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EDO NSW EBULLETIN – 20 May 2016: Number 958

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

Biodiversity reforms: first round of EDO NSW workshops announced

We're running workshops in several regions in NSW to assist the community to understand and engage in the Government's proposed biodiversity legislative and policy package. Registrations now open for four free workshops on how the community can have their say about the reforms:

- [Blue Mountains](#) – Tuesday 6 June 2016
- [Murwillumbah](#) – Wednesday 15 June 2016
- [Lismore](#) – Thursday 16 June 2016
- [Gerroa](#) – Monday 20 June 2016

You can RSVP to these workshops [on our website](#) or by calling 02 9262 6989.

We'll also be holding a seminar in Sydney CBD on 30 May – stay tuned to future eBulletins for your closest workshop or check out [our Events page](#) for updates.

We are also participating in forums on the reforms with Landcare, Local Land Services, and local councils throughout NSW during the exhibition period.

If you can't make it to one of our workshops, Nature Conservation Council and Total Environment Centre are running a [number of workshops](#) across the State, and the NSW Government is holding drop in sessions at a [number of locations](#).

We're currently analysing the information on public exhibition and will provide a detailed analysis on various aspects of the proposed reforms on our [biodiversity legislation review page](#) soon.

[Read more »](#)

Case update: Court considering legality of Santos Pilliga CSG facility

Earlier this week we were in the Land and Environment Court for community group People for the Plains, who is taking CSG company Santos to court over the 'Leewood' CSG wastewater treatment facility near the Pilliga State Forest, an internationally renowned ecosystem near Narrabri.

Judgment is expected to be handed down on Thursday 7 July 2016. In the meantime, Santos has agreed not to begin the irrigation component of the Leewood CSG wastewater project until after 8 July 2016.

Thanks to everyone who sent messages of support – together we can help community groups like People for the Plains defend our precious environment.

We'll report the Court's decision in a future eBulletin. But if you'd like to know as soon as the decision is made, why not follow us on [Facebook](#) or [Twitter](#)?

If you know of someone else who'd be interested in the outcome, why not invite them to join us online, or suggest that they [subscribe to the eBulletin](#) by forwarding them this email?

[Read more about the case »](#)



Help us fight extinction

The permanent exhibition dedicated to the Tasmanian Tiger at the [Tasmanian] Museum is a poignant memorial to, and a powerful reminder of, how easily and quickly a species can, through human intervention, vanish forever.

Land and Environment Court decision, 11 March 2016

These powerful words come from a recent decision of the Land and Environment Court. We recently represented a Hunter Valley community group who has been fighting for many years to protect an area of forest vital to the long term survival of the Regent Honeyeater, a bird on the brink of extinction. Drawing parallels between the Regent Honeyeater and the Tasmanian Tiger, a symbol of extinction worldwide, the Court found in favour of the group. [Read more about the decision.](#)

Please make a donation this EOFY so we can continue fighting legal battles for communities committed to protecting our precious wildlife from extinction. Donations over \$2 are tax deductible.

[Donate online today »](#)

Court and Compliance Watch

Amalgamation of Shellharbour and Wollongong Councils temporarily halted

Shellharbour Council has obtained an injunction restraining amalgamation with Wollongong Council until its challenge to the proposed amalgamation is resolved. The Land and Environment Court has granted an interim injunction preventing a recommendation or proclamation of amalgamation until Shellharbour Council's substantive proceedings challenging the basis for the proposed amalgamation is heard.

[Read more »](#)

Cruise ship first to be fined under new low sulfur fuel regulations

The Cruise Ship Carnival PLC has been fined \$15,000 after fuel from the ship was found to have exceeded the permitted sulfur limit while berthed in Sydney Harbour in February this year. Cruise ships are restricted to using low sulfur fuel one hour after berthing and one hour before departing.

Cruise ships in Sydney Harbour contribute 40% of the total fine particle emissions in the harbour from shipping. The fine is the first to be ordered since new regulations were introduced in October 2015. It is part of a comprehensive monitoring and compliance program of cruise ships berthed in the harbour.

