

South Australia

# Environment Protection (Miscellaneous) Variation Regulations 2021

under the *Environment Protection Act 1993*

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### Part 2—Variation of *Environment Protection Regulations 2009*

- 4 Variation of regulation 68A—Interpretation
  - 5 Variation of regulation 68B—Sharing of information with other persons or bodies
  - 6 Variation of regulation 69A—Approved operational use
  - 7 Variation of regulation 75AA—Presumptions and estimates if records are inadequate
  - 8 Variation of regulation 75I—Video monitoring systems
  - 9 Variation of Schedule 4—Fees and Levy
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Environment Protection (Miscellaneous) Variation Regulations 2021*.

### 2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on 1 July 2021, immediately after the *Environment Protection (Mass Balance Reporting and Other Measures) Variation Regulations 2020* come into operation.
- (2) Regulations 6, 7 and 9 come into operation on 1 December 2021, immediately after the *Environment Protection (Waste Depot Levy) Variation Regulations 2021* 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 *Environment Protection Regulations 2009*

### 4—Variation of regulation 68A—Interpretation

Regulation 68A(1)—after the definition of *mass balance report* insert:

*operational purpose*, in relation to the use of waste or other matter at a waste depot, means the use of waste or other matter at the depot (whether on a temporary or permanent basis) for the purpose of—

- (a) aesthetic or amenity value; or
- (b) environmental management; or
- (c) vehicle access (including internal road construction and maintenance); or
- (d) interim cover of landfill where no additional waste or matter will be placed for at least 30 days; or
- (e) final capping of landfill cells; or
- (f) other operational needs,

but does not include the stockpiling or disposal of waste or other matter, or the use of waste or other matter as cover of landfill at the depot on a daily or more frequent basis;

*operational use*, in relation to waste or other matter, means the use of that waste or other matter for an operational purpose;

### 5—Variation of regulation 68B—Sharing of information with other persons or bodies

- (1) Regulation 68B(3)—delete subregulation (3)
- (2) Regulation 68B—after subregulation (4) insert:
  - (5) Nothing in this regulation affects the operation of the *Public Sector (Data Sharing) Act 2016*.

### 6—Variation of regulation 69A—Approved operational use

Regulation 69A(1), examples at the foot of subregulation (1)—delete the examples

### 7—Variation of regulation 75AA—Presumptions and estimates if records are inadequate

Regulation 75AA(4)—delete "(to the extent considered relevant by the Authority)"

### 8—Variation of regulation 75I—Video monitoring systems

- (1) Regulation 75I(1)—delete "the period" and substitute:

such reasonable period as

- (2) Regulation 75I(2)—delete subregulation (2) and substitute:
- (2) The Authority may, for any reasonable purpose connected with the administration or enforcement of the Act, direct the holder of a licence to conduct a waste depot (other than a depot to which subregulation (1) applies) by notice in writing, within such reasonable period as specified in the notice—
- (a) to 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* for such period specified in the notice (which must not exceed 5 years); and
- (b) to operate the video monitoring system during the times specified in the notice (which may be at all times).
- (3) Regulation 75I (4)—delete ", within the period specified in the notice, comply with" and substitute:
- comply with the requirements of
- (4) Regulation 75I(5)(a)(ii) and (iii)—delete subparagraphs (ii) and (iii) and substitute:
- (ii) for any reasonable purpose connected with the administration or enforcement of the Act—
- (A) for such longer period as the Authority may direct by notice in writing to the licence holder; or
- (B) if the Authority directs by notice in writing to the licence holder—until further notice; and

## **9—Variation of Schedule 4—Fees and Levy**

- (1) Schedule 4, Part 2, clause 3(1)(a)(i)—delete "\$71.50" and substitute:  
\$73.00
- (2) Schedule 4, Part 2, clause 3(1)(a)(ii)(A)—delete "\$71.50" and substitute:  
\$73.00
- (3) Schedule 4, Part 2, clause 3(1)(a)(ii)(B)—delete "\$71.50" and substitute:  
\$73.00
- (4) Schedule 4, Part 2, clause 3(1)(a)(ii)(C)—delete "\$143.00" and substitute:  
\$146.00
- (5) Schedule 4, Part 2, clause 3(1)(b)—delete "\$39.02" and substitute:  
\$39.73
- (6) Schedule 4, Part 2, clause 3(4)—after the definition of *landfill depot* insert:  
*operational use* has the same meaning as in regulation 68A(1);

### **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**

with the advice and consent of the Executive Council  
on 24 June 2021

No 80 of 2021