

e-Bulletin

No. 7 of 2017, 11 May 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. If you are seeking advice on any environmental or planning issue please visit our website or email edosa@edo.org.au

Our services are only possible with the support of the South Australian community. Please consider making a donation either one off or ongoing to the EDO - 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\(SA\) Chairperson's Report](#)

You may have seen the recent announcement that the federal government will reinstate funding for community legal services, partly in response to the public and Rosie Batty lobbying the Federal government to tackle the horrifying statistics of domestic violence. This is welcome news, despite the continuing lack of funding for advocacy and advisory services by EDO's around the nation.

Future directions for Environmental Defenders Offices throughout Australia are being discussed with each state and territory EDO. Some state EDOs have significant state government funding to assist in continuing their services to their community, others have not been so fortunate. The outcome of the conference was that the majority of state EDOs resolved to support 'in principle' the establishment of a national EDO – to take the lead in national environmental issues.

Certainly, taking a national stance, the EDO will be better positioned to concentrate on the big issues and to advocate at a national level regarding major challenges such as the Great Barrier Reef, species loss, climate change, and endangered environments being put at risk. One expert recently expressed the view that future sustainability as a term is better expressed as 'future survival'.

How establishing a national EDO would impact upon state bodies needs careful consideration. If this occurs, what will be the benefits to state bodies? The overall concern is to continue services at a state level in some form or other. Currently our state EDO provides services on a part time basis including the advisory service (thanks to our volunteer lawyers). Our members are encouraged to contribute to the discussion, so that the management committee can consider how best to maximise our limited resources as a consequence of any re-structuring. Future options will be discussed at the Annual General Meeting scheduled for October 23rd.

Our next fundraiser/social event is coming up - the Hypothetical Debate "All Sparked Up- on energy "on Thursday the 8th June. A panel comprising a politician, farmer, lawyer, biologist and business person will be led by our Geoffrey Robertson - Planning QC Brian Hayes. It should be an interesting debate, and topical given the recent, positive demonstration at Parliament House attended by local and Port Augusta residents! Please see booking details below.

Other events for 2017 will include a retro fashion parade (August), setting up city to bay fun run team (September), and importantly, the 25th Anniversary Dinner at the Hackney Hotel on Thursday, the 27th July to celebrate 25 years of EDO(SA). There will be a mystery after dinner speaker! Put the date in your diary now.

We have been meeting with candidates for the 2018 state election prior to canvassing environmental policies from the contenders and intend to provide a report card closer to the election.

Dr Iris Iwanicki

[Upcoming EDO\(SA\) Fundraiser – Energy Hypothetical](#)

ALL SPARKED UP!

A fundraiser with Brian Hayes QC as our Geoffrey Robertson, pitching a future scenario on energy to a panel including a politician, a farmer, an ecologist and a business person.

\$20 waged, \$5 unwaged

Delicious drinks and nibbles provided.

Guest panelists are Jenny Paradiso of Suntrix - winner of the Telstra Businesswoman of the Year Award 2017, as well as Mark Parnell MLC, ecologist Kathryn Bellette, and farmer John McFarlane.

WHEN: June 08, 2017 at 5:30pm - 8pm

WHERE: Flinders University City Campus
Room 1 level 1 182 Victoria Square
Adelaide, SA 5000
Australia
[Google map and directions](#)

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

CONTACT: Gabrielle Bond · edosa@edo.org.au · 8359 2222

Upcoming Seminar – New Laws for Nature

Imagine if our natural places were getting more healthy over time and our lists of threatened species were shrinking.

What sort of laws for nature could achieve these outcomes?

These are the questions that have been occupying the Australian Panel of Experts in Environmental Law over the last year or so, and [they are keen for your feedback](#).

Come along to hear the latest thinking on the next generation of environmental laws for Australia from Professor Rob Fowler.

Melissa Ballantyne of the Environmental Defenders Office will also present on the State Parliamentary Inquiry looking at SA's regulatory and policy framework for protecting biodiversity. How well do the [inquiry recommendations](#) align to the new thinking on environmental laws?

WHEN

May 25, 2017 at 4:30pm - 6pm

WHERE

The Joinery
111 Franklin St
Adelaide

To book tickets:

http://www.conservation.sa.gov.au/new_laws_for_nature

NOTICES AND INQUIRIES

South Australia

[SA Major Development – Aged care facilities](#)

The Minister for Planning has used his powers under s 46 of the *Development Act 1993* to make a blanket declaration that proposed retirement villages and residential care and associated facilities valued over \$20 million are eligible for Major Development status.