[Read more »](#)

Law Reform and Policy Watch

Submission on the Review of Complying Development for Inland NSW

The NSW Government's Review of Complying Development for Inland NSW proposes to amend *State Environmental Planning Policy (Exempt and Complying Development) 2008* to expand code-based assessment.

We have identified a number of critical issues that need to be addressed. These issues are set out in our submission to proposed Policy amendments and reiterated in our [Submission on Options for Low Rise Medium Density Housing as Complying Development](#) (February 2016).

We submit that appropriate governance arrangements need to be in place before the Policy is expanded, and raise concerns that the proposed amendments will result in unforeseen cumulative impacts, including on sensitive environmental areas.

We raise further concerns that consultation for the Policy is occurring before a draft exposure Bill proposing to amend the *Environmental Planning and Assessment Act* has been placed on public exhibition, as it is difficult to properly assess how these reform processes will interact and how they will affect the community and environment.

[Read our submission »](#)

Reducing diesel emissions from construction: best-practice case studies

The NSW EPA has and the Infrastructure Sustainability Council of Australia have produced case studies showcasing best-practice diesel emissions management for construction sites and major infrastructure projects.

The case studies are: Sydney Metro Northwest Tunnels and Station Civil Project; Blacktown City Council ; and Solar Power at Commodore Mine Queensland.

[Read more »](#)

Recent EDO NSW submissions and briefing notes

- [Review of Complying Development for Inland NSW](#), EDO NSW submission
- [Hawkesbury Shelf Marine Bioregion Assessment Suggested Management Initiatives](#), EDO NSW submission
- [National Standard for Environmental Risk Management of Industrial Chemicals](#), EDOs of Australia submission
- [Consultation and Transparency Requirements for Offshore Petroleum Activities in Commonwealth Waters](#), EDOs of Australia submission
- [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

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](#)

- *Mining and Petroleum Industry Political Donations Legislation Amendment (Corruption Risk Reduction) Bill 2015*

This Private Member's Bill aims to reduce corruption risk by prohibiting political donations from the mining and petroleum industry and by prohibiting favourable planning decisions and issuing mining authorisations or petroleum titles to people who have made political donations.

This Bill was negated and lapses on 20 May 2016.

[Read the Bill »](#)

Local Environmental Plan tracking

- [Byron](#) – Rezoning to provide for additional residential development and remove environmentally sensitive land from a residential zone.

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.

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

- **Smart cities plan**

The Australian Government Department of the Prime Minister and Cabinet has released its Smart Cities Plan. The Plan covers a range of issues relating to Australia's cities, including infrastructure, planning, healthy environments and sustainability. It also looks at the framework for coordinating cities policies across levels of government.

Submissions are invited until Friday 24 June 2016.

[Read more and have your say »](#)

- ***Draft Protection of the Environment Operations Legislation Amendment (Scheduled Activities) Regulation 2016***

The NSW EPA is seeking comments on the draft *Protection of the Environment Operations Legislation Amendment (Scheduled Activities) Regulation 2016*. The amendment will modify the descriptions of certain scheduled activities for which an environment protection licence is needed, and modify the manner of determining

licences fees for certain scheduled activities. Activities covered include railway and road construction, dairy animal accommodation, petrol blending, contaminated soil treatment, and certain waste provisions.

Submissions are invited until Thursday 16 June 2016.

[Read more and have your say »](#)

- **Kincumber Intersection Upgrade**

NSW Roads and Maritime Services is inviting submissions on a planned upgrade to the Empire Bay Drive, Scenic Road and Cochrone Street intersection. The proposal involves installing traffic lights and road widening to provide additional lanes at the intersection.

Submissions are invited until Friday 27 May 2016.

[Read more and have your say »](#)

- **Terrigal Drive Upgrade**

NSW Roads and Maritime Services is inviting submissions on plans for an upgrade of Terrigal Drive between Chetwynd Road and Duffys Road. The proposed design includes widening the road to provide two lanes in each direction, and installing a central median and upgrading intersections.

