

e-Bulletin

No. 5 of 2017, 30 March 2017

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. If you are seeking advice on any environmental or planning issue please visit our website or email edosa@edo.org.au

Since our last ebulletin we have finalised a major submission on the Mining Act which will shortly be posted to our website. Preparations have also been completed for our seminar on the 12 April – What role does the community have in environmental decision making? We are pleased to have two additional speakers: Dan Popping (Department of Premier and Cabinet) and Lisa Teburea (Local Government Association). More details on this event under News and Events.

You could also consider making a donation to the EDO - all amounts over \$2 are tax deductible. All donations are vital in helping us to continue providing our services to the SA community.

Click here to [join us](#) or [make a tax-deductible donation](#).

We are also on [Facebook](#).

Please feel free to share this eBulletin with your networks.

IN THIS BULLETIN:

NEWS AND EVENTS

South Australia

- Notes from the EDO Chairperson
- Reminder: EDO Seminar - What role does the community have in environmental decision making?

NOTICES AND INQUIRIES

South Australia

- State NRM Plan review
- Commencement of the *Planning, Development and Infrastructure Act 2016*

Commonwealth

- EBPC referral – Whyalla Solar Farm Project
- Review of Australia's climate change policies – Discussion Paper released
- Draft Marine NRM Plan open for public consultation
- Productivity Commission releases its report into of Australian agriculture regulation

PREVIOUS NOTICES: REMINDERS

EDOs of Australia Recent Submissions

NEWS AND EVENTS

South Australia

[Notes from the EDO Chairperson](#)

Glenside Trees

The State Development Assessment Commission has approved the application to remove significant and regulated trees on the basis of the contamination report submitted by the applicant Cedar Woods. Special thanks to Mark Parnell MP and EDO volunteer David Nguyen for highlighting the inadequacies of the contamination report and development arrangements.

[Reminder: EDO Seminar - What role does the community have in environmental decision making?](#)

Access and participation by citizens in decision making is at the heart of modern policy and law

making. Typical areas of public participation include strategic planning, community forums, commenting on specific proposals, formal submissions or representations, access to information, appeals and civil enforcement. However the EDO is concerned that many aspects of environmental law and policy do not prioritise public participation rights.

The EDO will be launching its audit report into public participation provisions in South Australian legislation which directly and indirectly impacts on environmental decision making. The report identifies deficiencies and makes recommendations for law reform.

Speakers: EDO staff solicitor Melissa Ballantyne, Alison Brookman (Wallmans Solicitors), Daniel Popping (Department of Premier and Cabinet), Lisa Teburea (Local Government Association) and Associate Professor Karen Bubna-Litic (University of SA).

WHEN: Wednesday 12 April 9.30am -12 noon

WHERE: Room 1, Level 1, 182 Victoria Square Adelaide (Flinders Uni City Campus)

BOOK: <http://www.edosa.org.au/seminar>

Tickets \$50/\$25 concession -includes morning tea

Inquiries : edosa@edo.org.au

We also have other events in the pipeline including a Hypothetical Debate on the 8 June and a 25th anniversary dinner on the 27 July – more details to come. We also hope to have a team in the City to Bay fun run!

Hope to see you at an EDO event soon!

Dr Iris Iwanicki

NOTICES AND INQUIRIES

South Australia

[State NRM Plan review](#)

South Australia's State Natural Resources Management Plan 2012 – 2017 "Our Place Our Future" is now up for its mandatory 5 year review. The Department of Environment, Water and Natural Resources (DEWNR) is seeking feedback on whether the Plan should be amended to better achieve the goals and objects of the *Natural Resources Management Act 2004*.

DEWNR says it has worked with natural resources management boards, Primary Producers SA, the Conservation Council of SA, the Local Government Association of SA and state government agencies to develop draft findings and recommendations - which are outlined in the review document. DEWNR is now seeking broader feedback from other stakeholders and the general public.

The review is specifically asking for answers to the following questions:

- Do you think that the State NRM Plan should be updated?
- What natural resources management topics should a future State NRM Plan address?
- Should a future State NRM Plan include state-wide policies on particular subject matters? If so, what types of state-wide policies would be most useful?
- What format (e.g. single or multiple volumes) would be most useful for a future State NRM Plan?

Submissions are due by **31 May 2017**.

[Commencement of the *Planning, Development and Infrastructure Act 2016*](#)

A proclamation has been published in the Gazette by the Governor of South Australia that the bulk of the *Planning, Development and Infrastructure Act 2016* will come into force on 1 April 2017.

The proclamation however reserves a number of sections and one schedule, which will come into force at later unspecified dates. Those exceptions can be viewed by following the above link.

