

e-Bulletin

No. 15 of 2016, 22 September 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. We provide legal advice and where possible court representation, engage in law reform and participate in legal education activities for the South Australian community.

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 (which can be accessed 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.

To help us to continue our work we ask that you please consider a donation - all amounts over \$2 are tax deductible.

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We are also on [Facebook](#).

IN THIS BULLETIN:

NEWS AND EVENTS

South Australia

- BP releases a summary of its Great Australian Bight oil spill modelling
- Local Heritage Public Forum
- Reminder: EDO AGM – advance notice

NOTICES AND INQUIRIES

South Australia

- 30 Year Plan for Greater Adelaide 2016 Draft Update – public consultation open
- EPA consultation – draft Environment Protection (Waste Reform) Amendment Bill 2016

Commonwealth

- Senate Inquiry – Oil or Gas Production in the Great Australian Bight
- Great Australian Bight Environment Protection Bill introduced into Parliament
- Senate Inquiry – The impacts of climate change on marine fisheries and biodiversity
- EPBC Act referral variation – American River Hotel and Harbour Project, K.I.
- NOPSEMA further extends time on BP Great Australian Bight drilling decision
- Proposal to prepare management plans for Commonwealth Marine Reserves

PREVIOUS NOTICES: REMINDERS

NEWS AND EVENTS

South Australia

[BP releases a summary of its Great Australian Bight oil spill modelling](#)

BP has recently released selected excerpts from its oil spill modelling. BP's modelling suggests that a serious oil spill from one of its first two proposed exploration wells could extend further than 2500 km from the point of origin, most likely in an easterly direction. The majority of the South Australian coastline and marine environment would likely be affected, with Kangaroo Island, Eyre Peninsula and even Adelaide to be hit hard. The slick would likely extend to Victoria, Bass Strait, Tasmania and as far as the southern coasts of NSW. This scenario is in the absence of BP taking any remedial action.

BP's drilling program is designed 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. BP was responsible for the world's largest oil spill in 2010 with the Deepwater Horizon disaster in the Gulf of Mexico, which occurred during an exploration drilling program in waters both calmer and shallower than the Bight.

[Local Heritage Public Forum](#)

Following on from the State Government's controversial Discussion Paper, the Lord Mayor of Adelaide, Martin Haese, has called an open public forum to be held at the Adelaide Town Hall.

Its purpose is to enable community members to consider perspectives around the ideas canvassed within the Discussion Paper.

The Forum will involve a facilitated panel to consider questions posed by community members. The Panel will comprise representatives from National Trust SA, International Council on Monuments and Sites (Australia) and planning and heritage officers of Council. Council will consider the discussions at the Forum in its submission to the State Government.

When: Monday, **26 September 2016**, 6pm sharp.

Where: **Adelaide Town Hall**, 128 King William St, Adelaide.

Info: at the above link, or heritagewatch@nationaltrustsa.org.au

REMINDER: EDO AGM – advance notice

EDO(SA) will be holding its Annual General Meeting in October. Guest Speaker will be the Federal Shadow Minister for Climate Change and Energy, Mark Butler.

When: Monday, **24 October 2016**, 5:30pm

Where: **Flinders University City Campus:** Room 1, Level 1, 182 Victoria Square (cnr Flinders St), Adelaide

NOTICES AND INQUIRIES

South Australia

30 Year Plan for Greater Adelaide 2016 Draft Update – public consultation open

The 30-Year Plan for Greater Adelaide was first prepared in 2010, and describes the State Government's plan for how Adelaide should "...grow to become more liveable, competitive and sustainable." The plan envisages, and plans for, a substantial increase to Adelaide's population over the coming 30 years, growing to just under 2 million people by 2045.

This latest draft updates the Government's vision for land use, transport, housing and infrastructure to ensure the development of Greater Adelaide continues to respond to

“challenges and opportunities”. It is the overarching document that informs the planning and urban character of the city and surrounds that the Government plans to guide us to in the future.

A series of public information sessions will also take place, starting this Friday at Rundle Mall. The 2016 draft update, as well as further information, is available at the above link.

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

[EPA consultation – draft Environment Protection \(Waste Reform\) Amendment Bill 2016](#)

The State Government has prepared for comment the draft Waste Reform Bill that it says will “...provide the necessary underpinning for the Environment Protection Authority (EPA) to be able to better tackle illegal dumping and achieve a suite of waste reforms that will provide the right setting to attract investment, drive innovation and create jobs.”

The EPA are wanting feedback on whether the Bill will suitably empower and support improved management of the key issues in the debate, namely:

- static or growing stockpiles
- waste promoted as ‘product’ and issues around ensuring environmental risks from such materials are reliably tested
- potentially re-useable ‘fill materials’ ending up at landfill due to development pressures
- the need to deal with certain problematic wastes
- illegal dumping.

