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## **EDO NSW EBULLETIN – 22 April 2016: Number 954**

The EDO NSW eBulletin is a free weekly bulletin that includes news, events, public notices and opportunities for public comment listed in our online resource [Have Your Say](#).

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### **EDO NSW News and Events**

#### **Case update: new information comes to light on Evans Head developer meetings**

There has been a development in our case for Dr Peter Ashley who is concerned about a controversial proposal to develop sensitive coastal land at Evans Head.

If you've been following this case, you'll know that Dr Ashley, a resident of Evans Head, made a 'GIPA' request for information about meetings held between Councillors of Richmond Valley Council and the person proposing to develop the site. The Council refused the request. We represented Dr Ashley in an appeal to the NSW Civil and Administrative Tribunal (NCAT) seeking a review of this refusal.

Following an NCAT meeting on 22 March, the Council agreed to make direct enquiries of Councillors about the requested information and make a fresh determination.

The Council has now made this determination, which has revealed that a meeting took place on 17 October 2014 between the Mayor, a Councillor, the Council's General Manager, and a number of others, including the developer. This meeting was not disclosed in response to our client's original GIPA application.

At an NCAT planning meeting on Tuesday this week, the Council stated that it has searched for minutes and further records on the October 2014 meeting, but has not discovered any. It did not provide details about the purpose of the meeting.

NCAT has ordered the Council to write to Dr Ashley by 3 May 2016 setting out the purpose of the meeting based on information in its possession. A directions hearing has been set down for 10 May 2016.

[Read more about the case »](#)



May 2014

April 2016

### **Gala Dinner – Oh what a night!**

With your help, we raised over \$60,000 from our 2016 Gala Dinner. These funds will go towards our vital work helping the community to defend the environment through law.

Thank you to everyone who supported the event – our sponsors, our speakers, our donors, our bidders, our attendees, and our staff. To celebrate, we've put a selection of photos from the night [online](#).

[View photos »](#)

### **Our client Pat Murphy – 'forgotten man' of rural Australia**

You may have heard our client Pat Murphy on RN Breakfast on Wednesday morning. Pat is a 'forgotten man' of rural Australia. We're helping Pat in his struggle to protect his family and his property from the impacts of Whitehaven's Maules Creek coal mine, one of the largest open cut coal mines in Australia.

Pat is a farmer. His property is just over 1km from the mine. But astonishingly, the planning approvals for the mine have failed to place any limits on the noise and dust impacts that the mine is allowed to have on Pat's property. You can hear more about Pat's story on this morning's edition RN Breakfast, which features our CEO/Principal Solicitor Sue Higginson.

[Listen to Pat's story »](#)

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## Court and Compliance Watch

### Developer fined for failing to meet conditions of approval

The NSW Department of Planning and Environment has issued a series of fines to developer Leda Manorstead for failing to install fencing around environmentally sensitive areas as required by the conditions of its approval for the Cobaki Estate development at Tweed Heads. The company was fined \$15,000 fine in January 2016, and a further \$15,000 in April 2016 because the fence had still not been constructed.

[Read more »](#)

### Mine seepage clean up underway

The NSW EPA has issued mining company Centennial Newstan Pty Ltd with a clean-up notice requiring the company to address water quality impacts arising from a closed mine at Awaba near Lake Macquarie.

The EPA's monitoring shows discharges from the old mine contain high concentrations of dissolved metals, salinity and acidity. The clean-up notice requires Centennial to provide a report to the EPA by July 2016 that includes all of the monitoring and analysis that has been undertaken by Centennial to date. Centennial must also provide a detailed review of best practice techniques available to address the seepage.

[Read more »](#)

### Construction supply company fined over solvent spill

The NSW EPA has fined Parchem Construction Supplies Pty Ltd \$15,000 after a chemical spill at the company's premises in Wyong in October 2015 that required Fire and Rescue New South Wales Hazmat and the EPA to attended the premises and undertake a clean-up recovery operation. The spill occurred when a 'flammable wash solvent mix' containing acetone and xylene was being moved by forklift as part of a decanting process. The mixing pot containing the chemicals was not secured adequately, and 700 litres of the mix was spilt.

[Read more »](#)

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## Law Reform and Policy Watch

### Community Consultative Committee Guidelines – State Significant Projects

EDO NSW has made a submission on the NSW Government's proposed Community Consultative Committee (CCC) Guidelines for State significant projects.

