

CABINET - SUBJECTS FOR CONSIDERATION, 28 OCTOBER 2002 11:00 AM

1 New Initiatives/Policy Matters

Not Relevant

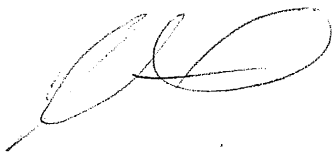
**104 MUDP-PLN00032/2002CS Solid Waste Landfill Facility at Kalbeeba - Major
Development
APPROVED**

All Ministers

Not Relevant

CABINET COVER SHEET

1. **TITLE:** Solid Waste Landfill Facility at Kalbeeba – Major Development.
2. **MINISTER:** Jay Weatherill, MP, Minister for Urban Development and Planning.
3. **PURPOSE:** Recommend pursuant to section 48 of the *Development Act 1993*, that the Governor refuse the application for the Solid Waste Landfill Facility at Kalbeeba.
4. **RESOURCES REQUIRED FOR IMPLEMENTATION:** Not applicable.
5. **RELATIONSHIP TO GOVERNMENT POLICY:** Potential impact on traffic in Gawler and is contrary to emerging waste management strategies in regard to major landfills.
6. **CONSULTATION:** Parliamentary Counsel.
7. **FAMILY IMPACT STATEMENT:** Not applicable.
8. **URGENCY:** High.
9. **RECOMMENDATIONS:**
 - 4.1 That her Excellency the Governor be recommended to refuse the application for the Solid Waste Landfill Facility at Kalbeeba pursuant to Section 48(2)(a) of the *Development Act 1993*.
 - 4.2 The Governor signs the attached notice of refusal for publication in the *Government Gazette*.



Jay Weatherill, MP
MINISTER FOR URBAN DEVELOPMENT AND PLANNING
MINISTER FOR LOCAL GOVERNMENT
MINISTER FOR ADMINISTRATIVE SERVICES
MINISTER ASSISTING IN GOVERNMENT ENTERPRISES

15/10/2002

C A B I N E T C O V E R S H E E T

List of Government Agencies consulted

Agency	Issues/Comments	Contact
Crown Solicitor	Verified process	Andrew Hall 8207 1667
Environment Protection Authority	Verified waste management initiatives	Max Harvey Ph 8204 2047

TO: THE PREMIER FOR CABINET

RE: PROPOSED SOLID WASTE LANDFILL FACILITY AT KALBEEBA – MAJOR DEVELOPMENT

1. PROPOSAL

1.1 That Her Excellency the Governor refuse the application for the proposed Solid Waste Landfill Facility at Allendale Road, Kalbeeba pursuant to Section 48(2)(a) of the *Development Act 1993*, and that notice of the refusal be placed in the Government Gazette.

2. BACKGROUND

2.1 The proposal by SITA Australia Pty Ltd to establish a solid waste facility at Kalbeeba was previously being assessed by the Development Assessment Commission (DAC), pursuant to Division 1, Part 4 of the *Development Act 1993*, but no assessment or decision was made under this process.

2.2 The site is in a rural area, 3 kilometres to the south-east of Gawler. The proposal involves a substantial enlargement and upgrading of a substandard landfill located in an existing quarry.

2.3 On 11 July 2002, I determined it appropriate to declare the proposal a Major Development pursuant to Section 46(1) of the *Development Act 1993*. This was because of the scale of the proposal and its location close to Gawler.

2.4 Accordingly, the application before the DAC lapsed and a new application was required to be lodged under the Major Developments provisions of the *Development Act 1993*.

2.5 On 13 August 2002, the proponent formally lodged a development application under the Major Developments provisions of the *Development Act*, to undertake the development.

2.6 Given the community concerns about the proposal, the 'early no' may be recommended to the Governor, pursuant to Section 48(2)(a) of the *Development Act*. This provision enables the Governor to refuse an application at any time, and without the preparation of an Environmental Impact Statement, Public Environmental Report or Development Report, or associated public consultation processes. It has the benefit for the applicant and community by avoiding the cost and delay of comprehensive assessment if the project is clearly not supported.

3. DISCUSSION

3.1 The site comprises a sand mine, in a Rural B Zone (a permanent rural area) where the landfill is a merit (discretionary) use. It contains an existing currently licensed landfill facility. This landfill is small and predates good environmental practice. The new proposal is to substantially enlarge the existing landfill to 200-250,000 tonnes per year with up to 25 years lifespan to accommodate waste from metropolitan Adelaide (i.e. capacity of some 6 million tonnes).

