

e-Bulletin

No. 16 of 2017, 19 October 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 <http://www.edosa.org.au/> or email edosa@edo.org.au

The EDO has been busy since the last ebulletin dealing with a number of ongoing issues including responding to new draft mining regulation – for further information see article below.

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.

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.

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NEWS AND EVENTS

South Australia

[EDO Annual General Meeting – THIS MONDAY](#)

EDO(SA) will be holding its Annual General Meeting next week. Guest Speaker will be Professor Norman Etherington, President of the SA National Trust, who will speak about the legal and policy challenges involved in protecting our unique and precious built heritage.

When: Monday, **23 October 2017**, 6:15pm for a 6.30pm start.

Where: **Flinders University City Campus:** Room 2, Level 1, 182 Victoria Square (cnr Flinders St), Adelaide

All welcome, although only members can vote.

Please RSVP by 20 October for catering purposes to edo@edosa.org.au.

We are seeking new Committee members to manage the EDO. If you are interested please email Gabrielle Bond, EDO Administrator on edo@edosa.org.au.

[Statutes Amendment \(Leading Practice in Mining\) Bill 2017 introduced to Parliament](#)

Following on from its Leading Practice Mining Acts Review, the State Government has just introduced the first of its amendment Bills into Parliament. The Statutes Amendment (Leading Practice in Mining) Bill 2017 proposes amendments to the Mining Act 1971, the Opal Mining Act 1995 and the Mines and Works Inspection Act 1920, reflecting the 82 Recommendations published in September 2017.

The Government says that the Bill and the 82 recommendations "...propose balanced changes to better protect landowners and the environment, as well as increase transparency, cut red tape and attract investment in South Australia."

The public can find out more at [regional "drop-in" sessions conducted across the state](#) which will be held up to the 14th of November. They may also email the Review team to comment on the Bill : DPC.miningactreview@sa.gov.au

The Review Team is also offering to come and speak with organisations about the recommendations or any proposed draft legislation. They may be contacted via:

- email : DPC.miningactreview@sa.gov.au
- phone: 08 8463 3317

[Parliamentary inquiry recommends SA should step back from a Nuclear Waste Dump](#)

The South Australian Parliament's Joint Committee on the findings of the Nuclear Fuel Cycle Royal Commission has tabled its final report, making a single recommendation:

That the South Australian Government should not commit any further public funds to pursuing the proposal to establish a repository for the storage of nuclear waste in South Australia.

The recommendation was endorsed by the Labor, Liberal and Greens members of the Committee, with the only dissent expressed by a member of the Australian Conservatives. The major parties appear to have come to an understanding that the project is dead in the water without bilateral support - support which fell away following the report of the 350 member Nuclear Citizens' Jury in November last year.

The Citizens' Jury concluded that: "Under no circumstances should South Australia pursue the opportunity to store and dispose of nuclear waste from other countries for reasons of consent, economic, trust and safety." The Jury went further to express that they had a clear lack of trust in government to provide the competent leadership that would ensure both transparency and an enduring social benefit to the State.

The Premier committed earlier in the year not to revisit a nuclear waste dump under his Government.

Supreme Court Decision: Coastal Ecology Protection Group v City of Charles Sturt

The applicant group sought judicial review of a decision by the Charles Sturt Council to build a three metre wide walking and cycling path between Grange and Semaphore. The action arose out of a failure of the local council to give regard to the environmental protection objective of the management plan, invalidity of the management plan itself and failure to comply with public consultation policy.

Criticism of the plan centred on concerns that it would be detrimental to the remnant dune system existing at Tennyson. On September 21 this year, Justice Blue handed down his findings in favour of the applicant, holding that the plan itself was invalid - necessary community consultation had not been satisfied and regard had not been given to the environmental impact which was a mandatory consideration.

NOTICES AND INQUIRIES

South Australia

Major Development – Nora Creina Golf Course - Proponent releases response document

The developers of the proposed Nora Creina golf course and resort facility that was declared by the State Government to be a Major Development in March 2014, have released their Response Document following public consultation on the project's Public Environmental Report (PER).

The proposed golf resort site is located approximately 15 km SE of Robe in South Australia, and occupies approximately three kilometres of coastline, 80 hectares of cleared grazing land and 242 hectares of a coastal dune system. The proposal comprises a 36-hole public golf course, a boutique Wagyu beef farm, a boutique vineyard and recreational facilities (such as nature trail, recreational fishing and diving).

The Response Document follows more than 18 months after the public consultation period that engendered it. The proponents say that they have taken this time to "...refine the golf course layout, reduce the vegetation clearance requirements and ensure wherever possible lower quality vegetation is removed in the first instance." They say that the changes to the layout have also allowed a north-south habitat corridor to run through the site, leaving the remaining areas of vegetation larger and more contiguous.

The document also addresses issues related to coastal hazard management and aboriginal heritage, as well as further analysis of the potential threats to the critically endangered Orange-Bellied Parrot and the Little Dip Spider Orchid.

The Response Document can be downloaded from the above link.

[Consultation on proposed changes to the River Murray Salinity Zoning Policy](#)

The Department of Environment, Water and Natural Resources (DEWNR) has released a consultation paper seeking feedback to aid in the improvement of the River Murray Salinity Zoning Policy.

The Department says that South Australia has an obligation to manage its salinity impacts under the MurrayDarling Basin Agreement, and will need to undertake ongoing effort - even with the implementation of the Basin Plan – to gain significant improvements to irrigation efficiency. The River Murray Salinity Zoning Policy attempts to minimise salinity impacts from new irrigation development.

The Salinity Zoning Policy is implemented through site use approvals that specify the maximum volume of water that can be applied for irrigation on defined land parcels. The Department reports that certain stakeholders have raised concerns that the current policy may be unnecessarily restricting new development in high salinity impact zones and that it provides limited flexibility for irrigators to respond to changing market conditions (e.g. changing to a crop type with higher water requirements).

The consultation document is a response to these (and other) concerns. It may be downloaded from the above headline link.

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

[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

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

[Productivity Commission consultation – National water reform – draft report released](#)

- Submissions due by **19 October 2017**.

[Senate Inquiry – Waste and Recycling](#)

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

[EPA – Consultation on Mass Balance Reporting for Licensed Waste Facilities](#)

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

[Commonwealth Water - Investing in Environmental Activities: Discussion Paper](#)

- Submissions due by **30 November 2017**.