Subsection (1) of s 46 of the Act allows the Minister for Planning to apply that section to a kind of development if the Minister is of the opinion that it is a development of major environmental, social, or economic importance, and a declaration under that section is appropriate or necessary for the proper assessment of the development. Declaration as a Major Development

removes the project from the ordinary process of approvals in South Australia, allowing the Development Minister to have control over final assessment.

This current declaration applies for a period until 30 June 2018. Any proposals submitted during this period will be required to prepare a document that responds to Guidelines set by the Development Assessment Commission. Such a document will be released for public consultation, when the community can provide feedback and comment.

[Central Eyre Iron Ore Project / Cape Hardy deep-sea port approved](#)

The South Australian Governor has granted development authorisation pursuant to section 48 of the *Development Act 1993* for the development of the Cape Hardy Sea Port, associated rail and road corridors, and a long term employee village at Wudinna – all related to the Central Eyre Iron Project.

The infrastructure will service what will be Australia's largest magnetite mine, estimated to produce 21.5 million tonnes each year. That mine, located adjacent to Warrambo on the Eyre Peninsula, has also been granted a mining lease. The project will include the construction of a new 145 km rail link to connect the mine with a new deep-water port at Cape Hardy, near Tumby Bay on the Spencer Gulf.

A 121 page Assessment report has been release by the Minister for Planning, and is now available for download from the above link.

[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 & Interstate

[APEEL – Future of Australian Environmental Laws consultation open](#)

The Australian Panel of Experts in Environmental Law (APEEL) has released 8 technical papers discussing much-needed reform in a number of areas of Australian environmental law. The Panel is now inviting feedback on the documents from anyone with an interest in the topic. The series of papers address the following issues:

1. The foundations of environmental law
2. Environmental governance
3. Terrestrial natural resources management
4. Marine and coastal issues
5. Climate law
6. Energy regulation
7. The private sector, business law and environmental performance
8. Democracy and the environment

The papers and recommendations are available for download by following the above headline link.

Submissions are due by **2 June 2017**.

[EPBC Act referral – Robe Golf Course extension](#)

The Federal Environment Minister has received a referral under the *Environment Protection and Biodiversity Conservation Act 1999* from the Robe Golf Club, in regard to their proposal to extend their current golf course from 12 to 18 holes within a development footprint of some 19.21 ha. The course is located immediately south-west and adjoining the township of Robe in South Australia.

The development will take place within a coastal dune environment and the referral states that it will require the removal of native vegetation. Overall, the referral identifies just one listed threatened flora species (the Little Dip Spider Orchid), and one critically endangered fauna

species (the Orange-bellied Parrot) which may potentially be present within the development area.

Submissions are due by **17 May 2017**.

Senate Inquiry – Red tape surrounding environmental assessments and approvals

Formed recently in October 2016, the Senate's new Red Tape Committee (chaired by Senator David Leyonhjelm) will be conducting an inquiry into the effects of 'red tape' on environmental assessment and approvals. In particular, the Committee will be looking at:

- a) the effects on compliance costs (in hours and money), economic output, employment and government revenue;
- b) any specific areas of red tape that are particularly burdensome, complex, redundant or duplicated across jurisdictions;
- c) the impact on health, safety and economic opportunity, particularly for the low-skilled and disadvantaged;
- d) the effectiveness of the Abbott, Turnbull and previous governments' efforts to reduce red tape;
- e) alternative institutional arrangements to reduce red tape, including providing subsidies or tax concessions to businesses to achieve outcomes currently achieved through regulation;
- f) how different jurisdictions in Australia and internationally have attempted to reduce red tape
- g) any related matters.

Submissions are due by **9 June 2017**.

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

[State NRM Plan review](#)

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

[EPA proposes ban on certain fire-fighting foams](#)

- Submissions due by **5 June 2017**.

EDO(SA) Recent Submissions

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

- [Public Participation in Environmental Decision Making Report 2017](#)

EDOs of Australia Recent Submissions

EDOs of Australia has recently released the following completed submissions, which are available for download:

- [Australia's Climate Change Policy Review](#)
- [Inquiry into National Water Reform](#)