

e-Bulletin

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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

Our services are only possible with the support of the South Australian community. The need for community support to keep the EDO's services going is stronger than ever. Your donation will enable us to continue our fight to defend the environment using the law. Please consider a tax deductible donation - all amounts over \$2 are tax deductible.

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NEWS AND EVENTS

South Australia

[EDO Chairperson's Report](#)

The Four Corner's recent program on the Murray Darling Basin's current Plan should be mandatory viewing for all of us who pay taxes. It exposes what can only be described as robbing a system set up at enormous cost to ensure sustainable water use and allocate the river's share for environmental sustainability to profiteering. On whose watch, has this been allowed to happen? Environment Minister Hunter and Premier Weatherill are to be applauded for defending the interests of down-stream communities and the environmental flow needs for a sustainable river system. A couple of aspects regarding the situation need to be considered.

Firstly, allowing water in the first place to be traded privately for profit is a deeply flawed approach to natural resource management. Governments are there to help fairly regulate the economy and essential services for the overall benefit of the community. The privatisation of natural resources and essential services, unless ethically managed, has proven to impact adversely on household budgets and community capacities. Being casual with regulatory amendments is treating the MD Basin as a commodity, not as an environment. This process applies to all aspects of public life and participatory democracy. It is crazy to think that water trading was privatised to the extent allowed, particularly as water is a crucial, finite and variable natural resource.

Secondly, I think it is a wake up call to realise that unless independent and investigative journalism typified by Four Corners is maintained, we just don't know what is going on. The people interviewed covered all stakeholders, and their views were based on direct experience with the implementation of the MDR Plan. Without such programs, we wouldn't be aware what is happening. So the cuts and job losses in the media as a result of technological change - are alarming. In particular, the independence and resourcing of the ABC are cause for concern. Maybe it is time for voters to raise their concerns at both levels of federal and state governments, for this level of neglect of stewardship of our country's social and environmental resources is biting deep into the quality of Australian society.

As is the 'lawfare' being waged by the Federal government on tampering with the tax deductibility of donations to conservation and non - government advocacy groups, including the

EDO. While some state governments have stepped in to adequately support these groups, South Australia lags far behind in this regard. -I have written to our state election candidates and the Attorney General seeking a response on this score, so I will keep you posted.

The sacking of public servants involved in the proposed privatisation of the Lands Titles Office is of concern, given that the basic principle of the Torrens system put in place a clear role for the state government to manage land tenure as part of governance. This system has been copied around the world as an exemplar of tenure management. The EDO will enquire regarding the logic of state government in the latest move to privatise what is an essential service.

On a lighter note, if you are interested in our Vintage Fashion Parade fundraiser on Sunday the 13th August or being a participant in the EDOSA running team in the City to Bay Fund Run in September as a way of getting fitter for Summer, please check our website for more information.

Thankyou for your ongoing support.

regards

Iris Iwanicki, Chairperson EDOSA.

[New Council Assessment Panels to operate from 1 October 2017](#)

Changes introduced under the new *Planning Development and Infrastructure Act 2016* continue to be gazetted, the latest being the requirement for councils to finalise their appointments to their new Council Assessment Panels before 1 October 2017.

The new panels will have a maximum of five members, only one of which may be an elected member of council. Members do not need to be 'accredited professionals' at the present time, although they should have relevant expertise. The requirement for accredited professionals will be commenced at a future date following commencement of the inaugural "accredited professionals scheme" anticipated in 2018.

In further news, the State Planning Commission has assumed the functions of the Development Assessment Commission, Building Rules Assessment Commission, Building Advisory Committee, and the Development Policy Advisory Committee, as of the 2nd of August.

[EPA releases regulatory and orphan site management framework](#)

South Australia's Environmental Protection Authority has recently developed a regulatory and orphan site management framework. The framework details the process the EPA will implement to regulate identified site contamination. Specifically, the framework details the way in which the EPA will process information received relating to site contamination; the regulatory prioritisation undertaken of this information, including the implementation of either non-statutory

and statutory processes; the regulation of non-compliance and the management of a reduction of regulatory involvement and site closure.

The framework also includes provisions for the prioritisation and management of 'orphan sites' by the EPA.

The EPA hopes that the framework will provide greater transparency and predictability for the regulated community and interested persons in the actions undertaken by the EPA.

A copy of the framework may be viewed at the above link.

NOTICES AND INQUIRIES

South Australia

[SA Planning – Consultation on a Community Engagement Charter](#)

Section 44 of South Australia's new *Planning, Infrastructure and Development Act 2016* requires the establishment of a Community Engagement Charter which should provide that "...members of the community... have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposals to introduce or change planning policies and to participate in relevant planning processes..."

The Charter is being developed by the new State Planning Commission, which is now holding a public consultation that asks South Australians to help design the overarching principles of the Charter that will set the expectations on how the community wants to be engaged in the planning system.

It is worth noting at the outset that the Charter only applies to policy development and **not** to assessment processes. This is a key concern of the EDO. We believe that most community members are interested and want to have a say when a development is proposed in or around their community.

A copy of the Charter's Discussion Guide can be found by following the above headline link.

No specific due date has yet been declared for submissions.

[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 & Interstate

[Australian Marine Parks – consultation on draft management plans](#)

The Federal Department of Environment and Energy has begun a consultation into sweeping changes it is making to the Australian Marine Parks regime. The Department has released five new draft management plans to manage 44 Australian Marine Parks over the next 10 years. A parallel consultation on renaming Marine Parks is also under way.

The draft management plans significantly wind back the amount of high-level green and yellow level protection zoning by 40-50%. Whilst there has been an increase in the area of sea-floor that has been protected, large areas of the water column above the sea-floor have now been opened up to commercial fishing within the marine parks, causing significant controversy.

Copies of the five draft management plans may be downloaded by following the above headline link.

Submissions are due by **20 September 2017**.

[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

[Senate Inquiry – Future impacts of climate change on housing, buildings and infrastructure](#)

- Submissions date extended – now due by **16 August 2017**.