



Friday, 10 May 2019

Weekly Environmental Law A Weekly Bulletin listing Decisions of Superior Courts of Australia covering Environmental Law

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Executive Summary (1 minute read)

Swan v Santos GLNG Pty Ltd & Ors (QCA) - planning and environment - application for leave to appeal against refusal of injunction against companies under s505 *Environmental Protection Act 1994* (Qld) and against costs order - appeal against costs order allowed

Shahin Enterprises Pty Ltd v Development Assessment Commission (SASCFC) - planning and environment - refusal of planning consent for 'proposed development' of 'service station complex' - appeal dismissed

Summaries With Link (Five Minute Read)

Swan v Santos GLNG Pty Ltd & Ors [2019] QCA 6

Court of Appeal of Queensland

Fraser & McMurdo JJA; Henry J

Planning and environment - applicant sought to appeal against primary judge's dismissal of application for injunction against companies under s505 *Environmental Protection Act 1994* (Qld) (Environmental Protection Act) and order that applicant pay companies' costs - whether erroneous finding that orders sought were 'beyond power' conferred by s505(5) Environmental Protection Act - whether primary judge correct to refuse to appoint 'technical expert' - whether erroneous refusal of orders in exercise of discretion - whether primary judge had 'ruled against' companies' 'no case submission' - ss457(1) & 457(2) *Sustainable Planning Act 2009* (Qld) - held: leave to appeal granted and appeal allowed in respect of costs order.

[Swan](#)

[From Benchmark Friday, 10 May 2019]

Shahin Enterprises Pty Ltd v Development Assessment Commission [2019] SASCF 44

Full Court of the Supreme Court of South Australia

Vanstone, Kelly & Blue JJ

Environment and planning - Environment Resources and Development Court (ERDC) dismissed appellant's appeal against first respondent's refusal of planning consent for 'proposed development' of 'service station complex' - 'principal issue' was whether proposed development would breach 'Principle 1' - ERDC had concluded that the proposed development was 'not small-scale' and was non-compliant with Principle 1 - appellant contended ERDC erred in findings concerning impacts of proposed development - appellant sought to amend appeal grounds - whether to grant leave to amend - prejudice - construction of Principle 1 - "the amenity of residential premises within the locality" - impact on 'free flow of traffic' - whether errors of law in ERDC's conclusions - whether to grant leave to appeal on 'factual grounds' - held: leave to amend appeal grounds granted - grounds of appeal not established - appeal dismissed.

[Shahin](#)

[From Benchmark Friday, 10 May 2019]



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Dream-Time

By: Ella Higginson

It is the time when crimson stars
 Weary of heaven's cold delight,
And take, like petals from a rose,
 Their soft and hesitating flight
Upon the cool wings of the air
 Across the purple night.

It is the time when silver sails
 Go drifting down the violet sea,
And every poppy's crimson mouth
 Kisses to sleep a lovesick bee;
The fireweed waves her rosy plumes
 On pasture, hill and lea.

It is the time to dream—and feel
 The languid rocking of a boat,
The pushing ripple round the keel
 Where cool, deep-hearted lilies float,
And hear thro' wild syringas steal
 Some songster's drowsy note.

It is the time, at eve, to lie
 And in a hammock faintly sway,
To watch the golds and crimsons die
 Across the blue stretch of the bay;
To hear the sweet dusk tiptoe by
 In the footsteps of the day.

[Ella Higginson](#)

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