

e-Bulletin

No. 5 of 2016, 21 April 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](#).

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

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NEWS AND EVENTS

South Australia

EDO Quiz Night Fundraiser

This Saturday!

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

TICKETS CAN BE PURCHASED ON THE NIGHT.

There will be door prizes of premium tasting vouchers at Primo Estate Wines (value \$30).

Bendigo Bank is our primary sponsor – thank you !
In addition the following businesses have provided wonderful raffle and door prizes and items for the silent auction;

*Roseys Aldinga,
Home Grain Bakery,
Surf Esteem,
Lou’s Shack, Aldinga
Sophie Dunlop (artist),
Penny Hill Wines,*

QIK Pix,
Willunga Farmer's Market,
Coriole Wines,
Samuel's Gorge Wines,
Kaz's Retro Retreat,
Russell's Pizza,
Hither & Yon Wines,
Fall from Grace,
The Old Vine,
Salopian Inn,
Artel Restaurant and Bar,
Blondie's Shoes,
Mercury Cinema,
Au Pear,
Carmel's,
Taronga Orchard Almonds,
Cradle of Hills Wines,
Hardings Olives,
Willunga Pasta,
Fleurieu Lavender,
2 Hills and a Creek
Matchett's
Willunga Olive Farm
Diggers

We are looking for more so if you would like to sponsor the Quiz Night, please contact Karen Bubna-Litic on 0402348301.

Accommodation options

The quiz is being held over a long weekend. What better way of taking a break, staying at one of the B n B establishments overnight, followed by a leisurely tour of McLaren Vale wineries on the Sunday, or a swim at the many beaches along the coast? If you are looking for accommodation over the Quiz weekend, Kaz's Retro Retreat will donate 20% of the value of accommodation booked to the EDO. It accommodates 5 people in three bedrooms. The link to book is below. Don't forget to mention this notice to trigger the donation.

<https://www.airbnb.com.au/rooms/4881659?preview>. There is also a very long list of further accommodation options on the McLaren Vale Visitor Centre website.

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

For further info. contact edosa@edo.org.au or phone Iris on 0438 535 058

Planning Bill passes both Houses

The Planning, Development and Infrastructure Bill 2015 has now passed both Houses of the South Australian Parliament. Upon enactment the new laws will overhaul the State's current planning system and replace the *Development Act 1993*. After lengthy debate the Government has accepted a raft of amendments made in the Legislative Council – despite expressing much dissatisfaction - in order to secure passage of the Bill. In particular, the Government was especially keen to remove all elected local council members from Development Assessment Panels, but has been forced to accept up to one member on each panel to allow the Bill's passage.

The new Act will establish a State Planning Commission, a Community Engagement Charter and an Urban Growth Boundary amongst other sweeping changes to the planning system. The Bill deliberately avoids making changes to the heritage rules, which the Government says will be tackled in a separate reform process.

EDO(SA) still retains a number of reservations about the new laws many of which were detailed in our [special eBulletin Planning Report](#) last year. We remain particularly concerned that the new Community Engagement Charter only applies to community consultation at the policy stage and not when individual developments are being proposed and assessed which is the time when significant issues are most likely to fall under the greatest public scrutiny: The Bill has not yet been enacted, and there are several wrinkles yet to be ironed out. The Government will no doubt wish to amend the legislation again at a future date to overcome those amendments with which it was most dissatisfied. The eBulletin will endeavour to keep readers abreast of any forthcoming changes.

Amendments pass to allow nuclear waste consultation in SA

Last month this eBulletin reported that the South Australian Government had introduced a Bill to set aside laws preventing public money being used to consult on nuclear waste dumps. That Bill has now passed both houses, though not without significant amendments being made in the Legislative Council. The original Bill sought to delete entirely Section 13 of the *Nuclear Waste Storage Facility (Prohibition) Act 2000*, which reads:

“Despite any other Act or law to the contrary, no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State.”

However Mark Parnell MLC argued in the upper house that repealing this section would go far beyond just allowing consultation, opening the door to the spending of public money to promote, design or even buy land for a nuclear waste dump. The Government has now accepted an amendment which keeps all of s 13, but adds an exception allowing money to be spent purely for the purposes of community consultation.

EVENTS: REMINDERS

[EDO travelling to Mt Gambier to provide legal advice sessions](#)

EDO(SA)'s Coordinator/solicitor Melissa Ballantyne will be travelling in May to the SE Community Legal Service office in Mt Gambier as part of the EDO's Legal Outreach service. Melissa will be available to provide expert legal advice on environmental and development issues. Advice is provided for free, although there is an administrative cost recovery fee of \$55 (\$25 concession).

When: Tuesday A.M., **10 May 2016**.
Where: SE Community Legal Service, 9 Penola Rd, Mt Gambier SA.
Book: Freecall: 1800 337 566

[Offshore Drilling Community Forum – “Our Land, Our Sea, Our Future”](#)

When: 7pm, Monday **9 May 2016**.
Where: Millicent Community Club, 28 Davenport St, Millicent SA.

Entry is by gold coin donation. For more information contact Melissa Ballantyne 1800 337 566.

[‘Let’s Talk About Consumption’ – 1 Day Interactive Workshop](#)

When: 8:30 for a 9am start, Friday **27 May 2016**.
Where: The Joinery, 111 Franklin St, Adelaide.
Book: At the above headline link.

[Australian Earth Laws Alliance Conference 2016 – call for papers](#)

The call for papers closes **1 June 2016**.

NOTICES AND INQUIRIES

South Australia

[EPA public consultation: Guidelines for closure and post-closure plans](#)

The South Australian Environment Protection Authority (EPA) has prepared a set of draft guidelines to assist licensees who are required by conditions of an environment authorisation to develop and implement closure and post-closure plans. The draft guidelines also describe the legislative and reporting framework associated with closure and post-closure plans.

The Guidelines form an important aspect of the state's environmental policy because cessation of prescribed activities of environmental significance may cause harm to the environment or human health if environmental control measures are not appropriately undertaken and monitored. It may also cause difficult legacy issues for the state, the local community, the operator and owner of the premises.

Public comment on the draft guidelines is now being requested. A copy of the draft guidelines and further details may be found by following the above link.

Submissions due by **20 May 2016**.

[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

[Public consultation – Emissions intensity benchmark guidelines](#)

Consultation on draft guidelines for developing emissions intensity benchmarks under the Commonwealth Government's Emissions Reduction Fund safeguard mechanism is now open. The draft guidelines outline the process for setting emissions intensity benchmarks for facilities that are either new or significantly expanded after 2020.

The Government says that the safeguard mechanism is designed to ensure that emissions reductions purchased by the Commonwealth are not offset by significant increases in emissions above business-as-usual levels elsewhere in the economy. Under the mechanism, facilities that commence operation or significantly increase productive capacity after 1 July 2020 are able to apply for a new or updated emissions baseline that reflects leading practice in emissions intensity of production in their sector. Leading practice is reflected in the form of the emissions intensity benchmarks.

Submissions are due by **6 May 2016**.

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

[Consultation and Transparency Requirements for Offshore Petroleum Activities – Public Review](#)

- Submissions due by **30 April 2016**.

[National Standard for Environmental Risk Management of Industrial Chemicals – Discussion Paper and consultation](#)

- Submissions due by **6 May 2016**.

[Draft EPBC Act referral guidelines for the vulnerable Murray cod](#)

- Submissions due by **6 May 2016**.

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

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

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

- Due date unspecified.