Submissions are invited until Friday 10 June 2016.

[Read more and have your say »](#)

- **Tjoritja/West MacDonnell National Park proposed National Heritage listing**

The Australian Heritage Council is assessing the Tjoritja/West MacDonnell National Park (including the adjacent Standley Chasm) for potential inclusion on the National Heritage List.

The Council's initial assessment suggests the area might have National Heritage values. A draft map and description of potential National Heritage values can be viewed online.

Submissions are invited until Monday 20 June 2016.

[Read more and have your say »](#)

- **Planning Information Day for Middle Head**

The National Parks and Wildlife Service and the Sydney Harbour Federation Trust are hosting a planning information day on the future of Middle Head on Sydney Harbour. Planning will cover current activities, operational requirements, building uses, protection of environmental and heritage values, and opportunities for improved public access and interpretation.

The two agencies are seeking community input into their draft plans for Middle Head. Once prepared, the draft plans will be placed on public exhibition for further community input.

When: Sunday 22 May 2016, 10am-2pm

Where: Soldiers Institute Building, Governors Rd, Mosman

[Read more »](#)

- **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 announced 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

- [Parramatta](#) – Proposed new high school for up to 2,000 students, and new public school for up to 1,000 students – Submissions invited until Friday 17 June 2016
- [Thredbo Village](#) – Installation of solar street lights – Submissions invited until Thursday 16 June 2016
- [Warnervale South](#) – Planning agreement including monetary contributions in accordance with the Wyong Local Environmental Plan – Submissions invited until Tuesday 14 June 2016
- [Shoalhaven](#) – Modification to the Shoalhaven Starches Plant and Bolong Road Bridge crossing – Submissions invited until Wednesday 15 June 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

- [Lord Howe Island, NSW](#) – Eradication of introduced rodents that are impacting World Heritage values and EPBC listed species – Submissions invited until Monday 30 May 2016
- [Australian National University, ACT](#) – Demolition of existing building and construction of a new building. – Submissions invited until Friday 27 May 2016
- [Glenmore Park, NSW](#) – Upgrading of intersections, widening and changed accesses for Northern Road – Submissions invited until Friday 27 May 2016
- [Howard Springs, NT](#) – Expansion of an existing sand extraction area – Submissions invited until Friday 27 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

- **Tygarah Nature Reserve Draft Plan**

The draft plan provides an important opportunity for members of the community to have a say in the future management of Tygarah Nature Reserve.

Submissions are invited until Monday 22 August 2016.

[Read more and have your say »](#)

- **Wongarbon Nature Reserve Draft Plan**

The draft plan provides an important opportunity for members of the community to have a say in the future management of Wongarbon Nature Reserve.

Submissions are invited until Tuesday 22 August 2016.

[Read more and have your say »](#)

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](#).

Community News

Law Council Review Issue 14 spotlights environmental law

The May 2016 edition of the Law Council of Australia's Law Council Review contains two articles on environmental law. *In defence of environmental defenders* (p 22) looks at how Australia's EDOs enable access to environmental justice for citizens and community groups. There's also a report from the annual Mahla Pearlman Oration from March this year (p 24).

[Read more »](#)

2016 Green Globe Awards

Nominations for the 17th Green Globe Awards are now open

The Awards celebrate environmental talent across NSW in 10 different award categories. Finalists will be announced in September 2016, and a gala evening will be held in October to announce and celebrate the winners.

Nominations close 5pm Monday 11 July 2016.

[Read more and make your nomination »](#)

EPBC Act approval condition setting and advanced environmental offsets

An EIANZ 'PEP talk' on the Australian Government's new policy positions concerning approval condition setting and advanced environmental offsets under the *Environment Protection and Biodiversity Conservation Act 1999*.

