



e-Bulletin

No. 3 of 2017, 2 March 2017

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.

However we continue to be challenged in our ability to provide our unique services. With the state election just twelve months away we will be contacting Government and Opposition members of parliament to make them aware of the severe impact of our funding situation on the community's ability to protect their environment using the law. We also ask all subscribers if they can to contact their local member of parliament to voice their support of the work that we do.

Since our last ebulletin we have continued assistance to community members concerned about the possible removal of many trees on the Glenside Hospital site to make way for new housing. The proposed removal includes 83 significant and regulated trees. The Development Assessment Commission considered the application on the 23 February but decided to defer a decision to allow the developer, Cedar Woods, to provide a more detailed rationale (i.e. site remediation, infrastructure, site levels etc.) for the proposed removal of significant and regulated trees and the location of all trees to be retained within and immediately adjacent to the development site. We will be monitoring the progress of this application.

If you are seeking advice on any environmental or planning issue please visit our website or email edosa@edo.org.au

You could also consider making a donation to the EDO - all amounts over \$2 are tax deductible. All donations are vital in helping us to continue providing our services to the SA community.

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 Seminar - What role does the community have in environmental decision making?](#)

Access and participation by citizens in decision making is at the heart of modern policy and law making. Typical areas of public participation include strategic planning, community forums, commenting on specific proposals, formal submissions or representations, access to information, appeals and civil enforcement. However the EDO is concerned that many aspects of environmental law and policy do not prioritise public participation rights.

The EDO will be launching its audit report into public participation provisions in South Australian legislation which directly and indirectly impacts on environmental decision making. The report identifies deficiencies and makes recommendations for law reform.

Speakers include EDO staff solicitor Melissa Ballantyne, Alison Brookman (Wallmans Solicitors), Daniel Popping (Department of Premier and Cabinet) and Associate Professor Karen Bubna-Litic (University of SA)

WHEN: Wednesday 12 April 9.30am -12 noon

WHERE: Room 1, Level 1, 182 Victoria Square Adelaide (Flinders Uni City Campus)

BOOK: <http://www.edosa.org.au/seminar>

Tickets \$50/\$25 concession -includes morning tea

Inquiries : edosa@edo.org.au

Reminder: Public Lecture – Trump and the Demise of US Environmental Law

The School of Law of the University of South Australia will be holding the inaugural lecture of their Visiting Scholar Lecture Series entitled 'Trump and the Demise of US Environmental Law' to be presented by Professor Robert L. Glicksman of George Washington University Law School.

The advent of modern environmental law in the United States beginning in 1970 was made possible because of a bipartisan consensus on the importance of protecting the public health and preserving the nation's natural resource heritage. Over the ensuing decades, several efforts by Presidents or congressional leaders to alter those basic commitments did not succeed. Attacks on core environmental legislation such as the Endangered Species Act failed, and laws such as the Clean Air Act were strengthened, even under Republican Presidents.

The election in 2016 of Donald Trump as President dramatically changed this landscape. The bipartisan consensus in favor of environmental protection has been shattered and the likelihood of radical reform that fundamentally weakens U.S. environmental law is significant. This presentation will review the steps that President Trump's Administration, backed by Republican majorities in both houses of Congress, have already taken and have promised to take. If they succeed, U.S. environmental law will be unrecognizable to anyone familiar with its substance and process over the past half century.

When: 5:30pm for a 5:50 start; Wednesday **8 March 2017**.

Where: UniSA Law School LB1-30, City West Campus [[map](#)]

RSVP: lawsvp@unisa.edu.au by Friday 3 March.

New Native Vegetation Regulations 2017 available

South Australia's new Native Vegetation Regulations have been Gazetted and are now available through the Legislation SA website. They are due to come into operation on the 1 July. The document can be reached immediately by just clicking on the above headline link.

NOTICES AND INQUIRIES

South Australia

[Major Development – Kangaroo Island Plantation Timber Port](#)

Minister for Planning, John Rau, has exercised his authority under s 46 of the *Development Act 1993* to declare a proposed deep-water port facility on Kangaroo Island to be a Major Development. The port, to be located at Smith Bay on Kangaroo Island, is to be a multi-user facility primarily developed to export plantation timber from the island.

The proposal includes works for:

- a multi-user deep water port facility, storage facilities and associated infrastructure
- a wharf,
- causeway,
- link span bridge,
- tug mooring facilities, berthing pocket and approaches
- buildings/facilities
- road transport access
- boat ramp.

The next stage of the process will involve the Development Assessment Commission determining the appropriate level of assessment, and issuing guidelines for conducting any assessment. Following the preparation of the relevant documents by the proponent, a public comment period will take place.

[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 the DAC](#)

[Current Ministerial Development Plan Amendments](#)

[Current YourSAy consultations](#)

[Current EPA license applications](#)

[Current DSD mining proposals](#)

[Current DSD petroleum proposals](#)

Commonwealth

[**NOPSEMA – New petroleum seismic survey for the Bight**](#)

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has announced that will assess a new submission from Petroleum Geo-services Pty Ltd (PGS) for a multi-client three-dimensional (MC3D) and multi-client two-dimensional (MC2D) marine seismic survey (MSS) in the Great Australian Bight (GAB) known as the Duntroon MC3D and MC2D MSS.

The survey area 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 will take approximately 190 days, split across two periods in order to avoid the worst Winter sea conditions. The first 60 days of surveying are planned to commence on 1 April 2017.

NOPSEMA assessments are not open for consultation to the general public.

[**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.

[Department of Environment Public Notices and Invitations to Comment](#)

PREVIOUS NOTICES: REMINDERS

[Independent review into the future security of the National Electricity Market](#)

- Submissions date extended and now due by **3 March 2017**.

[Better Fuel for Cleaner Air – Discussion Paper](#)

- Submissions due by **10 March 2017**.

[Invitation to comment on a national phase-down of mercury](#)

- Submissions due by **17 March 2017**.

[House of Representatives Inquiry - Water use efficiency in Australian agriculture](#)

- Submissions due by **31 March 2017**.

[Senate Inquiry – The adequacy of current mine rehabilitation in Australia](#)

- Submissions due by **10 April 2017**.

[Draft Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate Marine Species](#)

- Submissions due by **13 April 2017**.

[Productivity Commission Inquiry – National Water Reform](#)

- The inquiry is currently open for general submissions with no specific due date.

[EDOs of Australia Recent Submissions](#)

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

- [Murray Darling Northern Basin Review](#)