

## **e-Bulletin**

### **No. 1 of 2016, 11 February 2016**

#### ***The environment's legal team since 1992 - protecting the public interest - evening the odds***

The EDO is an independent community legal centre specialising in public interest environmental law.

The EDO's legal advisory service can help with planning, pollution, biodiversity, heritage, natural resources management, public health, and other environmental issues. Just fill in the legal advice request form on the front page of our website and we will arrange an appointment with one of our volunteer lawyers. An administration fee of \$55 ( \$25 concession) applies to this service.

Please feel free to forward this e-Bulletin within your networks.

With community support we will continue the fight for protection of our State's environmental assets. This is now more vital than ever as community donations are our chief source of financial support.

Please [join us](#) or [make a tax-deductible donation](#).

In the last fortnight we have;

- Provided advice to clients on energy regulation, native vegetation protection and fresh water pollution
- Worked with the environment sector to analyse and propose amendments to the South Australian government's Planning, Development and Infrastructure Bill

We are also on [Facebook](#). If you have any queries please phone us on (08) 8359 2222.

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### South Australia

## **EDO Quiz Night Fundraiser**

Silent auction, games, raffle & more!

Theme: Gold and Black

“Give us your gold to keep us in the black!”

BYO Basket Supper. Drinks for sale at the Bar

MC: Judith Barr – former ABC Adelaide presenter

TICKETS: \$20 per person

\$200 for a table of 10

**When:** Saturday, **23 April 2016**; arrive 6:30pm for a 7pm start

**Where:** Willunga Show Hall, Main Road, Willunga

**Book:** [www.edosa.nationbuilder.com/quiz\\_night](http://www.edosa.nationbuilder.com/quiz_night)

For further info. contact [edosa@edo.org.au](mailto:edosa@edo.org.au) or phone Iris on 0438 535 058

## **Commonwealth & Interstate**

### **[EDOs of Australia makes recommendations on EPBC Act 'Water Trigger'](#)**

EDOs of Australia has just made some recommendations regarding the scope and operation of the 'water trigger' under the *Environment Protection and Biodiversity Conservation Act 1993* (EPBC Act). Added in 2013, the water trigger requires CSG developments and large coal mining developments that are likely to have a significant impact on water resources to be assessed and determined by the Federal Environment Minister. In making their decision, the Minister must 'take into account' advice from the Independent Expert Scientific Committee (IESC) about the impacts of the development on water resources.

EDOs of Australia supported the inclusion of the 'water trigger' for a number of reasons. Key arguments in our submission were:

- There is a great deal we don't know about groundwater, so it is vitally important that all developments that may damage, contaminate or drain aquifers be subject to rigorous laws designed to protect these resources into the future.
- Our analysis indicates that State and Territory laws do not adequately protect Australia's water resources from the impacts associated with gas and mining projects.
- States and Territories must assess and approve the very gas and mining projects from which they receive large royalties. This may give rise to a conflict of interest, reinforcing the need for Commonwealth oversight.

Since the enactment of the legislation it is become clear that the water trigger could be significantly improved, and the EDO is now making recommendations on how to do so. Chief amongst the concerns raised is that it doesn't make sense to have a committee of scientific experts providing advice about high-impact developments, but no requirement that this advice actually influence the Government's decision-making process.

Read more about the EDOs recommendations at the above link.

## **NOTICES AND INQUIRIES**

### **South Australia**

#### **[Major Development – Nora Creina Golf Course PER released for public consultation](#)**

The proposed Nora Creina golf course and resort facility that was declared by the State Government to be a Major Development in March 2014, has seen its Public Environmental Report (PER) released for community consultation. The proposed golf resort site is located approximately 15 km SE of Robe in South Australia, and occupies approximately three kilometres of coastline, 80 hectares of cleared grazing land and 242 hectares of a coastal dune system.

The proposal comprises a 36-hole public golf course, a boutique Wagyu beef farm, a boutique vineyard and recreational facilities (such as nature trail, recreational fishing and diving). The Federal Environment Minister has already determined that the project is subject to a Bilateral Agreement between the Commonwealth and South Australia, and therefore will be only assessed at the State level. The release of this PER therefore becomes the last genuine opportunity for citizens to have their say on this development.

The PER can be downloaded from the above link.

Submissions are due by **21 March 2016**.

### **[Nuclear Royal Commission to release “tentative findings” on Monday](#)**

The Nuclear Fuel Cycle Royal Commission will release its Tentative Findings in Adelaide on Monday 15 February 2016.

