

GREENLAW

NEWS



Photos courtesy of the fabulous Bill Doyle

Environmental Defenders Office (SA) Inc.

WELCOME TO THE INAUGURAL EDITION OF GREENLAW NEWS SHEET!

Why are we changing our newsletter format?

The EDO SA mission is to empower the community to protect the environment through law.

Our fabulous new website designed especially for us by the super Lesley is specifically focused on providing information to educate and inform the community in all aspects of statutory requirements to protect and manage the South Australian environment. As such, the website is accessed by the wider community and is, we hope a useful tool in that context.

However, when we thought about who reads our newsletter we identified a different audience. Our membership is an eclectic mix of professional, managerial and community people committed to ensuring our environment and lifestyles are protected through statutory process.

Therefore, we believe the underlying communication processes of website and members information channels needed to be underpinned by different premises.

We propose a two-pronged approach to keep our membership informed.

GreenLaw News Sheet

The News Sheet is designed to provide our membership with an understanding of the process of EDO SA. How we work and the service we provide to the wider South Australian community. 'What questions they ask us', will give you an idea of the current calls coming into the office. Assistance is given by a volunteer lawyer or the staff lawyer. We hope by offering you quick snapshots of our work and process, we might better be able to identify how co-operative effort, cohesive policy and processes can support South Australians and the environment. In time, we hope patterns and trends will emerge which will assist us all to understand how best to achieve effective governance and protection of lifestyles and natural systems.

GreenLaw Legal Briefs

These will be interim publications with fuller details from our Principal Solicitor - Melissa Ballantyne - and will be issued at her discretion and within her time frames.

FEEDBACK WELCOMED

We would like to say that this inaugural edition reflects a work in progress. Generally, we are trying to develop concepts and establish communication processes that engender strong and effective interaction between EDO and the wider community. We want the 'service' we offer to be fully utilized. We welcome your constructive feedback and suggestions for further GreenLaw News Sheet editions.

THEY ASKED US

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Most days EDO receives calls from the community asking for advice on legal matters related to aspects of environmental management and law. These questions vary from a neighbour's tree or fence to more complex developmental issues and impacts.

The next sections relating to tree preservation and planning and development issues, outline concerns from the wider community. These clients were booked into a session with our rostered solicitors. The sessions are held each Thursday night at our office in King William Street Adelaide.

On Planning & Development

New development - privacy and daylight issues. *Can I appeal and how does the Environment Resources & Development Court (ERDC) operate?*

Client has a 'shade structure' in the front yard, under which they keep their car. *I want to know if I need to put in a development application?*

The Council is refusing to enforce a Development Order for a tennis club to turn its lights off at 10pm. *What can I do?*

The council rejected a development application for a development next door. The developer appealed. There was a conference in the ERDC and the application was approved with very little change to the plans. *What can I do?*

New development - affecting privacy, daylight and potential flooding. *What are my legal rights?*

Client is not happy with the council decision to downgrade a linear park from 'conservation' to 'recreation'. Council conducted a 2 year consultation process and have overturned the recommendations made. *What rights do I have?*

On Significant Trees

The client shares with a neighbour a significant tree and wants to develop his property further. He would need to cut into the Tree Protection Zone, but the neighbour has already had approval to access this zone, thus limiting the client's potential to build. Client is appealing the neighbour's approval in the ERDC. *Can I have advice on ERD Court procedure?*

New development - the developer wanted to keep 5 trees, but the council said they could not as they were too close to the building. Client (not the developer) has managed to save 3 with negotiations, but still wants to save the others. *What can I do?*

Client has a significant tree and the neighbour wants it removed. Arborist report says tree is healthy. Client has been to her local MP. *What legal options do I have?*



**A BRIEF OVERVIEW OF THE CASEWORK OF EDO
STAFF SOLICITOR**

CASEWORK

with Melissa Ballantyne

Red Dust case

I have continued to provide advice and assistance to dust affected residents of Whyalla.

Unfortunately in July 2006 the Supreme Court effectively ended the client's legal action in that arena. We are now considering other legal and non legal options for our clients.

OneSteel meanwhile has been implementing the initial stages of Project Magnet which will greatly increase production and in the process it is hoped that there will be reductions in dust emissions. We are currently seeking more information from OneSteel regarding this.

Penola Pulp Mill

This is a matter where I have been providing ongoing advice to a number of opponents of the proposal. The development application for the Mill has recently been approved by the Development Assessment Commission.

Despite the size and nature of the development Minister Holloway has not declared the proposal to be a Major Project. The matter is also the subject of a notification under the Federal Environment Act but this process has not yet concluded. The potential threat to the habitat of an endangered bird species is the subject of this process.

The application was lodged the day after interim operation was given to a change to the Wattle Range Development Plan. The site of the proposed development was re-zoned Primary Industry 3 and Pulp Mills were specifically listed as Category 2 developments, thus removing any third party appeal rights.

Entech

For several months now I have been advising residents affected by fumes allegedly emanating from the Entech factory at Devon Park. Entech is a manufacturer of electronic circuit boards.

The residents have had numerous dealings with various authorities including the EPA, Port Adelaide Enfield Council, MPs and WorkSafe SA.

Entech's solicitors have now issued proceedings in the District Court against two of the residents alleging that the company and its Director have been defamed as a result of information published in a number of flyers and the contents of a letter to the Messenger newspaper.



Have you heard about -----

Wine Fundraiser ended 15/9

The EDO has raised approximately \$2000 from this fundraiser. The wine is good and it is wonderful to have a great winery supporting us. Temple Bruer has certified organic wine and uses environmentally friendly practices when growing its grapes.

<http://www.templebruer.com.au>

AGM 24/11

The EDO Annual General Meeting will be held on 24th November at the British Hotel in North Adelaide. Following the meeting there will be a dinner. You are most welcome to come to both or either of these events. Just ring the office.

ANEDO meeting 3/9

Melissa Ballantyne attended a meeting in Sydney of the Australian National Environmental Defenders Offices. This is a time of consolidation and networking.

Webpage update

The EDO now has a wonderful new look web page with lots of information <http://www.edo.org.au/edosa>

Thanks to Lesley maslin_beach@yahoo.com.au

Contact Us

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Environmental Defenders Office (SA) Inc.

**TUESDAY 7th November 2006
5.30PM to 7.00PM**

**Meeting Room
North Adelaide Community Centre
Institute Building**

**(Directly behind North Adelaide Library)
176 Tynte St North Adelaide**

Tea, Coffee & Nibbles provided.

South Australia's Defamation Laws-what do they say and how could they be changed

Important information for environmental advocates



Speakers:

**Melissa Ballantyne
Staff Solicitor EDO**

**Mark Parnell Greens Member
SA Legislative Council**

Conflict is part of life and for many of us advocacy is our work. Effective management and long-term resolutions are based on practical and informed process. Understanding laws related to communication in conflict and advocacy is a necessary and responsible investment in our work. Join this important discussion on the legal implications of communication in conflict and advocacy.

Bookings are necessary:

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*Gold Coin donation
appreciated*

NOTE: We appreciate your assistance in having a fragrance-free event, in consideration for people with chemical sensitivity.