[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](#)

[Current DSD petroleum proposals](#)

Commonwealth

[EBPC referral – Whyalla Solar Farm Project](#)

The Federal Environment Minister has received a referral under the *Environment Protection and Biodiversity Conservation Act 1999* from Adani Infrastructure Pty Ltd, in regard to their proposal to develop the Whyalla Solar Farm Project, to be located approximately 10 km by road to the north of Whyalla in the Eyre Peninsula of South Australia.

The project will be set on approximately 396 hectares, and have a maximum generational capacity of around 160 MW. The development will primarily consist of photovoltaic (PV) solar panels rows (that will be set in large blocks), access tracks, inverters, a maintenance shed, and substation with electricity grid connection site office and ablution facilities. The panels will be single axis tracking with an east to west tracking orientation following the sun's path.

The referral lists one threatened ecological community, 12 listed threatened species, and 15 listed migratory species which may have the potential to be present within the development area.

Submissions are due by **12 April 2017**.

[Review of Australia's climate change policies – Discussion Paper released](#)

The Australian Government has ratified the Paris Agreement and set a target of reducing the nation's greenhouse gas emissions by 26 to 28 per cent below 2005 levels by 2030. In announcing that 2030 target, the Government committed to review its climate change policies during 2017 in order to ensure that those policies remain effective in achieving both the target and our Paris Agreement commitments.

The review will look at:

- the opportunities and challenges of reducing emissions on a sector-by-sector basis;
- the impact of policies on jobs, investment, trade competitiveness, households and regional Australia;
- the integration of climate change and energy policy, including the impact of state-based policies on achieving an effective national approach;
- the role and operation of the Emissions Reduction Fund and its Safeguard Mechanism;
- complementary policies, including the National Energy Productivity Plan;
- the role of research and development and innovation;
- the potential role of credible international units in meeting Australia's emissions targets; and
- a potential long-term emissions reduction goal post-2030.

A copy of the Discussion Paper can be found by following the above headline link.

Submissions are due by **5 May 2017**.

[Draft Marine NRM Plan open for public consultation](#)

OceanWatch Australia an independent not-for-profit company tasked by the Australian Government to develop a National Marine Resource Management Plan for the years 2017-22.

A Draft has now been released for public discussion and is available from the above headline link. The draft is split into two sections:

Section 1 describes the scope of marine NRM, defines a unified, national vision and guiding principles for marine NRM, details the marine NRM outcome and priority areas and enabling actions that will contribute to the achievement of the marine NRM outcome.

Section 2 identifies primary and secondary marine NRM stakeholders, describes how stakeholders were engaged in the development of the Plan, outlines the challenges for marine NRM and illustrates how the Plan aligns with other national instruments.

The Marine NRM Plan is aimed to align with and supplement existing regional NRM plans and Australian, state, NT and local governments' legislation and policy, and will be implemented by OceanWatch at a scale relevant to available funding.

Submissions are due by **21 April 2017**.

[Productivity Commission releases its report into of Australian agriculture regulation](#)

The Productivity Commission has released the report it prepared for the Australian Government last year on the regulation of Australian agriculture. The report concluded that Australian farm businesses are subject to a vast and complex array of regulations, a number of which it says cannot be justified. In particular, the Commission argued that state bans on cultivating genetically modified crops, and the mandatory labelling of genetically modified foods should be removed.

The report also argues that native vegetation and biodiversity conservation regulations "...need fundamental change so that risks and impacts are considered at a relevant landscape-wide scale." The Commission also says that environmental regulatory decisions need to take into account economic and social factors.

The full report can be viewed by following the above link.

[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

[House of Representatives Inquiry - Water use efficiency in Australian agriculture](#)

- Submissions due by **31 March 2017**.

[Senate Inquiry – The adequacy of current mine rehabilitation in Australia](#)

- Submissions due by **10 April 2017**.

[Draft Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate Marine Species](#)

- Submissions due by **13 April 2017**.

[Productivity Commission releases National Water Reform issues paper](#)

- Submissions due by **18 April 2017**.

[Climate Change Authority releases 'Land and Farming' issues paper](#)

- Submissions due by **20 April 2017**.

[House of Representatives Inquiry – Modernising Australia's electricity grid](#)

- Submissions due by **28 April 2017**.

EDOs of Australia Recent Submissions

EDOs of Australia has recently released the following completed submissions, which are available for download:

- [Reducing emissions from the transport sector](#)
- [Inquiry into shark mitigation and deterrent measures](#)
- [Murray Darling Northern Basin Review](#)