

South Australia

Wingfield Waste Depot Closure Act 1999

An Act to provide for the closure of the waste depot conducted by the Corporation of the City of Adelaide at Wingfield.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Wingfield Waste Depot Closure Act 1999*.

3—Objects of this Act

The objects of this Act are—

- (a) to provide for the closure of the waste depot conducted by the Corporation of the City of Adelaide at Wingfield in an environmentally acceptable manner; and
- (b) to provide for public participation in the preparation of a Landfill Environmental Management Plan setting out requirements in relation to the closure of the depot; and
- (c) to restrict the height of the solid waste landfill at Wingfield (including any capping material covering it) so that, after subsidence, it does not exceed 27 metres (Australian Height Datum).

4—Interpretation

- (1) In this Act, unless the contrary intention appears—

the Authority means the Environment Protection Authority established under the *Environment Protection Act 1993*;

business day means every day except—

- (a) a Saturday, Sunday or public holiday; or
- (b) a day falling between 25 December in any year and 1 January in the following year;

the operator means the Corporation of the City of Adelaide and includes any other person who conducts a depot on the land defined as *Wingfield* in this section for the reception, storage, treatment or disposal of waste;

plan means a Landfill Environmental Management Plan prepared under this Act;

Wingfield means the land comprising part of Sections 445 and 450 Hundred of Port Adelaide being Allotment 2 Deposited Plan 18683.

- (2) A reference in this Act to the closure of the waste depot conducted by the Corporation of the City of Adelaide at Wingfield is a reference to the closure of the depot for the purposes of the reception (except for recycling or waste transfer purposes) and disposal of waste.

5—Application of this Act

This Act applies despite any other Act or law to the contrary.

Part 2—Use of Wingfield as a waste depot

6—Use of Wingfield as a waste depot

- (1) Subject to this section, a licence or any other environmental authorisation must not be granted, renewed or varied under the *Environment Protection Act 1993* so as to authorise the use after 31 December 2000 of Wingfield as a depot for the reception or disposal of waste.

- (2) A licence or any other environmental authorisation granted, renewed or varied under the *Environment Protection Act 1993* before the commencement of this Act that authorises the use after 31 December 2000 of Wingfield as a depot for the reception (except for recycling or waste transfer purposes) or disposal of waste ceases to have effect after that date.
- (3) If, before the first anniversary of the commencement of this Act, the operator has prepared and the Minister has adopted a Landfill Environmental Management Plan under Part 3 in relation to Wingfield, the Authority must, on application by the operator under the *Environment Protection Act 1993*, grant or renew a licence authorising the use after 31 December 2000 of Wingfield as a depot for the reception and disposal of waste.
- (4) The licence—
 - (a) must implement, and be consistent with, the Landfill Environmental Management Plan;
 - (b) must not authorise the use after 31 December 2004 of Wingfield as a depot for the reception (except for recycling or waste transfer purposes) or disposal of waste.
- (5) Subject to subsection (6) a licence or any other environmental authorisation must not be granted, renewed or varied under the *Environment Protection Act 1993* so as to authorise the use after 31 December 2004 of Wingfield as a depot for the reception or disposal of waste.
- (6) Nothing in this section prevents the Authority from granting, renewing or varying a licence or any other environmental authorisation so as to authorise the use of Wingfield as a depot for the reception of waste for recycling or waste transfer purposes.

Part 3—Landfill Environmental Management Plan

7—Preparation of the plan

- (1) The operator may prepare a Landfill Environmental Management Plan in relation to Wingfield in accordance with guidelines prepared by the Authority.
- (2) The Authority must, within two months after receiving a written request from the operator, prepare and deliver to the operator, guidelines for the purposes of subsection (1).
- (3) When preparing the guidelines the Authority must have regard to the Guidelines for Major Solid Waste Landfill Depots published by the Authority.
- (4) The guidelines must set out the environmental matters to be addressed by the plan.
- (5) The plan must restrict the height of the solid waste landfill at Wingfield (including any capping material covering it) so that, after subsidence, it does not exceed 27 metres (Australian Height Datum).
- (6) The plan must include a statement of—
 - (a) the environmental consequences that are expected to flow from the closure of Wingfield as a waste depot; and

- (b) the extent to which the expected consequences of the closure of Wingfield are consistent with—
 - (i) the objects of the *Environment Protection Act 1993*; and
 - (ii) the general environmental duty under that Act; and
 - (iii) applicable environment protection policies under that Act; and
 - (c) the expected use or uses of Wingfield after closure of the depot.
- (7) After preparation of the plan the operator must submit it to the Authority for approval for public consultation.
 - (8) Before approving the plan for public consultation the Authority may require the operator to make such alterations or additions to the plan as it thinks fit.
 - (9) The operator must provide the Authority with the number of copies of the plan required by the Authority for the purposes of public consultation.

