

e-Bulletin

No. 8 of 2017, 25 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.

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NEWS AND EVENTS

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[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. 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.

\$20 waged, \$5 unwaged

Delicious drinks and nibbles provided.

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

[New Laws for Nature – Seminar TODAY](#)

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

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

NOTICES AND INQUIRIES

South Australia

[Major Development – Peregrine Kensington development approved](#)

On 26 November 2015, the Minister for Planning declared the redevelopment of the existing Peregrine Corporation head office at 270 The Parade, Kensington, to be a Major Development pursuant to section 46 of the *Development Act 1993*. The proposed development comprises the removal of all existing buildings on the site and then the construction of a seven storey office building, together with associated storage and car parking (223 spaces), retail floor space and a restaurant and accommodation. Total projected cost is \$50 million.

The Governor granted development authorisation to the proposal in the South Australian Government Gazette of 16 May 2017.

[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

[EPBC Act referral – Franklin Harbour Foreshore Project](#)

The Federal Environment Minister has received a referral under the *Environment Protection and Biodiversity Conservation Act 1999* from the District Council of Franklin Harbour, in regard to their proposal to create a new jetty access road across the foreshore saltmarshes north of the wharf area of the township of Cowell, located on the Eyre Peninsula.

The Council intends to construct a commercial / recreational boat access route by continuing Second Street across the foreshore and entering the wharf area to the south east. This will require the construction of an elevated road causeway across the disturbed saltmarsh, which will involve the backfilling of the section from the proposed constructed road back to the existing wharf to create additional parking areas. Total development footprint will be approximately 2.2 hectares.

The referral states that the area under application consists of weed-disturbed low-lying saline clay flats with inter-tidal and supra-tidal saltmarsh fringed on the seaward side with Low Open Mangrove Forest. The adjoining Franklin Harbour is classified as nationally important wetlands (SA010) under the DEWHA South Australian Wetlands Inventory and is a proclaimed Marine Park (MP9) under the *Marine Parks Act 2007*.

Despite listing a large number of listed threatened species and listed migratory species which may have the potential to be present within the development area, the referral does not consider there to be a likely impact upon any of them, or upon their habitat. This is a highly unusual position to take in an EPBC Act referral.

The referral does concede that the proposed action is likely to impact on the ecological character of the nearby Ramsar wetlands, however is not of the opinion that this impact will be significant.

Submissions are due by **6 June 2017**.

[Senate Inquiry – Future impacts of climate change on housing, buildings and infrastructure](#)

On 9 May 2017, the Senate referred the following matters related to the Environment and Communications References Committee for inquiry and report by November 2017:

The current and future impacts of climate change on housing, buildings and infrastructure, accounting for the full range of projected climate scenarios, having regard to matters, including:

- a) recent and projected changes in sea level rises, and storm surge intensity;
- b) recent and projected changes in temperature and precipitation;
- c) recent and projected changes in extreme weather, including heatwaves, bushfires, floods, and cyclones;
- d) recent and projected changes in natural coastal defence systems including coral reefs, kelp and mangrove forests;
- e) the impact of these changes on the vulnerability of infrastructure in coastal areas;
- f) the impact of these changes on water supply and sewage treatment systems;
- g) the impact of these changes on transportation, including railways, roads and airports;
- h) the impact of these changes on energy infrastructure, including generators and transmission and distribution lines;
- i) the impact of these changes on health, education and social services infrastructure, including hospitals, schools and aged care;
- j) the impact of these changes on private and public housing;
- k) the impact of these changes on public recreation and tourism facilities;
- l) the impact on financing and insurance arrangements for housing, buildings and infrastructure;
- m) the adequacy of current state and Commonwealth policies to assess, plan and implement adaptation plans and improved resilience of infrastructure; and

n) any other related matters.

Submissions are due **21 July 2017**.

[Senate Inquiry Report – Oil or gas production in the Great Australian Bight](#)

In February 2016 the Senate's Environment and Communications References Committee began an inquiry into the potential environmental, social and economic impacts of BP's planned exploratory oil drilling project, and any future oil or gas production in the Great Australian Bight. Though BP subsequently abandoned its plans, a number of other license holders remained interested in the prospect, so the inquiry was still considered to be highly relevant. The inquiry has now completed its findings and published a report.

While the report contains much information about the potential impacts upon the marine and coastal environment; the social and economic impacts upon tourism fishing and regional industries; and the capacity of oil spill mitigation in the Bight – the report ultimately makes no formal recommendations. It becomes clear from reading the additional notes that there was significant disagreement between the Senators participating in the inquiry, with those disagreements falling generally (though not exclusively) along party lines.

Ultimately, the Greens and Nick Xenophon team recommended against oil and gas production taking place; Liberal Senators supported it; and Labor were generally in favour of it, though two members argued that there should be significantly improved public participation in the process.

The report can be downloaded by following the above headline link.

[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**.

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

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

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

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

[Senate Inquiry – Red tape surrounding environmental assessments and approvals](#)

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