



Government  
of South Australia

SafeWork SA

# Licence to keep a dangerous substance

Guidance notes

# Table of contents

Legislation	3
Licence application requirements	3
How will I know if I need a licence?	4
Quantities of dangerous substances that require a licence	4
LPG (Division 2.1)	4
Flammable liquids (Class 3)	5
Toxic (Class 6) and Corrosive (Class 8)	6
Duration of a licence	6
Site plans	7
Other licences and permits that may be required	7
Sale of petroleum products	7
Sale of motor spirits, LPG and lubricants for motor vehicles	7
Lodging an application for a licence	8
Application checklist	8
Further Information	9

## Legislation

The keeping of dangerous substances at a premise is regulated through the:

- [Dangerous Substances Act 1979](#) (the Act)
- [Dangerous Substances \(General\) Regulations 2017](#) (the Regulations).

The storage of Division 2.1 (LPG), Class 3 (Flammable Liquids), Class 6 (Toxic) and Class 8 (Corrosive) must be in accordance with the Act and Regulations.

Two Australian Standards are also called up in the regulations:

- AS1596 The storage and handling of LP Gas, and
- AS1940 The Storage and Handling of flammable and combustible liquids.

## Licence application requirements

A licence may be required for the storage of prescribed quantities of:

- Division 2.1 Liquefied Petroleum Gas (LPG)
- Class 3 flammable liquids
- Class 6 toxic substances and
- Class 8 corrosive substances.

You must make an **application for a licence to keep dangerous substances** if:

- you are a new applicant
- there is a change in ownership for a premises that has a licence.

You must make an **application to vary a dangerous substance licence** if:

- you are an existing licence holder that requires an amendment to the quantities or type of dangerous substances at a premise.

An application for a licence may only be made by an individual, body corporate (company) or a public authority.

An application for a licence cannot be made by a Trust however, it may be made by a trustee of a Trust where the trustee is either a natural person or a body corporate.

An application for a licence cannot be made by a Partnership, however it may be made by individual partners of a Partnership.

If the site has a change of ownership, the new owner must submit a new application for a licence to keep a dangerous substance, along with a site plan and proof of change in ownership.

## How will I know if I need a licence?

To determine if a licence is required, you will need to know:

- the Class of dangerous substances that is stored at the premise
- the Packing Group number (I, II or III) of any Class 3, 6 and 8 substances
- the maximum water capacity of any LPG tanks and the size in kilograms of any LPG cylinders
- the maximum storage capacity of any tanks for Class 3, 6 and 8
- the size of any packaging used for the storage of Class 3 substances.

If you are unsure about the dangerous substances that you are storing, then please refer to the Safety Data Sheet or supplier of the substances for further information.

The quantity that you need to quote is the maximum capacity of any tank or vessel.

You need to quote the maximum amount that you will have on site at any given time (consider peak periods).

## Quantities of dangerous substances that require a licence

### LPG (Division 2.1)

You may keep in any premises and without a licence LPG of:

- up to 250 kilograms provided that it is contained in cylinders or tanks
  - the quantity of LPG contained in cylinders or tanks will be taken to be the **total capacity** of all cylinders or tanks stored in or on the premises at any one time, regardless of if they contain LPG (refer to note below)
- any quantity provided that it is contained in disposable non-refillable containers.

[Regulation 19]

**Note:**

A cylinder in use in or on industrial premises will, when located and used in accordance with the appropriate requirements of *AS 1596 The storage and Handling of LP Gas*, is not included for the purpose of determining the total quantity kept.

The definition of industrial premises can be found in the Regulations (Regulation 4).

If you are unsure if your premise is an 'industrial premises', submit a licence application. If our inspectors determine that the installation is an industrial premises, we will refund your licence fee.

## Flammable liquids (Class 3)

You may keep in any premises and without a licence Class 3 flammable liquids of:

- up to 120 litres of Class 3, Packing Group I or II provided that it is contained in packaging which has a capacity of not more than 60 litres
- up to 1 200 litres of Class 3, Packing Group III
- up to 5 000 litres of Class 3, Packing Group I or II and up to 5 000 litres of Class 3, Packing Group III provided that:
  - the premises has an area of not less than two hectares and
  - a rural industry is carried out on that premises and that:
    - any above ground storage is separated from protected works (as defined in *AS 1940 the Storage and Handling of Flammable and Combustible Liquids*) and any part of the boundary of the land by not less than 15 metres, and
    - the area of ground around the storage is kept clear of combustible vegetation or refuse for a distance of not less than 3 metres
- any quantity of Class 3, Packing Group I or II provided that it is contained in packaging which has a capacity not exceeding 5 litres and where the substances as packaged are manufactured products (refer to note below)
- any quantity of Class 3, Packing Group III provided that it is contained in packaging which has a capacity not exceeding 25 litres and where the substances as packaged are manufactured products. (Regulation 41)

### Note

Manufactured product is defined in the Regulations. A typical example of a manufactured product is house paint.