Interested members of the community are invited to attend a free public meeting to hear Commissioner Kevin Scarce outline the Tentative Findings at 6pm at the Adelaide Town Hall.

The Commission will then undertake a week-long public information program, visiting regional South Australian cities and towns including Port Pirie, Port Augusta, Whyalla, Port Lincoln, Mt Gambier, Ceduna, Coober Pedy and Renmark, as well as Aboriginal communities in the Far North and on the West Coast.

The Tentative Findings will reflect the Commission’s current thinking and the evidence it has gathered in support. The community will then have five weeks to provide written comments on the findings before the release of the final report in May.

The Tentative Findings will be available to download from [www.nuclearrc.sa.gov.au](http://www.nuclearrc.sa.gov.au) from 11am, **15 February, 2016** or by contacting the Commission’s office on 08 8207 1480.

### **[Regular SA Government Consultations](#)**

Below are links to a number of SA Government agencies and bodies who undertake regular environmental audits or assessments open for public consultation. Whilst there are too many such consultations for us to list them all fully in the e-Bulletin, the links are included here as they may nevertheless be of interest to readers. The e-Bulletin will publish consultations in these categories where we deem them to be of wide public importance.

[Current Crown Developments and 'Category 3' Developments before the DAC](#)

[Current Ministerial Development Plan Amendments](#)

[Current DEWNR consultations](#)

[Current EPA license applications](#)

[Current DSD mining proposals](#)

## **Commonwealth**

### [The next generation of Australia's environmental laws – public consultation](#)

The Australian Panel of Experts in Environmental Law (APEEL) has put out an Introductory Paper seeking feedback on ideas for the next generation of environmental laws. The paper is split into six key chapters, each of which raises further questions for public discussion and feedback. The chapters are:

Chapter 1 – The foundations of environmental law

Chapter 2 – Environmental governance

Chapter 3 – Land-based conservation and natural resources management

Chapter 4 – Climate laws and energy regulation

Chapter 5 – Business, law and environmental performance

Chapter 6 – Democracy and the environment

The Paper argues that Australia faces unprecedented ecological challenges that are simply not being addressed by our current environmental laws. Australia is now ranked by scientists as the ninth worst in the world for absolute environmental degradation, and the situation is worsening with key indicators on the health of the environment going even further backwards. Australian environmental law is in dire need of reform.

You can join the discussion through social media and the APEEL website, as well as face-to-face forums and workshops. Further information can be found by following the above link.

### [Senate Inquiry – Carbon risk disclosure](#)

On 2 February 2016, the Senate referred an inquiry into carbon risk disclosure to the Senate Economics References Committee for inquiry and report by 22 June 2016. Carbon risk refers to

the risks faced by companies and investors from their exposure to the climate change impacts of the activities they are invested in.

The terms of reference require the Committee to inquire into carbon risk disclosure in regard to:

- a) current and emerging international carbon risk disclosure frameworks;
- b) current carbon risk disclosure practices within corporate Australia;
- c) Australian involvement in the G20 Financial Stability Board discussions on carbon risk impacts for financial stability;
- d) current regulatory and policy oversight of carbon risk disclosure across government agencies; and
- e) any other related matters.

The Committee is currently accepting public submissions however a specific due date is yet to be published.

### Regular Commonwealth Government Consultations

Below are links to Federal Government agencies and bodies who undertake environmental audits/assessments that may be open for public consultation. Whilst there are too many such consultations for us to list them all in the e-Bulletin, the links are included here as they may nevertheless be of interest to readers. The e-Bulletin will publish consultations in these categories where we deem them to be of wide public importance.

### Department of Environment Public Notices and Invitations to Comment

## **PREVIOUS NOTICES: REMINDERS**

### [Planning, Development and Infrastructure Bill consultation](#)

- Parliamentary debate has resumed this week. Submissions can still be made directly by contacting Minister Rau's office, the Department of Planning, Transport and Infrastructure ([DPTI.Planning@sa.gov.au](mailto:DPTI.Planning@sa.gov.au)), or your local MP.

### [Australia's climate policy options – public consultation](#)

- Submissions are due **19 February 2016**.

### [Proposed sites for an Australian nuclear waste dump – public comment period now open](#)

- Submissions are due **11 March 2016**.

[Senate Inquiry into Unconventional Gas Mining](#)

- Submissions due by **14 March 2016**.

[Improving the River Torrens from the foothills to the sea – consultation open](#)

- Submissions are due **30 June 2016**.