

e-Bulletin

No. 7 of 2016, 26 May 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. As we approach the end of the financial year community support is vital in helping us to maintain our role as South Australia's legal team protecting the environment. Please consider a donation- all amounts over \$2 are tax deductible. A big thank you to all who have donated this year and we look forward to your continued support.

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NEWS AND EVENTS

South Australia

[Implementation of the new State planning laws](#)

As regular readers would be aware the State's planning laws have undergone a large upheaval after much public and parliamentary debate.

The [Planning, Development and Infrastructure Act 2016](#) received Royal Assent on the 21 April and will come into operation in a staged manner. A Heritage Bill will be considered in coming months. There will be also be new Regulations, Policies, Charters and other documents. The EDO will endeavour to keep readers updated on these matters.

[Sign-up for Nuclear Royal Commission public online discussions](#)

Following the release of the Nuclear Fuel Cycle Royal Commission final report the State Government has setup an online discussion forum allowing members of the public to have a say about the report right now. This will precede the formation of the Citizens' Jury discussed in the previous eBulletin, which will determine the issues before the launching of a much broader public consultation that is scheduled to take place between July and September this year.

Should you wish to follow the process or simply make comment on the issues being discussed right now, follow the above headline link to get involved.

[Local Nuisance and Litter Control Bill passes both houses](#)

The South Australian State Parliament has passed new laws controlling occurrences of environmental nuisance, littering and illegal dumping. The EPA says that previously, matters of local nuisance such as nuisance dust, smoke and noise had been managed by both councils and the EPA but without clear delineation as to who was best placed to investigate these matters across the state.

The Minister for Sustainability, Environment and Conservation Ian Hunter said the EPA will work with councils over the next year to bed down these new responsibilities.

"This legislation will give councils better tools for policing and enforcement to deal with complaints more effectively, leading to a cleaner environment, especially in regional areas," he said.

"There are also higher penalties including a maximum \$250,000 fine or two year's imprisonment for the illegal dumping of asbestos."

“Other changes include improving surveillance technology to gather evidence and allowing for public reporting of littering and illegal dumping by associating an alleged offence to a vehicle’s registered owner.”

The EPA says it will continue to assist local government manage local nuisance complaints and will still be responsible for leading significant illegal dumping investigations; councils will continue to manage smaller-scale illegal waste dumping.

[OZ Minerals invited to submit Whyalla project for Major Development status](#)

OZ Minerals’ has been invited by the State Government to submit its proposed copper concentrate treatment plant at Whyalla for assessment as a Major Project under s 46 of the *Development Act 1993*. Declaration as a Major Development removes the project from the ordinary process of approvals in SA, allowing the Development Minister to have control over final assessment.

The proposed \$150 million treatment plant would process copper concentrate from the company’s expanded Carrapateena mine. The plant would look to work with troubled steelmaker Arrium to share infrastructure and port facilities at Whyalla in a move which is being promoted by the Government as a benefit to both companies, and to the workers of the Upper Spencer Gulf region.

EVENTS: REMINDERS

[‘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.

[Hawke Centre Forum: South Australia – a Nuclear State in a Global Solution](#)

When: **1 June 2016**, from 6.00 - 7.15 pm.
Where: Allan Scott Auditorium, Hawke Building, UniSA City West campus, 55 North Terrace, Adelaide.
Register: [here](#)

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

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

NOTICES AND INQUIRIES

South Australia

[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

[NOPSEMA – BP exploration drilling in the Bight – environmental plan sent back again](#)

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has, for the second time, sent back the draft Environment Plan from BP Developments Australia Pty Ltd in regard to their proposal to drill four exploration wells in Commonwealth marine waters of the Great Australian Bight. The regulator does not provide much public detail on the rejection, saying only that they were 'not reasonably satisfied' that the resubmitted Environment Plan met the criteria set out in regulation 10A of the Environment Regulations. BP will be afforded an opportunity to modify the plan and resubmit it again by 15 July 2016.

The purpose of BP's drilling program is to determine whether the underwater target formations of the Bight have commercially recoverable volumes of oil and natural gas. Drilling would take place in water depths ranging between 1,000 and 2,500 m. At its closest point, the drilling area would be located approximately 395 km west of Port Lincoln and 340 km southwest of Ceduna in South Australia.

As is standard practice for NOPSEMA assessments, there will be no general public consultation on the proposal or on the Environment Plan. Consultation is restricted only to relevant

government agencies, and to those persons or organisations considered to be either 'affected' by the proposal or otherwise 'relevant'.

As reported in the last eBulletin, a Senate Inquiry that was taking place into the exploration drilling proposal 'ceased to exist' with the double dissolution of Federal Parliament. While it may be possible to recommence the Inquiry following the election, it will require the agreement of the new Senate.

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

[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.