



DEW Reference Number F0002977301

Your ref: 7753271

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Adelaide SA 5000

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Australia

Ph: +61 8463 6625

[www.environment.sa.gov.au](http://www.environment.sa.gov.au)

Dear [REDACTED]

I refer to your application pursuant to the *Freedom of Information Act 1991* (the Act) received by the Department for Environment and Water (DEW) on 6 January 2020, upon return from the Christmas office closure period, seeking access to:

- "1. Copies of documentation from 2017-2019 (inclusive) outlining projected impacts of the Federal Government's proposed National Radioactive Waste Management Facility (NRWMF) near Napandee, Kimba, on Pinkawillinie Conservation Park and Gawler Ranges National Park.*
- 2. Copies of documentation from 2017-2019 (inclusive) outlining proposed future actions by the Department of Environment & Water to protect or alter Departmental protection strategies for Pinkawillinie Conservation Park and Gawler Ranges National Park should the NRWMF near Kimba be established*
- 3. Copies of correspondence received from the Federal Department of Industry, Innovation & Science between 2017-2019 regarding potential impacts of the NRWMF on Pinkawillinie Conservation Park and Gawler Ranges National Park timeframe 1/1/2017 to 31/12/2019."*

As advised via email on 21 January 2020, the time in which to respond to this application was extended under Section 14A(1)(b) of the Act to 6 March 2020.

## DETERMINATION

Searches of the DEW's records have found one (1) document held by this agency within scope of your request.

As a DEW Accredited FOI Officer, I have determined to grant you partial access to this document.

Section 20 of the Act provides that an agency may refuse access to a document if it is an exempt document under the Act. The parts of the document to which I am refusing access and the reasons for the refusal are explained in more detail below.

Schedule 1, Clause 4 states:

**4 – Documents affecting law enforcement and public safety:**

(1) *A document is an exempt document if it contains matter the disclosure of which could reasonably be expected—*

*(a) to endanger the life or physical safety of any person; or...*

I have determined that the full disclosure of this document would involve the unreasonable disclosure of information concerning the identity of Department of Industry, Science, Energy and Resources (DISER) staff members (formerly known as Department of Industry, Innovation and Science). This is because I reasonably believe there are valid personal safety concerns in releasing the names of DISER staff members. As such, this information has been redacted, pursuant to Clause 4(1)(a) of the Act.

In accordance with Section 23(1)(b) of the FOI Act it states that an agency must notify an applicant in writing if the application relates to a document that is not held by the agency. In relation to dot point 1 and 2 of your scope a thorough search for documents was conducted across the department, unfortunately no documents were located regarding these two areas of interest.

In accordance with PC045 – Disclosure logs for Non-personal information once a determination has been provided, the agency is required to make available on our website information and documents that have been disclosed. Information will be publicised online at <http://www.environment.sa.gov.au/about-us/freedom-of-information/foi-disclosure-log>.

**FEES AND CHARGES**

I can confirm the Department has received your payment of \$50.28 to complete the processing of your application.

**YOUR APPEAL RIGHTS**

If you are dissatisfied with this determination, you are entitled to exercise your rights to internal review and appeal as outlined in the attached documentation, by completing the attached 'FOI Application Form – For Internal Review of a Determination'. If you decide to apply to exercise your rights to review, the completed form must be returned within 30 days to:

Chief Executive (Principal Officer FOI)  
Department for Environment and Water  
GPO Box 1047  
ADELAIDE SA 5001

If you have any queries in relation to the above please contact a Freedom of Information Officer on telephone (08) 8463 6625 or email [DEW.FOI@sa.gov.au](mailto:DEW.FOI@sa.gov.au).

Yours sincerely



**Dylan Slape**

Accredited Freedom of Information Officer, Department for Environment and Water

20 / 2 / 2020

Encl:   1.       Release document  
          2.       FOI Fact Sheet – Your Rights to Review and Appeal



Mr John Schutz  
A/g Chief Executive  
Department of Environment and Water  
Level 10, 81-95 Weymouth Street  
ADELAIDE SA 5000

Dear Mr Schutz

#### **NATIONAL RADIOACTIVE WASTE MANAGEMENT FACILITY – DRILLING WORK**

I write in relation to the work this Department is undertaking for the purposes of selecting a site for a National Radioactive Waste Management Facility (Facility) where presently three sites in South Australia that have been nominated and are under consideration as potential locations.

