

e-Bulletin

No. 19 of 2018, 29 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 Department of Planning regarding environmental policy to be included in the new planning and design code.

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

- SCAP review recommends more openness and transparency
- UPDATE - Petroleum exploration in the Great Australian Bight and the proposed changes to Federal offshore petroleum regulations

NOTICES AND INQUIRIES

South Australia

- 2018 SA State of the Environment Report released
- Planning and Design Code: Productive Economy Policy Discussion Paper
- EPA consultation - Radiation Protection and Control Bill 2018
- Consultation - Beach Energy Otway Basin Production

Commonwealth

- EPBC Act notification – Twin Creek Wind Farm

PREVIOUS NOTICES: REMINDERS

NEWS AND EVENTS

South Australia

[SCAP review recommends more openness and transparency](#)

The State Commission Assessment Panel (SCAP) review has been released which provides a number of recommendations that the Chair of SCAP says will be implemented over the coming six months. This internal review drew on interviews with members from SCAP and team members from the Department of Planning, Transport and Infrastructure. There was also consideration of public and media sentiment and the principle of transparency articulated in the Community Engagement Charter.

The focus of the review was the need for openness and transparency in how SCAP operates. Of most interest, the review recommended that as a general principle, unless there are legal reasons not to do so, all assessment documentation should be made available on the SCAP website before an application is considered so that all affected parties have an opportunity to

access it. This also applies to Crown developments, except that any recommendations to the Minister should remain confidential until the Minister's decision is made public.

The review also recommended that all meetings should be open, excepting only periods taken for deliberation and decision-making. All matters of business should also be placed on the agenda.

A full copy of the report and all its recommendations may be accessed at the above headline link.

[UPDATE - Petroleum exploration in the Great Australian Bight and the proposed changes to Federal offshore petroleum regulations](#)

The Norwegian energy company Equinor (previously Statoil), is planning to drill one exploration well in the Great Australian Bight to assess the viability of a major offshore petroleum project. The proposed exploration well (Stromlo-1) will be located approximately 370km south of the South Australian coastline, and 475km west of Port Lincoln.

At the moment, the company is in the process of drafting an environmental plan that will outline the potential environmental risks associated with the exploration well, as well as any strategies to mitigate them. The plan will need to be approved by the Federal offshore petroleum regulator, NOPSEMA, before any drilling activities take place.

At the same time, in response to the public's concerns over the lack of transparency in the industry's environmental planning process, there are currently changes proposed to the Federal Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009. The proposed changes include the requirement that all environmental plans be made publicly available as soon as they are submitted to NOPSEMA, as well as a formalised, 30-day period where the public can submit comments directly to NOPSEMA regarding the contents of environment plans for exploration activities.

Whilst these proposed changes will likely come into effect after Equinor has submitted its environment plan for its exploration activities in the Great Australian Bight, the company has stated that it will open the document for public comment for four weeks once it is completed.

NOTICES AND INQUIRIES

South Australia

[2018 SA State of the Environment Report released](#)

The South Australian Environment Protection Agency has released their *2018 State of the Environment Report*, a five-yearly examination that assesses the condition of the state's major environmental resources and identifies significant trends in environmental quality. The report covers a range of areas grouped under the themes of climate change, land and biodiversity, waste management, inland water, coast and marine, and finally, air quality.

Similar to the 41 environmental 'reports cards' released earlier this year by DEW, the SoE report outlines a continuing deterioration in the State's environment, with indicators marked 'getting worse' outnumbering those marked 'improving' by 2 to 1. Most noticeably - all climate indicators showed deterioration, as did the overwhelming majority of indicators tracking the health and numbers of native fauna and flora, whether they be on land, or in river or marine environments.

Figures on air quality and waste recovery were more promising, but the overall impression is that South Australia still has some serious environmental problems requiring substantially more attention than they are currently receiving.

A copy of the report may be downloaded by following the above headline link.

[Planning and Design Code: Productive Economy Policy Discussion Paper](#)

As part of the South Australian Government's broader planning reforms, the State Planning Commission has released its *Planning and Design Code: Productive Economy Policy Discussion Paper*. The document canvases how the proposed new planning policy relates to the use of land for business and industry purposes. In particular, the Commission says that the discussion paper looks at the role the planning system can play in "...protecting and growing key industries, linking people to jobs, goods and services, providing infrastructure to enhance liveability, and facilitating greater opportunities for innovation."

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 **22 February 2019**.

[EPA consultation - Radiation Protection and Control Bill 2018](#)

South Australia's Environment Protection Authority is currently consulting on a Bill to update and modernise the *Radiation Protection and Control Act 1982*. The Act regulates radiation use across a number of industries including industrial processing, mining and petroleum operations, medical and health care, and educational facilities.

A copy of the Bill and an explanatory report may be accessed from the above headline link.

Submissions are due by **19 February 2019**.

[Consultation - Beach Energy Otway Basin Production](#)

Beach Energy has prepared an Environmental Impact Report (EIR) and Draft Statement of Environmental Objectives (SEO) for Onshore Otway Basin Petroleum Production Operations in South Australia. The Dept. of Energy and Mining says that the EIR addresses both current and potential future petroleum production, including the Katnook plant and Beach's petroleum licence areas, in order to develop a SEO that will address reasonably foreseeable future activities over the lifetime of any current and future facilities.

In preparation of the EIR and draft SEO relating to these activities Beach Energy commenced an initial stage of targeted stakeholder consultation in August 2018. The current notice is provided to initiate a further stage of stakeholder consultation as required under the *Petroleum and Geothermal Energy Act 2000*.

Submissions are due by **1 February 2019**.

[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

[EPBC Act notification – Twin Creek Wind Farm](#)

The Commonwealth Environment Minister has determined that a proposal by RES Australia Pty Ltd to develop the proposed Twin Creek Wind Farm, constitutes a 'controlled action' under the Environment Protection and Biodiversity Conservation Act 1993 (EPBC Act). This will now require formal Commonwealth approval.

The proposed wind farm would be located approximately 80km northeast of Adelaide, and comprise up to 51 wind turbines and associated infrastructure. Total installed capacity would be 185 MW, with associated battery storage of approximately 215 MW.

The Minister has determined that the type of environmental assessment will be by *preliminary documentation*. Preliminary documentation is a less onerous form of assessment, requiring only the original referral form prepared by the proponent as well as any other relevant material identified by the Minister as being necessary to adequately assess the proposed action.

The original referral identified a number of protected species within the proposed development footprint, as well as instances of two nationally threatened ecological communities, being:

Iron-grass (*Lomandra* spp). Natural Temperate Grassland of South Australia; and

Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia.

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

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

- Submissions are due by **30 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**.

[Consultation on roadside vegetation changes](#)

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

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

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

