

e-Bulletin

No. 18 of 2018, 8 November 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.

In the last fortnight we have been working on providing feedback to the South Australian Parliament's Environment, Resources and Development Committee regarding management of over abundant and pest species.

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.

NEWS AND EVENTS

South Australia

- EDO Annual General Meeting – 26 November
- Community Alliance AGM

NOTICES AND INQUIRIES

South Australia

- Consultation on roadside vegetation changes
- Outer Harbor channel widening – consultation on EPA licence

Commonwealth

- NOPSEMA – Bight marine oil survey tries for 3rd attempt at approval
- Senate Inquiry – The independence of decisions made by the APVMA

PREVIOUS NOTICES: REMINDERS

EDO(SA) RECENT SUBMISSIONS

NEWS AND EVENTS

South Australia

[EDO Annual General Meeting – 26 November](#)

The Environmental Defenders Office (SA) AGM will be held this year on Monday, 26th of November. Drinks and nibbles provided from 5.30pm. All welcome, but only members can vote.

If you are interested in nominating for the Management Committee please email Gabrielle Bond, EDO Administrator at edo@edosa.org.au

Guest Speaker: Nina Keith

Nina has a background in social research and policy development around sustainable water management and climate change. She is Senior Strategic Officer with the City of Onkaparinga and currently works with residents, community and the State government on climate change mitigation matters. Nina will speak about collaborative work being undertaken by Council on climate change impacts and the topical question of corporate responsibility in this area.

When: Monday, **26 November 2018**, 5.30 for 6:00pm.

Where: **Flinders University City Campus:** Room 2.3, Level 2, 182 Victoria Square (cnr Flinders St), Adelaide

IMPORTANT:

The information session on the EDO merger proposal scheduled for the **19th of November** has now been postponed to early next year. We will advise members of the new date as soon as possible. A written update on the merger proposal will be provided to members shortly and a verbal update will be given at the AGM.

Community Alliance AGM- Planning Minister to speak

This year's Community Alliance Annual General Meeting will feature a speech by the Planning Minister, Hon. Stephan Knoll MP, titled "An Overview of the Planning Process", followed by a Q&A session.

When: 22 November 2018, 7pm

Where: The Box Factory, Regent St, Adelaide

NOTICES AND INQUIRIES

South Australia

Consultation on roadside vegetation changes

The Native Vegetation Council has developed new interim guidelines for managing native vegetation on roadsides across South Australia and is inviting public feedback.

The *Interim Guidelines for the Management of Roadside Native Vegetation* provide guidance for local councils and the Department for Planning, Transport and Infrastructure (DPTI) for removing native vegetation to maintain safety and visibility along roadsides, while retaining important native vegetation.

The new guidelines aim to provide local councils and DPTI with greater capacity to clear roadside vegetation and provide the pathway for removing native vegetation that poses a safety concern. They also outline when approval is required by the Native Vegetation Council and how it should be obtained.

The Interim Guidelines will allow greater capacity for clearance of native vegetation regrowth on roadsides up to 20 years of age (previously 5 years). This will allow local councils and DPTI to undertake the majority of their roadside vegetation maintenance without requiring any approval.

A copy of the *Interim Guidelines* is available at the above headline link.

Submissions are due by **31 December 2018**.

[Outer Harbor channel widening – consultation on EPA licence](#)

The South Australian Minister for Planning granted approval in May 2018 for the Port Adelaide Outer Harbor Channel Widening Project to go ahead. Following approval of its development application, Flinders Ports is required to apply to the Environment Protection Authority (EPA) for a licence under the *Environment Protection Act 1993* before it can commence dredging. The project will involve widening the existing 130m channel to 170m, in order to accommodate larger 'Post-Panamax' vessels. This will require the removal of 1.55 million cubic metres of material over the course of 6 months, which the company proposes to dispose of 30km offshore in Gulf St Vincent.

The EPA has now begun a consultation into the conditions that should be imposed on the licence. However, the scope of the consultation has been questioned and may be expanded to determine whether the licence should be issued at all.

Submissions are due by **30 November 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

[**NOPSEMA – Bight marine oil survey tries for 3rd attempt at approval**](#)

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has received a third Environment Plan proposal from Petroleum Geo-services Pty Ltd for their planned Duntroon Multi-client 3D and 2D Marine Seismic Survey in the Great Australian Bight.

An Environment Plan was originally submitted for assessment to NOPSEMA on 27 February 2017. The regulator refused that Plan in April 2017, and asked that the proponent modify and resubmit it. NOPSEMA then rejected the resubmitted plan in April of this year, whilst still inviting the proponent to submit yet another attempt. That third Environmental Plan proposal is now before the regulator.

The earlier proposals had been refused on the basis that NOPSEMA was “not reasonably satisfied” that the environment plans met criteria set out in regulation 10A of the Environment Regulations that such a plan:

(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 km². 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 would 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 currently not open for consultation to the general public.

Senate Inquiry – The independence of decisions made by the APVMA

On 16 October 2018, the Senate moved that the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 1 February 2019:

The independence of regulatory decisions made by the Australian Pesticides and Veterinary Medicines Authority (APVMA), with particular reference to:

- (a) the responsiveness and effectiveness of the APVMA's process for reviewing and reassessing the safety of agricultural chemicals in Australia, including glyphosate, and how this compares with equivalent international regulators;
- (b) the funding arrangements of the APVMA, comparisons with equivalent agricultural chemical regulators internationally and any impact these arrangements have on independent evidence-based decision making;
- (c) the roles and responsibilities of relevant departments and agencies of Commonwealth, state and territory governments in relation to the regulation of pesticides and veterinary chemicals;
- (d) the need to ensure Australia's farmers have timely access to safe, environmentally sustainable and productivity enhancing products;
- (e) the impact of the APVMA's relocation on its capability to undertake chemical reviews in a timely manner; and
- (f) any other related matters.

Submissions are due by **14 November 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

[Underwriting New Generation Investments consultation paper](#)

- Submissions are due by **9 November 2018**.

[Murray-Darling Basin farm-water efficiency projects consultation](#)

- Submissions are due by **9 November 2018**.

[SA Parliamentary Inquiry – SA Livestock Industry](#)

- Submissions are due by **9 November 2018**.

[Improving consultation and transparency of offshore oil and gas – draft regulations](#)

- Submissions are due by **16 November 2018**.

[APVMA - Risk Assessment Manual for Environment consultation](#)

- Submissions are due by **30 November 2018**.

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

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

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

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

[Offshore oil and gas decommissioning framework - initial review](#)

- Submissions are due by **16 January 2019**.

EDO(SA) RECENT SUBMISSIONS

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

[Submission on Overabundant and Pest Species 311018](#)

[Submission on Assessment Pathway Discussion Paper 171018](#)