

e-Bulletin

No. 10 of 2018, 21 June 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

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. With the end of financial year approaching, please consider a tax deductible donation by 30 June - 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

[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: [HERE](#) or phone: (08) 8359 2222 (please leave a message, we will call back)

EDO travelling to Mt Gambier to provide legal advice sessions in September

EDO(SA)'s Coordinator/solicitor Melissa Ballantyne will be travelling to Mt Gambier in September as part of the EDO's Legal Outreach service. Melissa will be available to provide expert legal advice to the public on environmental and development issues. Advice is provided for free, although there is an administrative cost recovery fee of \$55 (\$25 concession) .

When: Tuesday, **4 September 2018**, during the morning.

Where: [8a Commercial St West, Mt Gambier](#)

Book: <http://www.edosa.org.au/requestlegaladvice> or ring Freecall: 1800 337 566 and leave a message for us to contact you.

Reminder: Art Auction at the EDO Winter Dinner – Request for donations of art

Following on from the success of our previous event, the EDO will again be conducting an art auction – this time as part of the upcoming EDO Winter Dinner on July 26.

The EDO is now seeking additional items for the auction, and is calling upon kind supporters who may be willing or able to donate a work of art.

If you have a work of art that you might consider donating, please contact the EDO(SA) office at edosa@edo.org.au , or ring us on (08) 8359 2222 and leave a message for us to contact you.

The donation call closes on the **10 July 2018**.

Reminder: Planning reforms drop-in sessions

The Department of Planning, Transport and Infrastructure is holding Open House Drop-in sessions to provide clarification and information on the development and implementation of the Planning Reforms brought about by the Planning, Development and Infrastructure Act 2016.

The drop-in sessions will take place in the ground floor meeting room on 50 Flinders Street, Adelaide on the following dates:

- 13 July 2018 from 10:00am- 1:00pm with Anita Allen, Manager, Planning Reform
- 3 August 2018 from 10:00am-1:00pm with Cecilia Pascale, Unit Manager, Governance and Regulations

To register, please email DPTI.PlanningEngagement@sa.gov.au with your preferred date.

NOTICES AND INQUIRIES

South Australia

[Kangaroo Island golf course - clifftop crown land will now be leased to developer](#)

In May last year, the previous South Australian Planning Minister approved a significantly updated development authorisation for a previously approved golf course near Pennington Bay on Kangaroo Island. The updated authorisation allowed the golf course to be sited much closer to the coastline and the cliff edge than was originally proposed, consulted on and approved.

The last obstacle to this significant alteration was the purchase or lease of waterfront Crown Land, allowing the golf course to be brought right onto to the cliffs of the island's southern coastline. The Government is able to dispose of Crown land to an adjoining owner if it has been declared 'surplus'.

Following a consultation which raised overwhelming community concern about public access and protecting wildlife, the State's then Environment Minister declined the sale. More than 780 submissions were received in the consultation, with only five submissions broadly supportive of the proposal.

The new Environment Minister has now approved the issuing of a lease over the same land.

More information may be found by following the above headline link.

[Port Adelaide Outer Harbor Channel Widening Project Approved](#)

The South Australian Minister for Planning has granted approval for the Port Adelaide Outer Harbor Channel Widening Project to go ahead.

Flinders Ports operates the Flinders Adelaide Container Terminal in the Outer Harbor, which is currently configured for use by vessels up to Panamax class in size. The company argued that there is a global trend towards larger ships - called Post Panamax – which they asserted were not able to safely operate within Outer Harbor. The company has now gained permission to widen the existing 130m channel to 170m, in order to accommodate these larger vessels.

This widening will involve the removal of 1.55 million cubic metres of material, which the company proposes to dispose of 30km offshore in Gulf St Vincent. The approval of the overall Dredge Management Plan will reside with the Environment Protection Authority.

[EPA consultation – solid waste disposal to landfill](#)

South Australia's Environment Protection Authority is conducting a review of their 2007 Landfill Guideline, *Environmental management of landfill facilities (municipal solid waste and commercial and industrial general waste)*. The current guideline is used by industry as a primary reference guide for how to comply with environmental legislation in South Australia when planning, designing, constructing, operating and closing a landfill. It sets the EPA's minimum expectations for the operation of landfills and assists industry in meeting their general environmental duty as defined under section 25 of the *Environment Protection Act 1993*.