We support the intent to update and strengthen guidelines for CCCs. Our submission draws on comments and feedback from EDO NSW clients who have been, and continue to be, involved in committees in their local communities.

In our submission, we recommend strengthening and clarifying the CCC guidelines across seven areas: the independent chair; community membership; early engagement; data and research; meeting protocol; training and interaction with other committees. Recommendations on each of these are detailed in the submission.

Thank you to everyone who helped us make our submission on this important aspect of public participation.

[Read more in our submission »](#)

## **Report on the state of conservation of the Tasmanian Wilderness World Heritage Area**

The Australian and Tasmanian governments have released a response to a World Heritage Committee (WHC) Decision in July 2015 and the recommendations of a WHC monitoring mission undertaken in 2015.

*The State Party Report on the state of conservation of the Tasmanian Wilderness World Heritage Area (Australia) – 2016* addresses the 20 recommendations made by the monitoring mission. It also responds to the Committee's call for better identification of the cultural values of the area, by noting that the Tasmanian Aboriginal Heritage Council is developing and overseeing a study of Aboriginal cultural values of the area.

[Read more »](#)

## **Gwydir river system to receive environmental water relief**

The NSW Office of Environment and Heritage has announced it will start a low volume water release into the Gwydir river system to ensure a gradual increase in river levels throughout the system. The release is ahead of a larger water release planned by WaterNSW to occur in May.

The Office expects the improve conditions for native fish and prime the system in readiness for the replenishment flow in May, and reduce the risk of fish death from the 'blackwater' events that can occur as a result of a sudden high flow.

[Read more »](#)

## **Government partners with Aboriginal organisation on lower River Murray water**

The Commonwealth Environmental Water Holder has entered into a three-year Partnership Agreement with the Ngarrindjeri Regional Authority to ensure environmental assets in the lower River Murray region are being cared for in accordance to the cultural protocols of the Ngarrindjeri nation.

The Partnership is the first of its kind between the Commonwealth Environmental Water Holder and an Aboriginal organisation

[Read more »](#)

## **Conservation advices released**

The Australian Government has approved and released conservation advices for 60 species listed on the Species Profiles and Threats database.

[Read more »](#)

## **Recent EDO NSW submissions and briefing notes**

- [Community Consultative Committee Guidelines – State Significant Projects](#), EDO NSW submission
- [Senate Inquiry into Offshore Oil and Gas Production in the Great Australian Bight](#), EDOs of Australia submission
- [Senate Inquiry into Unconventional Gas Mining](#), EDOs of Australia submission
- [Implementing reforms to the National Industrial Chemicals Notification and Assessment Scheme](#), EDOs of Australia submission
- [Review of the Natural Resources Commission Act 2003](#), EDO NSW submission
- [Options for Low Rise Medium Density Housing as Complying Development](#), EDO NSW submission
- [The NSW Coastal Management Reforms](#), EDO NSW submission

Read all of our law reform submissions and briefing papers [on our website](#).

## **New legislation introduced to Parliament**

### [Australian Parliament](#)

- *No new bills have been introduced into Parliament since the last eBulletin.*

### [NSW Parliament](#)

- *No new bills have been introduced into Parliament since the last eBulletin.*

## **Local Environmental Plan tracking**

- [Holroyd](#) – Rezoning of land at Sturt Street, Smithfield, from General Industrial to Light Industrial.

To access the LEP tracking system, visit the Department of Planning and Environment [website](#). Read more about LEPs in our [Fact Sheets](#). Visit your [local council's website](#) to see if there are any planning proposals or LEP changes open for public comment.

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## Have Your Say Alerts – Opportunities to Comment

This eBulletin provides alerts for opportunities to comment on changes to law and policy, and activities that may impact the environment in your area. For a comprehensive list of current opportunities to have your say on a range of environment and planning matters, visit our [Have Your Say site](#).

This online resource [also helps the community to effectively engage](#) with decision-makers and [request a workshop](#) for your community. We are always trying to improve our community resources and are currently seeking feedback on the effectiveness of Have Your Say. You can help us out by [checking out the site](#) and [completing a short three-question survey](#).

### Consultations

- **Submissions extended: Hawkesbury shelf marine bioregion assessment**

The Marine Estate Management Authority is undertaking an assessment with the aim of enhancing marine biodiversity conservation in the Hawkesbury Shelf marine bioregion. There are eight suggested management initiatives to enhance biodiversity conservation and to help reduce threats to the environmental assets of the region, as well as the social and economic values and uses of the region.