More particularly I write to advise that as part of the geotechnical site characterisation work that the Department has commissioned to examine and report on the potential suitability of each of the sites to host the Facility, drilling on the three sites is scheduled to commence on or around 17 April 2018. The drilling work will be undertaken by a contractor to the Department, namely AECOM Australia Pty Ltd (AECOM). I am aware that, ordinarily, the undertaking of drilling work in South Australia would require certain approvals from relevant South Australian government authorities including, I understand, in your Department or within your Department's responsibility. This may include approval under section 135 of the Natural Resources Management Act 2004 (SA) that I understand requires permits to be obtained to drill and construct a groundwater well. However, for reasons set out below, we consider that such approval is not needed for this work.

As you may be aware, the project to establish the Facility is subject to the National Radioactive Waste Management Act 2012 (Cth) (the Act), with this Department having responsibility for delivering the project. Under the Act, State and Territory laws of the kind described in section 12, have no effect to the extent that they would regulate, hinder or prevent activities necessary or incidental to the purposes of selecting a site on which to construct and operate the Facility (as described in section 11) by a Commonwealth contractor and their subcontractors (among others). The drilling work to be undertaken by AECOM (including by its own contractors) is work to be undertaken by AECOM as a Commonwealth contractor and is work necessary or incidental to the purposes of selecting a site for the Facility. Accordingly, I understand that an approval under s135 of the Natural Resources Management Act 2004 (SA) is not required to allow the drilling to proceed.

However, we have committed to act, where possible, in a way that is consistent with SA requirements and so we believe it is important that your Department is aware of the activity. Attached to this letter for your information are details of the planned drilling work locations. In addition, I ask that you note that this Department, and its contractor AECOM, are acutely aware of the importance of undertaking the work in a way that will cause as little detriment and inconvenience, and do as little damage as is practicable to the land, and to leave the land in as near as practicable in the condition it was prior to the works. These are, in fact, obligations under the Act. The Department is taking appropriate steps to ensure that these obligations are met. We also note that the drillers undertaking this work are licensed in South Australia with the appropriate class of license for this work.

I would welcome any questions or comments that you may wish to direct to us in connection with this activity, in relation to the legislative framework, or in relation to the project generally.

The Department's contact in relation to the work being undertaken by AECOM is [REDACTED] who can be contacted as follows:

Email: [REDACTED]@industry.gov.au

Phone: [REDACTED]

4 - [REDACTED] should be used as the first contact for anything related to the on-site activities, including documents affecting law

Enforcement and public safety, 6 - Documents affecting personal affairs  
For more general matters associated with this work or the project, please direct them to me. My contact details are:

Email: [REDACTED]@industry.gov.au

Documents affecting law enforcement and public safety, 6 - Documents affecting personal affairs  
Phone: [REDACTED]

This Department very much values engaging with your Department in its work to deliver this important project.

4 - Documents affecting law enforcement and public safety, 6 - Documents affecting personal affairs

[REDACTED]  
General Manager

10 April 2018

**Attachment  
NRWMF Drilling Works**

Site Name	Description
<b>Wallerberdina Station</b>	<p>Flinders Ranges Way, Hundred of Cotabena, Pastoral Unincorporated.</p> <p>Crown Lease Volume 6200 Folio 237, Deposited Plan 46041 Parcel QP30</p>
<b>Lyndhurst</b>	<p>143 Bindawalla Gate Rd, Hundred of Moseley, County of Buxton, District Council of Kimba</p> <p>1 parcel described as:</p> <p>Hundred Plan 500700, Parcel 38</p> <p>Part of Certificate of Title Volume 5925 Folio 858</p>
<b>Napandee</b>	<p>Larwood Road, Hundred of Pinkawillinie, County of Buxton, DC of Kimba</p> <p>Part of 1 parcel described as:</p> <p>Hundred Plan 501000 Parcel 94</p> <p>Portion of Certificate of Title Volume 5937 Folio 542</p>