

e-Bulletin

No. 16 of 2016, 20 October 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 assistance, 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.

However, the EDO continues to face a challenging financial situation since our funding from the federal government ended in June 2014. Since July 2014 we have been largely funded by project grants, philanthropic contributions, fundraising events and community donations.

Without more support the EDO faces further challenges to it's operations.

To enable us to continue providing our unique services to the SA community and it's precious environment please consider becoming a member and/or making a donation - all amounts over \$2 are tax deductible. Perhaps your donation could be in lieu of a present to a family member or friend? We look forward to your support and thank all of you who have contributed either money or your time.

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

We are also on [Facebook](#).

Please feel free to share this ebuletin with your networks.

IN THIS BULLETIN:

NEWS AND EVENTS

South Australia

- EDO Annual General Meeting - to be held next Monday
- EDO Annual Environmental Law Update

- 2nd Nuclear Citizens' Jury gets under way

NOTICES AND INQUIRIES

South Australia

- SA Major Development – Peregrine Mixed Use Development, Kensington – release of Development Report for public comment
- SA Major Development – American River Tourist Resort, K.I. – release of Development Report for public comment
- EPA consultation – Draft regulations under the Local Nuisance and Litter Control Act

Commonwealth

- Senate Inquiry – The retirement of coal fired power stations

PREVIOUS NOTICES: REMINDERS

EDO(SA) Recent Submissions

NEWS AND EVENTS

South Australia

[EDO Annual General Meeting - to be held next Monday](#)

This coming Monday the 24 October 2016 we will be holding our Annual General Meeting and all members and supporters are invited. We would like to thank all those who have contributed to the work of the EDO over the last 12 months.

The AGM will be held at Flinders University City Campus, Room 1, Level 1, 182 Victoria Square, Adelaide. Drinks and nibbles provided

PLEASE NOTE REVISED START TIME : 6:15pm for a 6.30pm start.

Our guest speaker will be the **Hon Mark Butler MP, Federal Member for Port Adelaide and Shadow Minister for Climate Change and Energy**. Mark will be speaking in response to the recent report from the Grattan Institute which concludes that the July spike in power prices reveals two big potential problems for Australia's power future:

First, the nation has no credible policy to reduce emissions in the power sector post 2020 and enable Australia to meet its global climate change commitments, or to address an increasingly ageing coal fired power fleet.

Second, the current design of the wholesale electricity market and the broader electricity system requires nationally led reform to continue to provide the secure and reliable power that Australians take for granted.

The recent statewide blackout has elevated both issues in the public debate.

We hope you can join us. Please RSVP for catering purposes to edosa@edo.org.au by Friday 21 October.

When: Monday, **24 October 2016**, 6:15pm for a 6:30pm start.

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

[EDO Annual Environmental Law Update](#)

We are very pleased to be able to present this year's forum !

Speakers:

Steven Mudge (Environment Protection Authority) - *Environment Protection Air Quality Policy 2016*

Sally Jackson/Tiana Nairn (Environment Protection Authority) - *Waste Reform Bill*

Jody Gates (SA Department of Environment, Water and Natural Resources) - *Future Directions in Nature Conservation Policy*

Felicity Niemann (Wallmans Solicitors) - *Planning Reforms update*

Environment Protection Authority Chief Executive Tony Circelli will be opening this event.

Tickets are \$50 (\$25 concession) - morning tea included - online bookings will open shortly.

When: Tuesday, **29 November 2016**, 9am-12noon.

Where: **Flinders University City Campus:** Room 10.1, Level 10, 182 Victoria Square (cnr Flinders St), Adelaide

[2nd Nuclear Citizens' Jury gets under way](#)

Following on from the First Citizen's Jury consisting of 50 members of the public who met over two weekends in June/July as part of the statewide consultation following on from the Nuclear

Fuel Cycle Royal Commission - a second jury has now convened. The original 50 member Jury has been augmented by an additional 300 members to answer the question: *Under what circumstances, if any, could South Australia pursue the opportunity to store and dispose of nuclear waste from other countries?*

The Jury will deliberate on the question using both the Nuclear Fuel Cycle Royal Commission Report and first Citizens' Jury report, with feedback from the community consultation and expert witnesses also used as significant inputs.

The Jury report will be presented to the Premier and tabled in the South Australian Parliament. The State Government's will make its final response to the Royal Commission's Report later this year.