3.2 The proponent has also highlighted the following features of the proposal as positives for the community:

- Rehabilitation of the quarry site through waste landfill at no cost to the State Government, rather than through the normal *Mining Act* channels. The waste proposal will therefore modify the landscape without call on PIRSA funds.
- Establishment of a community fund to be administered by representatives of SITA, the community and local government.
- Transformation of the 300 hectare site into a major nature reserve with approximately half of the property to be revegetated and given to the State.

3.3 Access to the site from Adelaide would be through the Gawler township (including Gawler main street) and then from the Barossa Highway. An alternative option of access from the south has been deleted from the proposal by the applicant, as it was not supported by Playford Council. This has raised community opposition from Gawler residents and people residing at Kalbeeba, particularly on the proposed truck routes.

It is noted that the Government made election policy statements aimed at reducing traffic impacts in Gawler.

3.4 The other major concerns associated with the proposal is of a strategic nature. In the last 3 years, Governor's approvals have been given to three major landfills – Dublin (DC Mallala), Inkerman (DC Wakefield Plains) and Smithfield (City of Playford). Only Dublin has been commissioned so far, given that Wingfield is not scheduled to close until December 2004.

3.5 These major landfill approvals have given metropolitan Adelaide, especially the northern component, substantial landfill capacity. Dublin itself has 60-80 years of landfill capacity.

3.6 This is relevant in the context of the Government's election policy platform of stopping the establishment of major landfills and concentrating on other waste management initiatives such as recycling and diverting green waste from landfills for the purposes of processing.

3.7 *Economic Budget and Finance Implications*

There are no budgetary implications in terms of infrastructure cost in refusing this application. If legal action by the proponent proceeds in regard to the Major Development Declaration, because appeal rights under the normal assessment system have been lost, it will require resources to defend.

3.8 *State Development, Social, Environmental and other Impacts*

The decision is consistent with policy statements made in regard to traffic impacts on Gawler and on emerging strategies for waste management. In addition, a Ministerial Plan Amendment Report has been drafted to classify "waste disposal" a non-complying use in the Kalbeeba Rural B Zone.

These policy directions collectively outweigh the positive features of the proposal as highlighted by the proponent.

3.9 *Family Impact Statement*

Not applicable.

3.10 *Consultation*

The Office of the EPA was consulted on the draft submission and Parliamentary Counsel was consulted on the drafting of the Decision Notice.

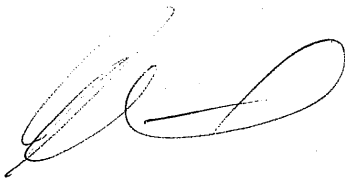
The Crown Solicitor was consulted in regard to the technical correctness of the process.

3.11 *Executive Council*

The Cabinet Submission and application will need to be forwarded for the consideration of the Governor in Executive Council in order to fulfill the requirements of Section 48(2)(a) of the Development Act 1993. The draft Decision Notice is provided in Attachment 1.

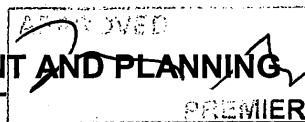
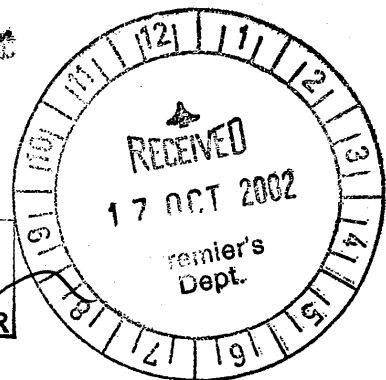
4 RECOMMENDATIONS

- 4.1 That Her Excellency the Governor be recommended to refuse the application for Solid Waste Landfill Facility at Kalbeeba pursuant to Section 48(2)(a) of the Development Act 1993.
- 4.2 That the notice of refusal be placed in the Government Gazette.



In Cabinet


28 OCT 2002



Jay Weatherill, MP
 MINISTER FOR URBAN DEVELOPMENT AND PLANNING
 MINISTER FOR LOCAL GOVERNMENT
 MINISTER FOR ADMINISTRATIVE SERVICES
 MINISTER ASSISTING IN GOVERNMENT ENTERPRISES

15/10/2002

- Attachments: (1) Executive Summary – Development Application
 (2) Draft Decision Notice
 (3) Relevant Documents



Approved
 28-10-2002

Appendix A

Relevant Documents – Governor in Executive Council

1. Declaration Notice by Minister for Urban Development and Planning
2. Letter of application dated 13 August 2002
3. Development Application by SITA Australia Pty Ltd

Executive Summary

SITA Australia Pty Ltd (SITA) proposes to develop a solid waste regional landfill disposal facility. This will partly replace the Adelaide City's Wingfield Landfill prior to its closure in December 2004. SITA is a current user of this landfill.

