

## **e-Bulletin**

### **No. 7 of 2018, 10 May 2018**

#### ***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](mailto:edosa@edo.org.au)**

**Our services are only possible with the support of the South Australian community. 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

#### [Chairperson's Report](#)

The South Australian planning reform process consultations, the proposed national nuclear waste facility and the ongoing conversation regarding a national EDO body continue to take up much staff and volunteer committee members' time. The EDO is your organisation, when all is said and done! The pros and cons of a national body will be the subject of a meeting in the near future and I urge you to participate in this important option. In the meantime I would welcome any thoughts regarding what services we should seek to maintain at a state level given our funding difficulties.

Our continued operations are in part possible due to the generosity of our members and supporters. I invite you to again show your support by coming along to our Winter Dinner fund raiser, to be held on Thursday July 26 - please see separate notice in this issue. Save the date now as the year is going fast!

Our recent seminar featuring Michael Riches, CEO of ICAC was very informative. For those who couldn't attend the powerpoint presentation is available on our website. Feedback from those present at the event rated the presentation highly, and will help to improve the organisation of future events. We also received ideas for future topics including local planning issues and the planning reform process, national environmental law issues and law reform. Participants also wanted us to continue with our volunteer advisory service.

*Dr Iris Iwanicki – EDO(SA) Chairperson*

### **Don't miss the 2018 EDOSA Winter Dinner!**

A delicious meal, good company, after dinner speaker and art auction all in aid of the Environmental Defenders Office (SA).

Complimentary drink on arrival, 2 course entrée platter and choice of main courses. Bookings individually or for tables of up to 6, all in a private room.

**WHEN:** Thursday, **July 26th 2018**, 6.30pm for seating at 7.00pm

**WHERE:** At the historic Caledonian Hotel, 219 O'Connell Street, North Adelaide.

**COST:** \$60 per person

**BOOK:** [edosa@edo.org.au](mailto:edosa@edo.org.au) or phone: (08) 8359 2222 ( please leave a message and we will call your back)

### **Call for volunteers – EDO at the Environment Fair**

The EDO will be at this year's Environment Fair which will take place on Sat & Sun, 2-3 June at the Adelaide Showground.

We need volunteers to help with our stall - if you can spare a couple of hours please call 8359 2222, leave your details and availability and we will call you back.

For more information on the Fair: <http://worldenvironmentfair.org.au/>

### **State Planning Commission workshops**

The State Planning Commission is conducting a series of workshops during May on South Australia's planning future. The workshops will provide an overview of the planning reform progress to date. There will also be specific discussion on the draft State Planning Policies and

the four draft discussion papers on Transport, the Environment, Neighbourhoods and the Economy.

Two of the workshops are still to come:

**Thursday, 17 May, 2.00 pm – 5.00 pm**

*Collaborative discussion on future transport specifically integrated movement systems, and our natural resources & environment.*

**Thursday, 24 May, 2.00 pm – 5.00 pm**

*Collaborative discussion on people & the future of our neighbourhoods, productivity and economy.*

The workshops will be held at The Office of Design and Architecture, Ground Floor, 28 Leigh St, Adelaide, 5000 and all are welcome to attend.

To register your interest in any of the workshops below please email [admin@saplanningcommission.sa.gov.au](mailto:admin@saplanningcommission.sa.gov.au)

**[Outer Harbour Dredging Forum](#)**

Flinders Ports first applied to dredge the Outer Harbour channel and swing basin to accommodate post-Panamax class vessels in July 2017.

A number of changes have been made to the original application. Flinders Ports will update the Forum on the revised dredging program and the current situation.

**When:** Thursday, **17 May 2018**, 7pm - 9pm.

**Where:** Port Adelaide Enfield Council Town Hall, 34 Nile St, Port Adelaide.

Free event. All welcome. No bookings required.

**NOTICES AND INQUIRIES**

## South Australia

### [Consultation on proposed fracking in the Arckaringa Basin](#)

SAPEX Limited holds a number of Petroleum Exploration Licences (PELs) in the Arckaringa Basin. The Arckaringa Basin is located 800 km north-west of Adelaide in South Australia and covers an area of approximately 80,000km<sup>2</sup>. The company has prepared an Environmental Impact Report (EIR) and Draft Statement of Environmental Objectives (SEO) for exploration and appraisal concerning fracture stimulation activities in PELs 122 & 123.

