: \$300.

## **7—Insertion of heading to Part 6 Division 2**

Before regulation 70 insert:

### **Division 2—Waste depot levy**

## **8—Insertion of heading to Part 6 Division 3 and regulation 70A**

Before regulation 71 insert:

### **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.

## 9—Substitution of regulation 71

Regulation 71—delete the regulation and substitute:

### 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).

### **10—Variation of regulation 72—Certain depots must have approved weighbridge**

- (1) Regulation 72(1)—delete subregulation (1) and substitute:

- (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) Regulation 72(3)—delete subregulation (3) and substitute:

- (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.

## 11—Variation of regulation 73—Exemptions from approved weighbridge requirements

(1) Regulation 73(1)—delete subregulation (1) and substitute:

(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) Regulation 73(3)(c)—after "time" insert:

(including by varying or revoking any conditions of the exemption, or imposing new conditions)

## 12—Substitution of regulation 74

Regulation 74—delete the regulation and substitute:

### 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.

### **13—Variation of regulation 75—Special provision for certain councils for waste fees**

- (1) Regulation 75(1)(b)—delete "received for disposal" and substitute:  
disposed of
- (2) Regulation 75(1)(c)—delete paragraph (c) and substitute:
  - (c) each depot operated by the council disposes of less than 10 000 tonnes of solid waste at the depot in any financial year.
- (3) Regulation 75(2)(a)—delete paragraph (a) and substitute:
  - (a) not to comply with regulations 71 and 71A in respect of solid waste disposed of at those depots; and
- (4) Regulation 75(3)—delete subregulation (3) and substitute:
  - (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.

### **14—Insertion of Part 6 Divisions 4 to 6**

After regulation 75 insert:

#### **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 the period 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, by notice in writing, direct the holder of a licence to conduct a waste depot (other than a depot to which subregulation (1) applies) to—
- (a) 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*; and
  - (b) 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, within the period specified in the notice, comply with 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 such longer period as the Authority may direct by notice in writing to the licence holder; or
    - (iii) 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.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2020

No 309 of 2020