This proposal will benefit metropolitan Adelaide, the Barossa and the Gawler areas, as it will address the critical shortage of waste disposal facilities in the Region. The location and competition provided by the proposal will ensure that disposal costs are contained.

SITA is an international leader and provider of resource recovery and waste management services. The Company proposes to:

- upgrade the currently licensed Rocla Quarry Products' mining site in Allendale Road as a landfill facility for commercial and domestic refuse;
- undertake the establishment of a high technology solid general waste regional landfill with a 6 million tonne capacity and an expected lifespan of around 20 to 25 years depending on annual volumes;
- remove and relocate existing waste material from the current landfill into the fully engineered landfill;
- establish a double liner system of compacted clay and high density polyethylene (HDPE) with leachate drainage and collection to evaporative lagoons;
- provide for gas extraction;
- establish a comprehensive environmental management plan and post-closure plan;
- put in place long term financial guarantees for on-going maintenance; and
- provide a community fund for the benefit of the local community.

The proposed landfill will satisfy the highest environmental standards far exceeding existing or proposed landfills.

The proposal is a suitable form of development in the locality, which contains several quarries and a mining tenement. It complies with the spirit and intent of the Development Plan provisions and the Environment Protection Act guidelines in relation to landfills. These criteria include setbacks from watercourses, separation from groundwater, buffer distances to sensitive uses, use of liners, methane gas management and the like.

The proposed site is strategically located in reasonable proximity to the metropolitan and the Barossa region. It is, however, relatively isolated and well separated from sensitive environmental areas. SITA has undertaken extensive investigations with regard to possible alternatives and this site ranks the highest on a wide range of selection criteria.

SITA has consulted the local community, relevant local and state government agencies.

The proposal will provide outstanding waste disposal infrastructure for Adelaide's northern suburbs, Gawler and the Barossa.

Finally, the proposal will result in the restoration of the degraded mine site, the former waste depot.

DECLARATION NOTICE

DEVELOPMENT ACT 1993, SECTION 28 (1): DECLARATION OF INTERIM OPERATION OF DISTRICT COUNCIL OF MOUNT REMARKABLE—MOUNT REMARKABLE (DC) DEVELOPMENT PLAN—HORTI-CULTURE PLAN AMENDMENT

Notice

PURSUANT to section 28 (1) of the Development Act 1993, I, the Governor, with the advice and consent of the Executive Council, being of the opinion that it is necessary in the interest of the orderly and proper development of the area affected by the 'District Council of Mount Remarkable—Mount Remarkable (DC) Development Plan—Horticulture Plan Amendment' that the Plan Amendment should come into operation without delay, declare that the Plan Amendment will come into operation on an interim basis on 11 July 2002.

Given under my hand at Adelaide, 4 July 2002.

MARJORIE JACKSON-NELSON, Governor

MFUDP CPSA 2002/00004CS

DEVELOPMENT ACT 1993: SECTION 46 (1)

Preamble

Section 46 (1) of the Development Act 1993 allows the Minister for Urban Development and Planning to apply that section to a specified kind of development or project if the Minister is of the opinion that a declaration under that section is appropriate or necessary for the proper assessment of development or a project of major environmental, social or economic importance.

NOTICE

PURSUANT to section 46 (1) of the Development Act 1993, being of the opinion that a declaration under section 46 of the Act is appropriate for the proper assessment of development of major environmental, social and economic importance, I declare that section 46 of the Act applies to any development of a kind specified in Schedule 1.

SCHEDULE 1

The following kinds of development are specified if undertaken in, or in relation to, that part of the State specified in Schedule 2:

- (a) building work;
- (b) change in use of land;
- (c) the excavating or filling (or excavation and filling) of land, or the forming of a levee or mound higher than 3 m; and
- (d) any other kind of development, excluding demolition,

for the purpose of, or ancillary to, establishing or operating a solid waste landfill facility.

SCHEDULE 2

The following parts of the State are specified for the purposes of Schedule 1:

1. The whole of the land comprised in certificates of title register book volume 5307, folio 580, volume 5558, folio 762, volume 5084, folio 486.

2. Other land on which it is necessary or desirable to undertake the kinds of development referred to in Schedule 1 for or related to the management, storage, treatment or disposal of stormwater, waste water or effluent caused by or associated with, the establishment or operation of a solid waste landfill facility on the land referred to in clause 1.

