

## **e-Bulletin**

### **No. 12 of 2018, 26 July 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](#).**

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## NEWS AND EVENTS

### South Australia

#### [Reminder: 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: 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 next drop-in session covering the current consultation on the draft State Planning Policies will take place in the ground floor meeting room at 50 Flinders Street, Adelaide on **3 August 2018** from 10:00am-1:00pm.

To register, email [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

## NOTICES AND INQUIRIES

### South Australia

#### [NRM Act to be replaced by 'Landscape South Australia Act' – discussion paper released](#)

The new South Australian Government has announced its intention to replace the *Natural Resources Management Act 2004* with a proposed 'Landscape South Australia Act'. A discussion paper has been released to canvas opinions of what directions that legislation should take.

The Government appears to be advocating for broader deregulation of the sector, arguing that it wants to create "...a simpler, flexible and accessible system for managing natural resources, with decentralised decision-making... [which] recognises that those who work and live on the land are well placed to manage and sustain it..."

Features will include creating nine landscape Boards and 'Green Adelaide' to replace existing NRM Boards; as well as "making soil quality, pest plant and animal control and water management major priorities."

This appears narrower than the current NRM Act, and the State NRM Plan, which specifically prioritise principles of ecologically sustainable development. The existing regime more broadly seeks "the conservation of soil, water and marine resources, geological features and landscapes, native vegetation, native animals and other native organisms and ecosystems."

The Discussion Paper is available for download by following the above headline link.

Submissions are due by **15 October 2018**.

### **[Consultation on the draft State Planning Policies](#)**

South Australia is undergoing the biggest change of its planning system in more than 20 years. The draft State Planning Policies are a key instrument in this change, the scope of which is described in the new *Planning, Development and Infrastructure Act 2016*. They represent the highest level of policy in the new planning system, and outline matters of importance to the state in land use planning, development and design.

The draft State Planning Policies outline the planning and design ambitions for South Australia and will guide both regional and metropolitan planning and development in the future. The policies consider changes to how and where South Australians live and work; current and future trends in population growth; climate change; housing supply; transport; and other social and economic drivers.

There are 16 draft State Planning Policies in total, all available for viewing in a single document from the above headline link.

Submissions are due by **7 September 2018**.

### **[Consultation - River Murray Water Allocation Plan 2018](#)**

The South Australia Government has announced that it is updating the *Water Allocation Plan for the River Murray Prescribed Watercourse* to make sure it complies with the Basin Plan requirements and to update existing policies.

The most notable changes to the Water Allocation Plan that need to be made are about:

- Introducing Sustainable Diversion Limits (SDLs): set by geographical area (SDLs are the limits on the amount of water that can be taken from the river for irrigation)
- Incorporating Aboriginal objectives and outcomes
- Protecting planned environmental water.

A draft Plan has been released for consultation, as is available at the above headline link.

Submissions are due by **14 September 2018**.

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

South Australia's Environment Protection Authority is holding a public consultation in regard to the renewal of their current guideline, *Environmental management of landfill facilities (municipal solid waste and commercial and industrial general waste)*. Known as the Landfill Guideline, this document 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. The EPA says this is a critical document in setting their 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*. The Landfill Guideline applies to all solid waste landfill facilities in South Australia.

Since the guideline was released in 2007, South Australia has seen the consolidation of more than 500 landfills to the present 139, together with significant changes to the way in which landfills are designed and operated in the state – which has led to this review of the Landfill Guideline.

Submissions are due by **10 August 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

### [Remaking Offshore Environment Regulations: Consultation](#)

The *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (the Environment Regulations) made under the Commonwealth *Offshore Petroleum and Greenhouse Gas Storage Act 2006* are scheduled to sunset on 1 April 2019.

The Environment Regulations provide for the regulation of environmental management of petroleum and greenhouse gas storage activities in offshore areas. Under the Environment Regulations, titleholders who want to conduct a petroleum or greenhouse gas activity are required to prepare and implement an environment plan for the activity. The regulator (currently the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) for petroleum activities, and the responsible Commonwealth Minister for greenhouse gas activities) must assess the environment plan and decide whether to accept it.

The Australian Government proposes to remake the Environment Regulations without substantive changes. It says further changes to the regulations, in relation to revisions to environment plans consultation and transparency policy, will be progressed separately to and after the remake.

To ensure continuity of law, the Environment Regulations will be remade and registered. Minor technical amendments may be made to modernise provisions.

Submissions are due by **3 August 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**

[Senate Inquiry – Electric vehicles](#)

- Submissions are due by **27 July 2018**.

[Joint Inquiry - management of PFAS contamination in and around Defence bases](#)

- Submissions deadline extended to **3 August 2018**.

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

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

[Senate Inquiry - Australia's faunal extinction crisis](#)

- Submissions are due by **13 August 2018**.

## **EDOs OF AUSTRALIA RECENT SUBMISSIONS**

EDOs of Australia has recently released the following completed submission, which is available for download:

[Submission to the Inquiry into interactions between the EPBC Act and the agricultural sector](#)