8—Public consultation

The Authority must—

- (a) provide the City of Port Adelaide Enfield and the Minister with a copy of the plan for comment; and
- (b) cause an advertisement to be published in the Gazette and in a newspaper circulating generally in the State—
 - (i) giving notice of the place or places at which the plan is available for inspection and purchase; and
 - (ii) inviting interested persons to make written submissions to the Authority in relation to the plan within 30 business days of the publication of the advertisement in the newspaper; and
 - (iii) appointing a place and time at which a public meeting will be held by the Authority for the purpose of providing information in relation to the plan to persons attending the meeting.

9—Submissions etc to be given to operator

- (1) The Authority must give to the operator—
 - (a) if the City of Port Adelaide Enfield or the Minister has given the Authority written comments on the plan within 30 business days after receiving a copy of it from the Authority—a copy of those comments; and
 - (b) a copy of all written submissions received from interested persons pursuant to the invitation referred to in section 8(b)(ii).
- (2) The operator must prepare and give to the Authority a written response to the comments of the City of Port Adelaide Enfield and the Minister and to the written submissions.

10—Amendment of plan before Authority's report to Minister

- (1) The operator may amend the plan at any time before it gives the Authority its written response to the comments and submissions on the plan—
 - (a) in order to address those comments or submissions; or
 - (b) to correct an error; or
 - (c) to take account of more accurate or complete data or technological or other developments that were not available when the plan was prepared; or
 - (d) to accommodate changes to proposals for the rehabilitation or future use of Wingfield; or
 - (e) for any other purpose that the operator thinks is necessary or desirable.
- (2) The operator must not amend the plan under subsection (1) in a manner that is inconsistent with the guidelines prepared by the Authority under section 7(2) or with a requirement of the Authority under section 7(8) unless it has the written approval of the Authority to do so.
- (3) If, in the opinion of the Authority, it is necessary or desirable that one or more of the procedures required by this Part should be repeated in relation to a plan after amendment under this section, that procedure or those procedures must be repeated in relation to the plan in accordance with a notice given by the Authority to the operator.
- (4) The operator must provide the Authority with the number of copies of the plan as amended as are required by the Authority for the purposes of this Act.

11—Authority to advise Minister on adoption of plan

- (1) The Authority must, within two months after receiving the operator's written response under section 9(2)—
 - (a) prepare and provide to the Minister a report advising the Minister as to whether he or she should, in the opinion of the Authority—
 - (i) adopt the plan without amendment; or
 - (ii) amend the plan and then adopt it; or
 - (iii) refuse to adopt the plan; and
 - (b) provide the Minister with a copy of the plan.
- (2) The Authority's report must include its reasons for its advice to the Minister.

12—Adoption etc of plan by Minister

- (1) After considering the plan and the Authority's report the Minister may—
 - (a) adopt the plan; or
 - (b) amend the plan and then adopt it; or
 - (c) refuse to adopt the plan.
- (2) As soon as practicable after adopting or refusing to adopt the plan the Minister must—
 - (a) prepare a report setting out his or her reasons for the decision; and
 - (b) give a copy of the report to the operator and the Authority; and

- (c) cause a copy of the report to be laid before both Houses of Parliament; and
- (d) cause to be published in the Gazette a notice stating—
 - (i) his or her decision; and
 - (ii) if the plan has been adopted—the place or places at which the plan is available for inspection or purchase.

13—Amendment of plan after adoption

- (1) The Minister may amend an adopted plan—
 - (a) to correct an error; or
 - (b) to take account of more accurate or complete data or technological or other developments that have become available.
- (2) The Minister must cause to be published in the Gazette a notice stating that the plan has been amended under subsection (1).

Part 4—Miscellaneous

14—Recovery of costs by the Minister

The Minister may recover as a debt from the operator reasonable costs incurred by the Minister in the administration of this Act.

15—Regulations

The Governor may make such regulations as are contemplated by, or are necessary or expedient for the purposes of, this Act.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act

Year	No	Title	Assent	Commencement
1999	28	<i>Wingfield Waste Depot Closure Act 1999</i>	1.4.1999	6.5.1999 (<i>Gazette 6.5.1999 p2394</i>)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	