Refer to the Safety Data Sheet to determine if a product is a manufactured product. If you are unsure if a product is a manufactured product, submit a licence application. Our inspectors will assess the products being stored.

## Toxic (Class 6) and Corrosive (Class 8)

The Packing Group (PG) designator is used to determine storage limits for Class 6 and Class 8 dangerous substances. You will be required to have a licence you have more than:

- PG I – 250 litres or kilograms
- PG II – 2000 litres or kilograms
- PG III – 5000 litres or kilograms.

The formula below allows mixed Packing Group storages to be assessed. If the equation is true, you may keep those Class 6 and Class 8 substances without a licence.

$$\frac{(L_I + S_I)}{250} + \frac{(L_{II} + S_{II})}{2000} + \frac{(L_{III} + S_{III})}{5000} \leq 1$$

where—

S<sub>I</sub> = the mass in kilograms of solid substances in Packing Group I

L<sub>II</sub> = the volume in litres of liquid substances in Packing Group II

S<sub>II</sub> = the mass in kilograms of solid substances in Packing Group II

L<sub>III</sub> = the volume in litres of liquid substances in Packing Group III

S<sub>III</sub> = the mass in kilograms of solid substances in Packing Group III.

## Duration of a licence

The licence term is 12 months.

## Site plans

When making a licence application you must include a site plan which details:

- boundaries
- dispensers
- doorways
- drains
- fill points
- fire protection
- fire walls
- ignition sources
- piping
- signs
- vents
- windows
- protected places
- vapour barriers
- additional relevant factors
- construction details of the storage area
- spillage control (bunds)
- LPG at petrol stations – occupancy rates.

You can find an example of a site plan on the [Safe Work Australia website](#).

The installer of an LPG tank will be required to submit a [Notice of installation of liquefied petroleum gas tank](#) to SafeWork SA.

## Other licences and permits that may be required

### Sale of petroleum products

You cannot sell petroleum products (retail) unless you are licenced and authorised to do so. Please complete the relevant section on the licence application form if this is applicable to you.

A petroleum product is a motor spirit (petrol) or diesel fuel.

There is a fee required for this licence.

The licence term is 2 years.

### Sale of motor spirits, LPG and lubricants for motor vehicles

If you wish to sell and deliver motor spirit and lubricants on any day after closing time and on Sundays and public holidays, you must be licenced to do so.

This is pursuant to the Shop Trading Hours Act 1977.

There is no fee for this licence. You will need to make an acknowledgement in section 6 and 7 of the application form.

The licence term is 2 years.

## Lodging an application for a licence

1. Complete the application form available from the SafeWork SA website ([safework.sa.gov.au](http://safework.sa.gov.au))
2. Send your completed application form to SafeWork SA either by email or post, making sure you attach all relevant supporting documentation, including the site plan.
  - Email: [licensing.safework@sa.gov.au](mailto:licensing.safework@sa.gov.au)
  - Post: SafeWork SA, Licensing Unit, GPO Box 465, Adelaide, SA, 5001

If you do not provide all required documentation, your application will be returned to you unprocessed.

3. Include the applicable application fee. The [SafeWork SA website](#) has a list of the current fees.

## Application checklist

- The application form is complete including a signature in the declaration.
- The application is accompanied by the current fee.
- A Site Plan is attached (a site plan is not required if applying for a licence to sell petroleum products - Diesel only)
- An application for a change of ownership includes proof of change eg letter of surrender from previous owner or similar.



## Further Information

For further information and assistance to complete the forms please contact SafeWork SA:

**Visit:** [safework.sa.gov.au](https://safework.sa.gov.au)

**Call:** 1300 365 255

**Email:** [licensing.safework@sa.gov.au](mailto:licensing.safework@sa.gov.au).