Dates for Citizens' Jury Two are 8/9 October, 29/30 October, 5/6 November 2016.

NOTICES AND INQUIRIES

South Australia

[SA Major Development – Peregrine Mixed Use Development, Kensington – release of Development Report for public comment](#)

On 26 November 2015, the Minister for Planning declared the redevelopment of the existing Peregrine Corporation head office at 270 The Parade, Kensington, to be a Major Development pursuant to section 46 of the Development Act 1993. The proposed redevelopment originally comprised a multi-level office building, together with associated storage and car parking (314 spaces), retail floor space and a restaurant. The project has been recently amended to now include accommodation as part of the development.

The Development Assessment Commission (DAC) had earlier determined that the appropriate method of assessment for the project would be the preparation of a Development Report (DR). That report has now been finalised and released for public consultation.

The Development Report can be downloaded from the above link.

Submissions are due by **24 October 2016**.

[SA Major Development – American River Tourist Resort, K.I. – release of Development Report for public comment](#)

In July last year the South Australian Minister for Planning, John Rau, exercised his powers under s 46 of the *Development Act 1993* to declare a proposed tourist resort and commercial

harbor operation at American River on Kangaroo Island to be a Major Development due to its “major economic importance” to the State. The plans include the building of a 200 bed four-star hotel resort on a separate 80 ha parcel of land away from the marina. The proposal had previously included the construction of a new ferry terminal at the American River Wharf and the expansion of the current marina to encompass new retail shops and restaurants – however these elements have since been removed from the proposal.

The Development Assessment Commission (DAC) has subsequently determined that the appropriate method of assessment for the project would be through the preparation of a Development Report (DR). That report has now been finalised and released for public consultation.

The Development Report can be downloaded from the above link.

The deadline for submissions has not been made clear by the proponent. The report was notified to the State Government’s Major Developments webpage on 13 October 2016, and the rules require a public comment period of *at least* 15 business days.

[EPA consultation – Draft regulations under the *Local Nuisance and Litter Control Act*](#)

Regulations under the *Local Nuisance and Litter Control Act 2016* have been developed with the assistance of a local government reference group. The regulations generally provide for administrative arrangements to support the Act. However, a few of the regulations that will be of particular interest to councils and the public are:

- Compliance standards
- Better definition of ‘local nuisance’
- Improved controls for moveable signs
- Declaration of what constitutes unsightly conditions on premises

Submissions are due by **2 December 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 – The retirement of coal fired power stations](#)

On 13 October 2016, the Senate referred the following matter to the Environment and Communications References Committee for inquiry and interim report by 28 November 2016, and final report by 1 February 2017:

- (a) the experience of closures of electricity generators and other large industrial assets on workers and communities, both in Australia and overseas;
- (b) the role that alternative mechanisms can play in alleviating and minimising the economic, social and community costs of large electricity generation and other industrial asset closures, drawing on experiences in Australia and overseas;
- (c) policy mechanisms to encourage the retirement of coal-fired power stations from the National Electricity Market, having regard to:
 - (i) the 'Paris Agreement' to keep global warming below 2 degrees celsius, and ideally below 1.5 degrees celsius,
 - (ii) the state and expected life span of Australia's coal-fired power plants,
 - (iii) the increasing amount of electricity generated by renewable energy and likely future electricity demand,
 - (iv) maintenance of electricity supply, affordability and security, and
 - (v) any other relevant matters;
- (d) policy mechanisms to give effect to a just transition for affected workers and communities likely impacted by generator closures, as agreed in the 'Paris Agreement', including:
 - (i) mechanisms to ensure minimal community and individual impact from closures, and
 - (ii) mechanisms to attract new investment and jobs in affected regions and communities;

- (e) the appropriate role for the Federal Government in respect of the above; and
- (f) any other relevant matters.

Submissions are due by **10 November 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

[30 Year Plan for Greater Adelaide 2016 Draft Update – public consultation open](#)

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

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

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

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

- Submissions deadline extended to **31 October 2016**.

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

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

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

- Submissions are due by **18 November 2016**.

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

➤ Due date unspecified.

EDO(SA) Recent Submissions

EDO(SA) has recently released the following completed submission, which is available for download:

- [Response to Heritage Discussion Paper 071016](#)