



**Environmental Defenders' Office**  
AUSTRALIAN CAPITAL TERRITORY



Welcome to the Summer edition of the EDO (ACT) newsletter.

The EDO ACT wish our supporters and members a happy holiday and New Year. We are looking forward to returning in 2018 with renewed energy to assist the ACT community in using the law to protect the environment.

The EDO would like to thank the ACT Government for their commitment to fund the EDO for the next two years. This support has not only allowed us to continue providing our important legal services, but has allowed us to us to recruit another staff member. Our new Policy and Communications Director, Nicola Silbert, started work at the EDO in November 2017. Nicola will assist in communications, law reform, and community education projects. The EDO look forward to being able to use our increased capacity in 2018 to support the ACT and regional communities with more community legal education including forums, seminars and engagement.

The EDO thanks all of our supporters, volunteers and members. Without your support, we could not continue our important work. We wish you a safe and happy holiday and New Year. The office will be closed from 18 December 2017 to 8 January 2018.

*Camilla Taylor*  
Principal Solicitor

December 2017

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### **Pre Development Application (DA) Consultation Guidelines Released**

The ACT government has introduced guidelines for developers about how to involve the community in the early stages of a development proposal. The Pre DA community consultation guidelines set out minimum engagement requirements for developers of significant developments. The guidelines require the developer to make available to the public a site plan, indicative floor plans, elevations, perspectives, landscaping plans, and proposed materials and finishes. The guidelines also require the developer to conduct face-to-face engagement sessions that are accessible by a diverse cross-section of the community.

To read more about the Pre DA Guidelines, click [here](#).

### **ACT Deposit Container Scheme**

A Container Deposit Scheme (CDS) is being introduced in the ACT in early 2018. The CDS will reduce litter by providing a 10 cent refund for the recycling of eligible beverage containers. Under the CDS, you will be able to return your empty beverage containers to an approved collection point to receive a 10 cent refund. Most aluminium, glass, PET, HDPE, steel and liquid paperboard beverage containers between 150 millilitres and 3 litres will be eligible containers under the scheme. Similar schemes already exist in South Australia and the Northern Territory. NSW and Queensland will implement schemes in 2017 and 2018 respectively.

The ACT Government is asking for the community to participate in a survey about the CDS. For more information, click [here](#).

### **Development Control Code for Best Practice Waste Management in the ACT**

The ACT Government is seeking community and industry views on how to improve waste management outcomes in Canberra's new building developments. The Development Control Code for Best Practice Waste Management in the ACT provides detailed directions for building designers to ensure that best practice waste management facilities are incorporated in the built environment. A review of the Code is currently underway in response to feedback from residents on multi-unit developments and the building industry.

The ACT Government is seeking community feedback. Consultation closes 21 December 2017. For more information, click [here](#).

### **Update: Community Zero Emissions Grants Announced**

The Minister for Climate Change and Sustainability has announced a new grants program to help the ACT community to transition to zero emissions and reduce our contribution to global warming. To see the successful grant application projects, click [here](#).

# LAW REFORM AND POLICY WATCH

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## **Review of the *Fisheries Act 2000***

The ACT Government is reviewing the *Fisheries Act 2000*, which provides for the sustainable management of fishing in the ACT. The Act promotes the protection and conservation of native fish species and their habitats sustainable recreational fishing. It also guides management of commercial fish production and fishing enterprises, fish dealing and live fish transport.

The ACT Government is seeking input, particularly on recreational fishing, sustainable fishing management, cultural fishing and any issues about compliance with and enforcement of the Act. Submissions close on 5 February 2018. For more information, click [here](#).

## **Protecting Canberra Bettongs**

The community is being asked to comment on the potential inclusion of the Eastern Bettong to the ACT Threatened Native Species List. The mainland population of the Eastern Bettong is listed as extinct under the *Environment Protection and Biodiversity Act 1999* (EPBC Act). In 2011 and 2012, the ACT Government brought 60 Eastern Bettongs to the ACT from Tasmania, the only place they are now found in the wild. Since their return to the ACT, Eastern Bettong numbers have increased with recent estimates of at least 160 animals in Mulligans Flat Woodland Sanctuary and 70 in Tidbinbilla. The ACT Scientific Committee is seeking views on the nomination of the Eastern Bettong for the ACT's Threatened Native Species List under the category of Regionally Conservation Dependent. Listing an animal is formal recognition of the need for ongoing management to conserve the species in the ACT.

Consultation is open until Friday 8 December 2017. For more information, click [here](#).

## **Rapid Network 2018**

Canberra's public transport network is expanding, with the introduction of five new Rapid Routes in 2018. These new routes offer more frequent and direct services between our town centres, integrated with the Light Rail routes under construction and in planning. The ACT Government is seeking feedback on how to best provide local and suburban connections to the Rapid network. For more information, click [here](#).

## **Housing Choices Discussion Paper**

The ACT Government is investigating whether the housing needs of the Canberra community are currently being met and how they can be better met in the future. The Housing Choices Discussion Paper provides background to the ACT planning and housing policies, and offers an opportunity to contribute ideas on strategies to get better housing outcomes. The ACT government is asking for input about housing development in the ACT.