Submissions are now invited until Sunday 8 May 2016.

[Read more and have your say »](#)

- **Leura Station Upgrade**

Transport for NSW is proposing to improve accessibility at Leura Railway Station for people with disabilities, limited mobility, parents with prams, and tourists with luggage.

Submissions are now invited until Friday 6 May 2016.

[Read more and have your say »](#)

- **Threatened Species and Endangered Ecological Community Listing Consultations**

- *No new listings have been placed on exhibition since the last eBulletin.*

For a full listing of threatened species and endangered ecological community listings currently open for public comment, visit the [NSW Office of Environment and Heritage website](#) and the [Australian Department of the Environment website](#).

- **Fisheries assessments**

- *No new fisheries assessments have been placed on exhibition since the last eBulletin.*

For a full listing of fisheries assessments currently open for public comment, visit the [NSW Department of Primary Industries website](#) and [the Australian Department of the Environment website](#).

## **Legislative reviews**

- *No new legislative reviews have been announced since the last eBulletin.*

## **Major Project proposals: Invitation to comment**

- [Perisher](#) – Installation of new supplementary gas tank adjacent to the Blue Cow Skitube terminal – Submissions invited until Monday 16 May 2016
- [Glendenning](#) – Industrial extensions to establish a waste management facility – Submissions invited until Thursday 26 May 2016

For a full listing of major project proposals currently open for public comment, visit the Department of Planning and Environment's [website](#). To learn more about the planning process for major projects, read our [Fact Sheet on State Significant Development and State Significant Infrastructure](#).

## **EPBC Referrals: Invitation to comment**

- [Woodend, VIC](#) – Widening of Romsey Road for proposed new Braemar College campus – Submissions invited until Monday 2 May 2016
- [Ripley, QLD](#) – Mixed residential and retail/commercial development, Binnies Road, Ripley – Submissions invited until Wednesday 4 May 2016
- [Townsville, QLD](#) – upgrade to Townsville Northern Access Intersections – Submissions invited until Wednesday 4 May 2016

Referrals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) can be viewed on the Australian Environment Department's [website](#). To learn more, read our [Fact Sheet on the EPBC Act](#).

## **Plans of Management: Invitation to comment**

- *No new National Park plans of management have been placed on exhibition since the last eBulletin.*

The full listing of plans of management for protected areas can be viewed on the [Office of Environment and Heritage website](#). To learn more about the Plans of Management, see our [Fact Sheet on Protected Areas](#).

## New Coal and Petroleum Exploration Licence Applications

- *No new coal or petroleum exploration licence applications have been listed since the last eBulletin.*

To view current coal and petroleum (including CSG) exploration licence applications and approvals, visit the Minerals and Petroleum [website](#). The [NSW Government Gazette](#) also contains a list of all exploration and mining lease applications and determinations. Public comment can be made on coal and petroleum (including CSG) exploration licence applications on the Minerals and Petroleum [website](#). To learn more, read the EDO NSW publication [Mining Law in NSW: A guide for the community](#).

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## Community News

### Australian Environmental Law Digest April 2016

The April 2016 edition of the Australian Environmental Law Digest is now available online. Articles include:

- Court invalidates development consent for failure to prepare a Species Impact Statement
- Save Beeliar Wetlands (Inc) v Jacob [2015] WASC 482
- Two-year wait for Hazelwood mine fire charges show system needs to change
- Rehabilitation liabilities – a big diamond mess!
- Extended legal responsibility for environmental harm on the way in Queensland
- Polluter pays principle in action
- Victorian Climate Change Review

The National Environmental Law Association is calling for contributions by 23 June 2016 for the July 2016 edition. Contributors should email to Jess Feehely at [review@nela.org.au](mailto:review@nela.org.au).

[Read more »](#)

### Call for papers: AELA Conference 2016

The focus of this year's Australian Earth Laws Alliance (AELA) Conference will be 'The future of Australian environmental law: politics, reform and community activism.'

The conference will be held on 20 and 21 October 2016 at the EcoCentre, Griffith University Nathan Campus, Brisbane.

The AELA is calling for proposals for individual papers and panels addressing a wide range of themes exploring the future of environmental law and governance in Australia. Proposals need to be in by 1 June 2016.

