

e-Bulletin

No. 13 of 2018, 9 August 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. 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 Chairperson's Report](#)

For the last four years, the EDO has continued on much reduced resources, having just two part time staff. Your committee has endeavored to support staff by prioritising key projects and areas of concern, and assisting our staff solicitor with law reform and education activities. The Committee has also been actively involved in fundraising including movie nights, hypothetical debates, a Quiz Night, Annual Dinners, a retro fashion parade and even putting together a team for last year's City to Bay fun run!

With each event the proceeds have modestly added towards extending the time frame that the organisation can continue. I'm pleased to advise that the \$2000 raised from the recent Winter dinner has been earmarked to help improve the computer systems in the office. A heartfelt thank you to everyone who has helped and donated time, money and energy into these events.

The process of investigating the formation of a national organisation continues to be an important issue for discussion. I feel it imperative that members are progressively updated about the merger process. We have been actively involved in discussions on critical issues such as governance, fundraising and membership. A meeting will be held in Brisbane this month to further discuss these issues and it is hoped that, as a result, there will be greater clarity as to the future of the national body and in particular when members will be asked to vote on the proposal.

In the meantime, we continue to monitor and comment on the unfolding new planning system, heritage debates, reform of mining regulation and proposed revamping of natural resources management. I encourage everyone to take an interest in the many consultations.

Dr Iris Iwanicki, EDO (SA) Chairperson

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.

NOTICES AND INQUIRIES

South Australia

SA Parliamentary Inquiry into Heritage

The South Australian Parliament's Environment, Resources and Development Committee resolved at their meeting on 30 July 2018 to conduct an Inquiry into the operation of the Heritage system in South Australia.

The terms of reference for the Inquiry are as follows:

That the Committee investigate and report on the existing arrangements and desirable reforms for local, state and national heritage listings, with particular reference to:

- 1) Highlighting the differences in, and consistency of, processes and criteria between listing and assessing local, state and national heritage;
- 2) How heritage should be managed in the future; including, but not limited to investigating:
 - a) How should the process for listings (from initiation to final placement on the appropriate register) be managed, and by whom;
 - b) Who should have the right to be heard in relation to listings;
 - c) Who should be the decision maker for listings and review; and
 - d) What processes should be in place for the review of listings;
- 3) What is the relationship and distinction between 'character' and 'heritage';
- 4) Have there been unexpected or perverse outcomes; and
- 5) Any other relevant matter.

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

[Statutes Amendment \(Mineral Resources\) Bill 2018 introduced into parliament](#)

South Australia has been conducting a major review of the state's mining laws, which began in 2016. Following the review, the Statutes Amendment (Leading Practice in Mining) Bill 2017 was introduced to the South Australian Parliament. This included proposed amendments to the *Mining Act 1971*, the *Mines and Works Inspection Act 1920* and the *Opal Mining Act 1995*. This Bill passed in the House of Assembly in 2017 but lapsed in the Legislative Council when Parliament ended prior to the 2018 election.

The incoming government committed to introducing similar legislation after further review. The current Bill is the outcome of that process. The Government says that the Bill will be the first phase of a broader suite of legislative, regulation and policy review that will help it to deliver its

agenda of increasing exports and employment, particularly in regional areas, and improving regulatory efficiency for business.

The Government has promised to consult on the regulations at the earliest opportunity.

The Bill may be viewed by following the headline link above.

[Planning and Design Code: Environment and natural resources policy consultation](#)

As part of the South Australian Government's broader planning reforms, the State Planning Commission has released its *Natural Resources and Environment Policy Discussion Paper*, which attempts to outline the key issues that South Australia is facing in managing resources like land and water as well as planning for climate change. It looks at how critical environmental issues will affect or be affected by planning policy in the state's new planning system.

The Discussion Paper may be viewed by following the above headline link. Feedback may be submitted through a range of online forums or polls, or through traditional written or emailed submissions.

Submissions are due by **3 December 2018**.

[Planning and Design Code: Transport and integrated movement policy consultation](#)

The State Planning Commission has also released an *Integrated Movement Systems Policy Discussion Paper* which it says provides an overview of the role the new planning system will play in achieving optimal development and transport outcomes. It explores three primary areas:

- Aligning South Australia's growth with transport infrastructure
- Capitalising on strategic transport infrastructure
- Sustainable mobility, car parking and the impacts of technology

The Discussion Paper may be viewed by following the above headline link. Feedback may be submitted through a range of online forums or polls, or through traditional written or emailed submissions.

Submissions are due by **3 December 2018**.

[More planning reform drop-in sessions announced](#)

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*.

New dates and sessions have been added covering various topics. Further information may be found by following the above headline link.

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 **14 August 2018** from 10:00am-1:00pm.

To register, email DPTI.PlanningEngagement@sa.gov.au

[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

[Consultation on a National Radioactive Waste Management Facility being located in SA](#)

The Federal Department of Industry, Innovation and Science is calling for submissions into the potential siting of a National Radioactive Waste Management Facility at either Kimba, or Hawker, both in South Australia.

This proposed nuclear waste dump is not the same facility that was proposed, and then discarded, by the previous South Australian Government. That proposal was to create a commercial nuclear waste dump that would attempt to profit from storing nuclear waste from all over the world. This proposal is a Federal initiative seeking to permanently store Australia's low-level nuclear waste, as well as to temporarily store the medium-level waste that comes primarily from Sydney's Lucas Heights reactor.

This consultation is separate from the Senate Inquiry into the same matter which was announced on 6 February 2018, and which is due to report within the next week ahead of a ballot of residents in both areas.

The Government has said that it will deliver a National Radioactive Waste Management Facility on a site that is volunteered by a landowner, which is technically suitable, and which is alongside a community that broadly supports hosting the facility in their area.

Submissions are due by **24 September 2018**.

[Fisheries consultation – how AMFA considers ESD principles](#)

Public comment is now open on a draft position statement on how the Australian Fisheries Management Authority (AFMA) considers the social aspects of the ecologically sustainable development (ESD) principles in the management of Commonwealth Fisheries.

Under Commonwealth fisheries legislation, AFMA fisheries management must be conducted in a manner consistent with the principles of ecologically sustainable development. The ESD principles contain ecological, economic and social aspects.

AFMA is considering how it incorporates the third pillar of ESD (social) into its decision making and has developed the draft position statement as a starting point for discussions with stakeholders.

The draft statement may be found by following the above link.

Submissions are due by **24 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

[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**.

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

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

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

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

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

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