

South Australia

Environment Protection (Fees) Amendment Regulations 2022

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) Amendment Regulations 2022*.

2—Commencement

These regulations come into operation on 1 July 2022.

Part 2—Amendment of *Environment Protection Regulations 2009*

3—Substitution of Schedule 4

Schedule 4—delete the Schedule and substitute:

Schedule 4—Fees and levy

Part 1—Fees

1—Fee unit

In these regulations (except Part 2 of this Schedule), the monetary value of a fee unit is—

- (a) for the purposes of the annual authorisation fee for a licence (including a projected annual authorisation fee under regulation 27(4) and (5)—
 - (i) for the flat fee component—\$74.00;
 - (ii) for the environment management component—\$826.00;
 - (iii) for the pollutant load-based component—\$7.30;
 - (iv) for the water reuse component—\$18.30;
- (b) for all other purposes—\$22.70.

2—Miscellaneous fees

- 1 **Application for approval of the transfer of an environmental authorisation** (section 49(5) of the Act)—
 - (a) if the authorisation fee last paid or payable was less than \$1 000 5 fee units
 - (b) if the authorisation fee last paid or payable was not less than \$1 000 but not more than \$1 999 10 fee units
 - (c) if the authorisation fee last paid or payable was not less than \$2 000 but not more than \$4 999 20 fee units
 - (d) if the authorisation fee last paid or payable was not less than \$5 000 but not more than \$9 999 30 fee units
 - (e) if the authorisation fee last paid or payable was not less than \$10 000 but not more than \$49 999 50 fee units
 - (f) if the authorisation fee last paid or payable was \$50 000 or more 100 fee units
- 2 **Beverage container approvals and annual fees** (Part 8 Division 2 of the Act)—
 - (a) application for approval of a class of containers as category A or category B containers (section 68 of the Act)—

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Amendment of *Environment Protection Regulations 2009*—Part 2

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|----------|--|---------------|
| (i) | for 1 class of container | 15 fee units |
| (ii) | for 2 to 5 classes of container (inclusive) | 25 fee units |
| (iii) | for 6 to 10 classes of container (inclusive) | 37 fee units |
| (iv) | for 11 to 20 classes of container (inclusive) | 61 fee units |
| (v) | for more than 20 classes of container | 109 fee units |
| | | |
| (b) | application for approval to operate a collection depot (section 69 of the Act)— | |
| (i) | for a collection depot other than a reverse vending machine | 7 fee units |
| (ii) | for a reverse vending machine | 18 fee units |
| (c) | application for approval to carry on business as a super collector (section 69 of the Act) | 43 fee units |
| (d) | annual fee for operating a collection depot (section 69A of the Act)— | |
| (i) | for a collection depot within metropolitan Adelaide | 15 fee units |
| (ii) | for a collection depot outside metropolitan Adelaide | 7.5 fee units |
| (e) | annual fee for carrying on business as a super collector (section 69A of the Act) | 32 fee units |
| | | |
| 3 | Accreditation as site contamination auditor (section 103V of the Act and Part 5 Division 5 of the regulations)— | |
| (a) | application for accreditation (regulation 54) | \$557.00 |
| (b) | grant of accreditation (regulation 55) or renewal of accreditation (regulation 59) | \$5 723.00 |
| (c) | annual fee for accreditation (regulation 58) | \$3 312.00 |
| (d) | replacement of certificate of accreditation or identity card (regulation 62) | \$74.00 |
| | | |
| 4 | Inspection of the register (section 109(5) of the Act)— | |
| (a) | each manual inspection | 1 fee unit |
| (b) | each inspection requiring access to a computer— | |
| (i) | for the first 10 minutes (or part of that 10 minutes) of access | 1 fee unit |
| (ii) | for each additional 10 minutes (or part of that 10 minutes) of access | 1 fee unit |
| | | |
| 5 | Copy of part of the register (section 109(6) of the Act)— | |
| (a) | first page | \$5.80 |
| (b) | each additional page | \$2.10 |

Part 2—Waste depot levy

3—Waste depot levy

- (1) Pursuant to section 113 of the Act (but subject to Part 6 of these regulations and this clause), the prescribed levy payable by the holder of a licence to conduct a waste disposal depot in respect of waste received at the depot is—
- (a) for solid waste—
 - (i) in the case of a licence holder that is a council that has made an election under regulation 75 (per tonne of solid waste disposed of at the depot) \$74.50
 - (ii) in the case of the holder of a licence to conduct a landfill depot or incineration depot (not being a licence holder referred to in subparagraph (i)) (per tonne of designated solid waste disposed of, used or handled at the depot)—
 - (A) if the depot is situated outside of metropolitan Adelaide and the waste has been brought to the depot by or on behalf of premises where the waste was generated situated outside of metropolitan Adelaide \$74.50
 - (B) if the depot is situated within metropolitan Adelaide and the waste has been brought to the depot by or on behalf of a council the area of which lies wholly outside of metropolitan Adelaide \$74.50
 - (C) in any other case \$149.00
 - (b) for liquid waste (per kilolitre disposed of at the depot) \$40.50
- (2) If under the licence the waste disposal depot is required to cover landfill at the depot with material on a daily or more frequent basis, the amount of the levy payable in respect of the waste under subclause (1)(a)(ii) is to be subject to a deduction calculated in accordance with the following formula:
- $$PCD \times W \times LR$$
- where—
- PCD** is the percentage cover deduction of 10%
- W** is the total amount of designated solid waste (in tonnes) disposed of (including any waste used as cover for landfill) at the depot in the relevant period

LR is the average levy rate paid per tonne of solid waste disposed of at the depot in the relevant period (excluding any solid waste in respect of which payment of all or part of the levy is waived or refunded under section 116 of the Act).

Note—

To the extent to which the calculation of the levy payable under this clause following the application of the deduction under this subclause results in an amount that is less than \$0, that amount, to the extent that it is less than \$0, is to be disregarded and may not be carried over to another period.

- (3) For the purposes of this clause, **designated solid waste** means the following solid waste (including waste fill):
- (a) solid waste disposed of at the depot;
 - (b) solid waste used as cover for landfill at the depot on a daily or more frequent basis;
 - (c) solid waste used at the depot for an operational use, other than an approved operational use;
 - (d) solid waste that is the subject of unauthorised stockpiling at the depot;
 - (e) solid waste that has been stockpiled at the depot in contravention of the relevant licence.

- (4) In this clause—

approved operational use has the same meaning as in regulation 69A;

incineration depot means a depot, facility or works referred to in Schedule 1 Part A clause 3(3)(c) of the Act;

landfill depot means a depot, facility or works referred to in Schedule 1 Part A clause 3(3)(a) of the Act;

operational use has the same meaning as in regulation 68A(1);

waste disposal depot means a depot, facility or works referred to in Schedule 1 Part A clause 3(3) of the Act.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 10 June 2022

No 29 of 2022