A copy of the draft Bill and an explanatory paper may be found at the above link.

Submissions are due by **18 November 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 YourSAy consultations](#)

[Current EPA license applications](#)

[Current DSD mining proposals](#)

Commonwealth

[Senate Inquiry – Oil or Gas Production in the Great Australian Bight](#)

The Australian Senate has reactivated its inquiry into the potential environmental, social and economic impacts of BP's planned exploratory oil drilling project, and any future oil or gas production in the Great Australian Bight. All active Senate inquiries had become terminated with the calling of the federal election in May - the double dissolution meant there were no continuing Senate committee members, causing any inquiries to lapse.

The inquiry had been open for 3 months but will now see its public comment period extended.

Submissions are due by **17 October 2016**.

[Great Australian Bight Environment Protection Bill introduced into Parliament](#)

A private member's bill has been introduced into the Australian Senate to prohibit mining activities, including prospecting for or exploring for minerals or other geological material in the Great Australian Bight marine area. In introducing the Bill to Parliament, Senator Sarah Hanson-Young also called on the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), the regulating body responsible for drilling approvals, to delay its decision in the BP exploration drilling matter so that greater scrutiny of the proposal could be undertaken.

The Bill can be viewed at the above link.

[Senate Inquiry – The impacts of climate change on marine fisheries and biodiversity](#)

On 14 September 2016, the Senate referred the following matters related to the Environment and Communications References Committee for inquiry and report by 30 June 2017:

The current and future impacts of climate change on marine fisheries and biodiversity, including:

- a. recent and projected changes in ocean temperatures, currents and chemistry associated with climate change;
- b. recent and projected changes in fish stocks, marine biodiversity and marine ecosystems associated with climate change;

- c. recent and projected changes in marine pest and diseases associated with climate change;
- d. the impact of these changes on commercial fishing and aquaculture, including associated business activity and employment;
- e. the impact of these changes on recreational fishing;
- f. the adequacy of current quota-setting and access rights provisions and processes given current and projected climate change impacts;
- g. the adequacy of current and proposed marine biodiversity protections given current and projected climate change impacts;
- h. the adequacy of biosecurity measures and monitoring systems given current and projected climate change impacts; and
- i. any other related matters.

Submissions are due by **14 November 2016**.

[EPBC Act referral variation – American River Hotel and Harbour Project, K.I.](#)

The Federal Environment Minister has accepted a variation to the American River Hotel and Harbour Project that is planned for Kangaroo Island. The variation effectively strips out the 'Harbour Project' aspect of the development for the time being, leaving only a proposal to construct and operate the land based hotel components. Those constructions would all take place on a 33 hectare site on the western edge of the American River settlement.

The variation deletes all elements associated with the expansion and redevelopment of the harbor. It also removes the proposed desalination plant, as well as making a number of building and accommodation changes.

Further detail may be found by following the above headline link.

[NOPSEMA further extends time on BP Great Australian Bight drilling decision](#)

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has advised BP Developments Australia Pty Ltd that it will be taking additional time to assess the company's environment plan proposing the drilling of the Stromlo-1 and Whinham-1 exploration wells in the Great Australian Bight. NOPSEMA now intends to deliver its next assessment decision for this plan by **29 September 2016**.

This drilling application is in addition to BP's parallel application which covers its wider exploration ambitions in the Bight. That decision, as reported earlier, is scheduled for 31 December 2016.

[Proposal to prepare management plans for Commonwealth Marine Reserves](#)

Parks Australia, on behalf of the Commonwealth Government, is developing draft management plans for the marine reserves in the North, North-west, South-west and Temperate-east networks and the Coral Sea reserve.

These reserves are located in Commonwealth waters, typically beyond the 3 nautical mile coastal waters of the States and the Northern Territory. They are adjacent to waters managed by State and Territory governments and a number are adjacent to marine parks and reserves managed by State agencies.

Parks Australia plans to use recommendations contained in the recently released independent Commonwealth Marine Reserves Review reports from the Expert Scientific Panel and Bioregional Advisory Panel and comments sent during this first phase of the statutory process to prepare the draft management plans.

Submissions are due by **11 October 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

[Local Heritage Planning Reform Consultation](#)

- Submissions have been extended to **7 October 2016**.

[Productivity Commission – draft report on marine fisheries and aquaculture released](#)

- Submissions are due by **14 October 2016**.

[Nuclear Royal Commission Report state-wide public consultation](#)

- 2nd stage consultation to close '**late October**' 2016.

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

- Due date unspecified.