Dated 8 July 2002.

JAY WEATHERILL, Minister for Urban Development and Planning

FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Doug Graske (hereinafter referred to as the 'exemption holder'), P.O. Box 1781, Port Lincoln, S.A. 5606 is exempt from the Fisheries Act 1982, but only insofar as the exemption holder may take blacklip abalone (*Haliotis rubra*) in South Australian coastal waters subject to the conditions in Schedule 1 (hereinafter referred to as the 'exempted activity') from the date of the gazettal of this notice until 15 October 2002, unless varied or revoked earlier.

SCHEDULE 1

1. The exemption holder may take a maximum of 150 blacklip abalone (*Haliotis rubra*). All abalone taken pursuant to this notice must be transferred to the South Australian Research and Development Institute.

2. The exempted activity may only be conducted by Doug Graske.

3. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least 24 hours prior to conducting the exempted activity with the following information:

- details of the boat that will be used to engage in the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the intended area of conducting the exempted activity.

4. PIRSA Fisheries retains the right for a departmental officer to accompany the exemption holder at any time during the exempted activity.

5. While engaged in the exempted activity the exemption holder shall carry or have about or near his person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer upon request.

6. The exemption holder shall not contravene or fail to comply with the Fisheries Act 1982 or any regulations made under that Act, except where specifically exempted by this notice.

Dated 5 July 2002.

W. ZACHARIN, Director of Fisheries

FISHERIES ACT 1982: SECTION 59

TAKE notice that subject to section 59 of the Fisheries Act 1982, those holders of a licence issued pursuant to the Scheme of Management (Abalone Fisheries) Regulations 1991, hereinafter referred to as the 'exemption holders' or their registered masters are exempted from section 44 (2) of the Fisheries Act 1982 but only insofar as the exemption holders shall not be guilty of an offence when taking blacklip abalone (*Haliotis rubra*) that is undersize, from those waters described as Area 1, Area 2, Area 3, and Area 4 in Schedule 1 (hereinafter referred to as the 'exempted activity') subject to the conditions specified in Schedule 2 from 1 September 2002 until 31 August 2003.

SCHEDULE 1

Area 1

Those waters adjacent to the coast of Nene Valley which are contained within a line commencing at the high water mark at position latitude 37°59.3'S, 140°30.7'E then due south for approximately 2.9 nautical miles to position latitude 38°02.4'S, longitude 140°30.7'E then generally south-east for approximately 2.7 nautical miles to position latitude 38°04.4'S, longitude 140°34.2'E then due north for approximately 2.6 nautical miles to high water mark at position latitude 38°01.4'S, longitude 140°34.2'E then generally north-westerly following high water mark back to the point of commencement.

LETTER OF APPLICATION



SITA Australia Pty Ltd
ABN 70 002 902 650

South Australia Office
537 Prospect Road
Gepps Cross
SA 5094
Australia

PO Box 309
Enfield Plaza
SA 5085
Australia

Phone: 08 8203 3200
Fax: 08 8349 6234

Lot 18 Old Mill Court
McLaren Vale
SA 5171
Australia

Phone: 08 8323 7944
Fax: 08 8323 7966

Admin Email: Adelaide@sita.com.au
Sales Email: Adelaide_Sales@sita.com.au

13th August 2002

Mr Elmer Evans
Planning SA
Environmental Impact Assessment Branch
Level 5
136 North Terrace
ADELAIDE SA 5000

Dear Mr Evans

Development Application No 960/631/01 – SITA Australia Pty Ltd


I refer to the gazettal by the Minister for Urban Development & Planning on 11 July 2002 declaring that Section 46 of the Development Act 1993 applied to certain forms of development for the purpose of or ancillary to, establishing or operating a solid waste landfill facility on land in Certificates of Title Register Book Volume 5307 Folio 580, Volume 5558 Folio 762 and Volume 5084 Folio 486. I also refer to the Minister's letter addressed to myself of 8 July 2002.

As you would be aware, on 18 April 2001, SITA lodged a development application No. 960/631/01 with the Development Assessment Commission seeking approval to develop a solid waste landfill on part of the land referred to in the gazettal. On 9th May 2002, this application was amended by deletion of the southern access point and internal southern roadway with all access and egress to now occur through Allendale Road.

The purpose of this letter is to request that this application now proceed pursuant to the Minister's declaration under the provisions of Section 46 of the Development Act 1993.

Please confirm the process which will now be followed and what further information (if any) you require to ensure the application is processed expeditiously.

Yours faithfully
SITA Australia Pty Ltd


Greg Panigas
State General Manager

A SembSita Company