[Read more »](#)

## **Professional Development for Environmental Experts**

The Environmental Institute of Australia and New Zealand (EIANZ) is running a professional development course to help experts improve their skills in relation to court appearances, writing and commission reports and providing advice and complying with ethical responsibilities. The course costs \$350 for members and \$700 for non-members.

When: Friday 27 May 2016

Where: TBC (Sydney CBD location)

[Read more »](#)

## **Accessing and Managing Sensitive Ecological Data**

EIANZ is holding a Professional Environmental Practice talk about the Australian Government's new approach to making sensitive ecological data more accessible, discoverable and re-usable. Guest Speaker is Tania Laity from the Department of the Environment.

When: Monday 25 May 2016, 6:30-8:30pm

Where: Hotel Realm, 18 National Circuit, Canberra

[Read more »](#)

## **Seminar on new Land and Environment Court online services: new date and venue**

The Land and Environment Court is transitioning to new online technology for case information and case management. Members and friends of EPLA are invited to a seminar on these changes.

Registrar Joanne Gray will chair the seminar and provide a summary of the changes, and representatives from the justice online project will demonstrate the features of the Court's new systems.

Cost: EPLA Members: \$33; Non-members: \$44; Students, Government and Local Councils: Free

When: Thursday 28 April 2016, 05:30-07:30 pm

Where: Bar Association Common Room, Lower Ground Floor, 174 Phillip Street, Sydney

[Read more and register »](#)

## **Koala survey volunteers needed on South Coast**

The National Parks and Wildlife Service is looking for volunteers to join its koala monitoring project field team for a minimum of 1 day per month over the next 6 months. Volunteers will help in monitoring the koala population in South Coast national parks and newly established flora reserves between Bermagui and Tathra.

Volunteers will need to be able to hike off track through often difficult terrain to check under for Koala activity and record data.

[Read more »](#)

### **State of Waste 2016 – current and future Australian trends**

MRA Consulting Group has released the fourth report in its *State of Waste* series.

The report explores trends in waste and recycling across Australia and looks at State and Territory policies relating to waste and recycling. The report finds that from 1996 to 2015, waste generation in Australia increased by 170 percent. It also finds that rates of recycling are increasing.

[Read more »](#)

### **Lower Hunter air quality studies – Community Briefing**

The NSW Environment Protection Authority (EPA) will hold a community briefing on the findings of the Lower Hunter air quality studies. The EPA investigating the sources and impacts of particle pollution in the Lower Hunter/Newcastle region as a result of community concern over the air quality impacts from industry.

When: Wednesday 27 April, 5:30-7:30pm

Where: Hunter Room, Newcastle City Hall, 290 King Street, Newcastle

The EPA invites local residents and all those with an interest in local air quality to attend. Representatives from OEH, CSIRO and ANSTO will be at the briefing to answer questions.

[Read more »](#)

### **Workshop: Managing feral animals rural properties**

Greater Sydney Local Land Services is running a free workshop for Sydney-based rural landholders on managing feral animals on rural properties. The event will provide attendees with an introduction to:

- Types of feral animals
- Why feral animals are a problem
- Control methods
- Equipment and licencing requirements

The workshop will be presented by biosecurity officers from Greater Sydney Local Land Services and a light supper will be provided.

When: Thursday, 28 April, 6:15pm

Where: Dougherty Community Centre, Victor St, Chatswood, Sydney

[Read more »](#)

### **Climate Change Research Strategy for Primary Industries (CCRSPI)**

CCRSPI 2016 will explore the commercial drivers for climate resilience and focus on steps being undertaken to grow the resilience of primary industries across Australia. The conference is designed for industry, government, policy and science leaders.

When: 27-28 April 2016

Where: Doltone House, Darling Island, Sydney

[Read more »](#)

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## **Support EDO NSW**

### **Take action**

By donating to EDO NSW you are ensuring the environment has a fighting chance.

[Donate today »](#)

### **Other ways you can help us defend the environment**

By donating to our [Environmental Defence Fund](#), you can help us continue to protect the environment from harm.

You can have an even greater impact by becoming a [Friend of the EDO](#). Our regular donors are an invaluable source of funding and help us ensure we are ready to respond when the community needs our help.

Visit [our website](#) for even more ways to support our work.

### **Environmental Defender**

Read more about how your support can help protect the environment in the October edition of our supporter newsletter, [Environmental Defender](#).

EDO NSW has been providing critical legal support to NSW communities for 30 years. We are the only legal centre in NSW specialising in public interest environmental issues.

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