Since the guideline was released in 2007, South Australia has seen the consolidation of more than 500 landfills to the present 139, together with changes to the way in which landfills are designed and operated. In the meantime, industry, engineering standards, waste composition, the regulatory setting and technology have also significantly changed since 2007, prompting the current review.

Submissions are due by **10 August 2018**.

[Review of the Woomera Prohibited Area Coexistence Framework](#)

The Woomera Prohibited Area (WPA) military testing range covers 122,000 square kilometres in north-west South Australia.

This *2018 Review of the Woomera Prohibited Area (WPA) coexistence framework* follows the establishment in 2014 of a coexistence framework that seeks to balance the interests of all users in the WPA. Under this framework, Defence is the primary user of the WPA for the testing

of war materiel. Access to the WPA by a range of non-defence users including Aboriginal people, the resources sector, pastoralists and tourists is also provided for.

The Review is seeking to engage with all WPA stakeholders to understand their interests and how they use the WPA.

Submissions are due by **25 June 2018**.

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

Senate Inquiry - Great Barrier Reef 2050 Partnership Program

On 19 June 2018, the Senate referred the 2018-19 Budget measure *Great Barrier Reef 2050 Partnership Program* to the Environment and Communications References Committee for inquiry and report. The Inquiry terms of reference require it to pay particular attention to:

- a) the delivery of the Reef 2050 Plan, including through the Great Barrier Reef 2050 Partnership Program and through other avenues;

- b) the proficiency of the Great Barrier Reef Foundation and its capacity to deliver components of the Reef 2050 Plan;
- c) the proficiency of other organisations and their capacity to deliver components of the Reef 2050 Plan;
- d) the process of granting funding to the Great Barrier Reef Foundation for the Great Barrier Reef 2050 Partnership Program, the terms of agreement for funding, and the ongoing administration of funding;
- e) the prior activities and operations of the Great Barrier Reef Foundation, including research, public-policy advocacy and fund-raising;
- f) the establishment, governance and membership of the Great Barrier Reef Foundation, including the management of conflicts of interest and commercial interests; and
- g) any other related matters.

Joint Inquiry - management of PFAS contamination in and around Defence bases

On 30 May 2018, the Joint Standing Committee on Foreign Affairs, Defence and Trade has adopted an inquiry referred by the Senate, asking the Committee to inquire into and report on the management of per- and polyfluoroalkyl substances (PFAS) contamination in and around Defence bases, with particular reference given to:

- a) the extent of contamination in and around Defence bases, including water, soil, other natural assets and built structures;
- b) the response of, and coordination between, agencies of the Commonwealth Government, including, but not limited to, the Department of Prime Minister and Cabinet, the Department of Health, the Department of the Environment and Energy, the Department of Defence and the Australian Defence Force;
- c) communication and coordination with state and territory governments, local councils, affected local communities and businesses, and other interested stakeholders;
- d) the adequacy of health advice and testing of current and former defence and civilian personnel and members of the public exposed in and around Defence bases identified as potentially affected by contamination;
- e) the adequacy of Commonwealth and state and territory government environmental and human health standards and legislation, and any other relevant legislation;

- f) remediation works at the bases; and
- g) what consideration has been given to understanding and addressing any financial impact to affected businesses and individuals.

[NOPSEMA consultation - Environment plan assessment guidance](#)

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is seeking feedback on its guidance documents that relate to the assessment of environment plans. The guidance documents were developed to inform and assist stakeholders in understanding NOPSEMA's decision-making on environment plans and advise titleholders on how to interpret and meet the requirements of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

Those guidance plans include the:

- environment plan assessment policy
- environment plan content requirements guidance note
- environment plan decision making guideline
- environment plan summaries guideline
- consultation requirements under the OPGGS Environment Regulations information paper

Submissions are due by **20 July 2018**.

[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

[Review of the *Product Stewardship Act 2011*](#)

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

[Planning and Design Code Discussion Paper No.2 – *How Will It Work?*](#)

- Submissions are due by **22 July 2018**.

EDO(SA) RECENT SUBMISSIONS

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

[Submission re Community Engagement Charter](#)