When: Wednesday 15 June 2016, 6:30–8:30pm

Where: Hotel Realm, 18 National Circuit, Barton, ACT

[Read more »](#)

2016 IUCN World Conservation Congress

The IUCN World Conservation Congress brings together leaders and decision-makers from government, civil society, indigenous peoples, business, and academia, with the goal of conserving the environment and harnessing the solutions nature offers to global challenges. Early bird registrations end on 31 May 2016.

When: Thursday 1 to Saturday 10 September 2016
Where: Hawaii Convention Center, Honolulu, Hawaii

[Read more »](#)

NSW Government biodiversity reforms ‘drop in’ sessions

The NSW Government has announced major reforms to NSW biodiversity laws and regulations. You can read more about the reforms [on our website](#).

Throughout May and early June, the NSW Government will hold ‘drop in’ sessions to help community members find out more about the reforms and explain how to provide feedback. The drop in sessions are:

Coffs Harbour

When: Tuesday 24 May 2016, 5-7:30pm
Where: Norm Jordan Hall, Coffs Harbour Showground, 123 Pacific Hwy

Newcastle

When: Thursday 26 May 2016, 5-7:30pm
Where: Function Centre, Fort Scratchley, Nobbys Rd, Newcastle East

Tamworth

When: Tuesday 31 May 2016, 5-7:30pm
Where: Heritage Room, Tamworth Community Centre, 3A Darling St

Nowra

When: Monday 2 June 2016, 5-7:30pm
Where: Nowra Showground Pavilion, West St

[Read more »](#)

Australian Environment Review

The latest edition of the Australian Environment Review contains a number of articles on economics and the environment.

Articles include:

- The rise of economics in major project litigation
- How evaluations of coal projects go wrong, and how they might be improved
- Natural Capital and Ecosystem Services — a major market failure
- Ecologically Sustainable Development (ESD) and the cost-effectiveness principle
- Obstacles in developing and implementing biodiversity markets: an overview

- Environmental economic valuation in merits review

[Read more »](#)

World Environment Day Awards Presentation Dinner

Tickets for the United Nations Association of Australia World Environment Day Awards presentation dinner are now on sale. The awards recognise innovative and outstanding environmental programs and initiatives and the work of environmental leaders across Australia. [View this year's finalists.](#)

The dinner will be hosted by Sarah Abo of SBS News with entertainment by Opera Scholars Australia.

When: Monday 6 June 2016, 6.30pm

Where: ZINC at Federation Square, Melbourne

[Read more »](#)

Law Society Journal, issue 22 May 2016

The latest issue of the NSW Law Society Journal contains a number of EDO NSW and environmental law articles, including an article by Julie McCrossin on our CEO and Principal Solicitor Sue Higgison on page 34.

[Read the journal online »](#)

Rising up

Co-hosted by the Centre for Environmental Law, Macquarie University and Ku-ring-gai Council, this event will explore how communities can influence decision-making and sustainable development.

Topics to be discussed include how you can make your voice heard in policy making and local development and how citizens can help create a sustainable society through democracy in action.

When: Thursday 26 May, 2016, 6.30 - 8.00pm

Where: Zenith Theatre, McIntosh and Railway Streets, Chatswood, Sydney

[Read more »](#)

2016 Annual EPLA Conference – save the date

The annual Environment & Planning Law Association NSW conference will be held at The Hydro Majestic Hotel in Medlow Bath from Thursday, 20 October to Saturday, 22 October 2016. Full details are yet to be finalised, but you can add the conference to your electronic calendar via the [EPLA website.](#)

[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 »](#)

Support EDO NSW

End of financial year appeal

We recently won a court case for a Hunter Valley community group who has been fighting for many years to protect an area of forest vital to the long term survival of the the Regent Honeyeater, a bird on the brink of extinction.

Together, we can continue fighting these legal battles for communities who are committed to protecting our precious wildlife from extinction.

[Your donation](#) to our Environmental Defence Fund this tax time will ensure we can continue fighting legal battles for communities who are committed to protecting our wildlife from extinction.

[Please make a donation 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.

[Subscribe to this weekly eBulletin](#)