Consultation closes 9 March 2018. For more information, and to contribute, click [here](#).

## **Amendments to a Range of Environmental Laws in the ACT**

The *Planning Building and Environment Legislation Amendment Bill 2016* (No 2) proposed some amendments to a wide range of laws. The most substantive amendments include addressing the operation of a development permit, where an application to review the permit is withdrawn and prescribing upper and lower generation limits for small and medium scale utilities.

The Bill will be debated in the near future. To read the Bill, click [here](#).

## **NATIONAL NEWS**

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### **Rare Whaling Footage Released under FOI**

Sea Shepherd Australia has released rare whaling footage filmed on a 2008 Australian Customs mission to the Antarctic and obtained by EDO NSW under Commonwealth Freedom of Information laws. In 2015, EDO NSW received instructions from Sea Shepherd Australia to help them obtain information from the Commonwealth Government relating to illegal whaling practices by Japanese vessels in the Southern Ocean. The resulting application for government information was refused by the Department of Immigration and Border Protection. In May 2017, the Information Commissioner ordered the release of the documents. To read more, click [here](#).

### **Protecting the Murray-Darling Basin**

EDO NSW has commenced civil enforcement proceedings in the NSW Land and Environment Court on behalf of its client, the Inland Rivers Network, alleging unlawful water harvesting in the Barwon-Darling River. For more information, click [here](#).

### **Adani Coalmine: Wangan and Jagalingou Traditional Owners File Application for Injunction**

The Wangan and Jagalingou claim group have voted unanimously at an authorisation meeting to reject an Indigenous Land Use Agreement (ILUA) with Adani, underlining their sustained opposition to the proposed coalmine in Queensland. The Traditional Owners also announced that they have filed an injunction in the Federal Court against Adani and the Queensland Government, to restrain them should they attempt to extinguish their native title. Click [here](#) for more information.

### **Potential Changes to NSW Planning Law (NSW)**

The NSW Government has proposed significant changes to the *Environment Planning and Assessment Act 1979* in a number of key areas. Whilst improving transparency, the amendment will weaken the existing legislation in several areas. Public comments on the proposed changes will be accepted until Friday the 31<sup>st</sup> of March.

To view the draft bill and have your say, click [here](#).

## SUBMISSIONS

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### **Submission responding to the Productivity Commission's Draft Report into National Water Reform**

The EDOs of Australia (EDOA) have made a submission on the Productivity Commission's Draft Report into National Water Reform, building on our previous submission in May 2017. The submission focuses on threats to environmental water; access to information; compliance and enforcement; water markets and trade; climate change; extractive industries; and Aboriginal water ownership and management. To read the full submission, click [here](#).

### **Proposed adjustment to Sustainable Diversion Limit (SDL) Adjustment Mechanism**

The EDOs of Australia (EDOA) have made a submission outlining concerns and objections regarding the proposed Sustainable Diversion Limit (SDL) Adjustment Mechanism, which determines the maximum amount of water that can be used from the Murray-Darling Basin. Overall, the EDOA does not support the Draft Determination as it may result in breaches of the Water Act and Basin Plan. The EDOA outlined concerns regarding the public consultation process; notification of efficiency works; five percent limits of change rule; climate change; Coorong, Lower Lakes and Murray Mouth; environmental and third party risk; and determining adjustment volume. Click [here](#) to read the full submission.

## OPPORTUNITIES TO COMMENT

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### **Case Studies on Environment and Energy Sustainable Development Goals**

The Federal Department of the Environment and Energy is seeking case studies that showcase work that gives effect to the environment and energy Sustainable Development Goals and their Targets. Suitable case studies will be included in an online compendium of case studies that will enable stakeholders across Australia to showcase their contribution to the environment and energy Goals. Case studies may also be considered for reference in Australia's Voluntary National Review. For more information, click [here](#).

### **Water Use by the Extractive Industry**

The Environment and Communications References Committee invites individuals and organisations to send in their opinions and proposals regarding the regulatory framework governing water use by the extractive industry. Submissions are invited until Friday, 15 December 2017. Click [here](#) to find out more.

### **Innovation Connect Information Session**

The ACT Government will hold an information session for the 2017-18 Innovation Connect funding round on 12 December 2017 at the 2 Degrees Renewables Innovation Hub. If you are an innovative start-up that requires proof-of-concept funding, Innovation Connect may be for you. Innovation Connect includes a dedicated funding stream for renewables projects with funding from the Renewable Energy Innovation Fund.

When: December 12 4-5pm

Where: Renewables Innovation Hub, 19 Moore St Turner

For more information, click [here](#).

### **ACT Permaculture Festival**

The ACT Permaculture Festival is an opportunity to connect with community associations, local enterprises and small businesses with social goals and makers or individuals whose work is related to the practice of permaculture.

When: Sunday 15 April 2018

Where: Canberra City Farm, 2 Dairy Road, Fyshwick

More information can be found [here](#)