

Media Release

Environment Protection Authority



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ACC found guilty of breaching waste licence

The Corporation of the City of Adelaide (ACC) has been found guilty by the Environment, Resources and Development Court (ERD) Court for failing to meet a deadline to cap a landfill waste site, in breach of its licence conditions.

ACC under a former administration, operated the Wingfield Waste Depot at Dry Creek with special legislation requiring it to stop accepting waste at the site by December 2000.

The Wingfield Waste Depot Closure Act 1999 (Closure Act) subsequently added a provision to extend this period by allowing it to continue to receive waste until December 2004 on the condition that ACC submit a Landfill Environmental Management Plan (LEMP) to the EPA.

Since that time, the EPA continued negotiations with ACC which resulted in numerous appeals to the ERD Court by ACC, over licence conditions, landfill capping designs and late submissions of alternative designs.

In 2008, the EPA accepted a plan from ACC that allowed for 20% of the landfill site to be capped each year over five years with a completion date of December 2012.

Despite this agreement, three years after this deadline only 15% of the landfill site has been capped.

In the ERD Court today Judge Susan Cole ruled against ACC for failing to complete the capping at the Wingfield landfill site.

She found that on the evidence presented, each of the four counts of failing to comply with licence conditions under the Environment Protection Act 1993, were proven beyond a reasonable doubt.

She found ACC guilty on two counts with the other two having lapsed for being out of time.

The maximum penalty for a body corporate contravening a condition of its licence is \$120,000.

A penalty has yet to be determined with Judge Cole adjourning the case to 25 February, 2016, for sentencing submissions.

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