SAPEX intends to evaluate the size and commerciality of the oil and gas resources within target shale formations including the Stuart Range and Boorthanna Formation. Shale targets are expected to range between 700-1800m deep in both licences.

The Great Artesian Basin (GAB) is the dominant hydrogeological feature in the region. Major aquifers over the project area include the Cadna-Owie Formation and the Algebuckina Sandstone.

Copies of the EIR and SEO are available from the above headline link.

Submissions are due by **4 June 2018**.

### [Community Engagement Charter adopted by State Planning Commission](#)

The Minister for Planning has announced the adoption and release of the Community Engagement Charter for implementation commencing on 27 April 2018.

The Charter was developed under s 44 of South Australia's new *Planning, Infrastructure and Development Act 2016* which 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..."

It remains worth pointing out - as the eBulletin has noted before - that the Charter only applies to policy development and not to assessment processes. This is a key concern of the EDO. We are of the view that community members most strongly want to have a say when a development is actually proposed in or around their community.

A copy of the Community Engagement Charter can be found by following the above headline 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 SCAP](#)

[Current Ministerial Development Plan Amendments](#)

[Current YourSAy consultations](#)

[Current EPA license applications](#)

[Current DSD mining proposals](#)

[Current DSD petroleum proposals](#)

## **Commonwealth**

### **Review of the Product Stewardship Act 2011**

The *Product Stewardship Act 2011* provides the framework to effectively manage the environmental, health and safety impacts of products, and in particular those impacts associated with the disposal of products and their associated waste. The framework includes voluntary, co-regulatory and mandatory product stewardship.

The Act supports the National Television and Computer Recycling Scheme (NTRCS) through the Product Stewardship (Televisions and Computers) Regulations 2011. The scheme has

recycled approximately 230,000 tonnes of electronic waste since its inception.

The Minister's Product List is established by the Act, and is updated annually. The list informs the community and industry of those products being considered for accreditation or regulation under the Act.

The Act is required to be reviewed five years after commencement. This is the first review of the Act. The Department is seeking input from industry, governments, and the general public to ensure the ongoing effectiveness of the Act and that it's delivering the best outcomes.

Submissions are due by **29 June 2018**.

### **NOPSEMA – Bight marine oil survey rejected again, proponent to resubmit**

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has rejected for the second time an Environment Plan proposed by Petroleum Geo-services Pty Ltd for their Duntroon Multi-client 3D and 2D Marine Seismic Survey.

The Environment Plan for the proposal was originally submitted for assessment to NOPSEMA on 27 February 2017. In April 2017 the regulator refused the Plan, and asked the proponent to modify and resubmit it. NOPSEMA has now rejected the resubmitted plan, stating that it is not reasonably satisfied that the environment plan meets the criteria set out in regulation 10A of the Environment Regulations that the plan is:

- (a) is appropriate for the nature and scale of the activity
- (c) demonstrates that the environmental impacts and risks of the activity will be reduced to an acceptable level.
- (g) demonstrates that:
  - (i) the titleholder has carried out the consultations required by Division 2.2A
  - (ii) the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultations are appropriate

The marine seismic survey area in question covers approximately 29,500 km<sup>2</sup>. It is located approximately 51 km from Cape Carnot, Eyre Peninsula (mainland South Australia), 95 km west of Kangaroo Island and approximately 80 km south-south west of Port Lincoln, the nearest township. The water depths of the survey area are in the range 100m to 3500 m with the shallowest water depths located along the northern boundary of the survey area.

The survey will take approximately 190 days, split across two periods in order to avoid the worst Winter sea conditions. The first 60 days of surveying were originally planned to commence on 1 April 2017.

NOPSEMA assessments are not open for consultation to the general public.

### 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.

[EPBC Act Public Notices and Invitations to Comment](#)

[Department of the Environment and Energy - Public Consultation Notice Board](#)

### **PREVIOUS NOTICES: REMINDERS**

[South Australian Beach-cast Marine Algae Fishery - Agency application 2018](#)

- Submissions are due by **17 May 2018**.

[Review of National Gene Technology Scheme – Preliminary Report consultation](#)

- Submissions are due by **24 May 2018**.

[EPBC Act “Targeted Review”](#)

- Submissions due date unspecified.

### EDOs of Australia Recent Submissions

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

[Murray-Darling Basin Plan: 5 year assessment](#)

[Submission to the Inquiry into management and use of Commonwealth environmental water](#)