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EDO NSW EBULLETIN – 27 May 2016: Number 959

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

Housing, housing everywhere but not a DA in sight: the possible consequences of expanding complying development on sensitive coastal environments

Sometimes seemingly separate government reforms can interact in unforeseen ways. Two recent reforms proposed by the NSW Government are a case in point: the expansion of the General Housing Code and the coastal reform package.

We need to make sure these reforms work together more effectively so as to minimise impacts on coastal wetlands and littoral (or coastal) rainforests.

In our latest blog post, EDO NSW Policy and Law Reform Solicitor Dr Emma Carmody looks at how these two reforms could interact to negatively impact sensitive coastal environments, and what should be done about it.

“This is a great opportunity for the Government to demonstrate its commitment to rigorous planning processes AND to protecting what remains of our beautiful coastal wetlands and littoral rainforests.”

[Read more »](#)



Warkworth coal mine expansion legal challenge withdrawn

You have probably heard that our clients Bulga Milbrodale Progress Association have withdrawn their appeal against Rio Tinto's Warkworth coal mine expansion.

The community has worked tirelessly for over six years to protect the critically endangered Warkworth Sands Woodland and the community of Bulga from the significant and trying impacts of one of the largest open cut coal mines in the country.

Since the challenge was lodged, we have obtained a number of documents that were not available at the time of filing. These documents make it clear that the case was no longer a viable course of action.

While it is clear that there is significant doubt that the rare and unique Woodland will escape extinction from this project, there is nothing further the community could do under the current laws to protect it from such peril. This is primarily because the Major Projects Offsets Policy has allowed such projects to take priority over biodiversity – no matter how close to extinction it is.

So what's next for the environment and communities? Is this the way of the future now that we're facing the removal of many of our long-held environmental protections under the proposed reform of biodiversity laws? Find out in our CEO and Principal Solicitor Sue Higginson's blog post.

[Read more »](#)

Biodiversity reforms: more EDO NSW events

We're running workshops to help community members understand and engage in the NSW Government's proposed biodiversity legislative and policy package.

Registrations are now open for four free workshops on how the community can have their say about the reforms, and a seminar on the reforms in Sydney:

- [Sydney CBD](#) – Seminar: analysis of the proposed changes – Monday 30 May
- [Blue Mountains](#) community workshop – Monday 6 June 2016
- [Murwillumbah](#) community workshop – Wednesday 15 June 2016
- [Lismore](#) community workshop – Thursday 16 June 2016
- [Gerroa](#) community workshop – Monday 20 June 2016

You can RSVP to these events [online](#) or by calling 02 9262 6989.

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

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 also 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. All resources will of course be featured in the eBulletin.

[Read more »](#)

Volunteer with our administration team

We're currently looking for a volunteer to assist our administration team:

- 1-2 days per week for at least 6 weeks
- Undertaking reception and basic admin duties (phone answering, mail distribution, photo copying, data entry) or more complex tasks depending on ability/desire
- Immediate start for an ongoing role, or a 6 week commitment from July to mid-August 2016

If you would like to dedicate your skills and energy to help us defend the environment through law, please email recruitment@edonsw.org.au with cover letter and CV, or call Blake Powell on 9262 6989 for further information.

If you know of someone who would be interested, please forward this email to them.

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

LEC moves to JusticeLink and Online Registry

The NSW Land and Environment Court is now using JusticeLink and the NSW Online Registry (including Online Court). All documents filed online should now be filed through the NSW Online registry, and any requests for orders to be made online must be made using Online Court.

[Read more »](#)

Law Reform and Policy Watch

New guidance on planning and assessment services during mergers

With many councils in NSW being merged, the Department of Planning and Environment has published a guide for merged councils on planning functions relating to:

- providing planning and assessment functions
- transferring roles and responsibilities from old to new councils
- identifying opportunities to integrate assessment and planning functions

[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](#)

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

Local Environmental Plan tracking

- [Liverpool](#) – Amendment to permit ‘shops’ as an additional use up to a maximum Gross Floor Area of 21,000 square metres at Orange Grove Mega Centre site
- [Kyogle](#) – Amendment to list small roadside stalls as exempt development and making temporary workers accommodation permissible
- [Holroyd](#) – Amendment to planning controls within Merrylands City Centre.
- [Gunnedah](#) – Reclassification, rezoning and applying minimum lot size due to a change in the alignment of Ashford’s Watercourse.
- [The Hills Shire](#) – Rezoning land and applying height and floor space ratio controls, Cecil and Roger avenues, Castle Hill.
- [Newcastle](#) – Additions, deletions and amendments to Schedule 5 and related heritage maps.

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

- **Kosciuszko National Park Draft Wild Horse Management Plan – deadline extension**

Due to a high level of interest, the NSW National Parks and Wildlife Service has extended the deadline for submissions on its Kosciuszko National Park Draft Wild Horse Management Plan. The draft plan sets out the vision, objectives and recommended strategies and actions for the future management of wild horses in the park.

Submissions are extended until Friday 19 August 2016.

[Read more and have your say »](#)

- **Draft South East and Tablelands Regional Plan**

The NSW Department of Planning and Environment has released a Draft South East and Tablelands Regional Plan.

The draft Plan will guide strategic planning across the South East and Tablelands over the next 20 years. One of Plan's key goals is to protect and enhance the region's natural environment.

Submissions are invited until Tuesday 23 August 2016.

[Read more and have your say »](#)

- **Mungo Brush Road Relocation**

The NSW Office of Environment & Heritage is reviewing environmental factors for the Mungo Brush Road relocation, Myall Lakes National Park.

Mungo Brush Road is the main vehicle access into Myall Lakes National Park. The road is expected to be impacted by the Dark Point sand dunes within two years, so the Office is proposing to relocate the road. A Review of Environmental Factors has been prepared to address the environmental, social, economic and cultural impacts of the proposed relocation.

Submissions are invited until Tuesday 21 June 2016.

[Read more and have your say »](#)

- **Clearway Changes on the Princes Highway**

NSW Roads and Maritime Services is seeking submissions on a proposal to extend the months of operation of the existing clearway on the Princes Highway. The current clearway is in operation on Sundays and public holidays from 3pm to 7pm between October and April. The proposal is to extend these clearway times to the full year.

Submissions are invited until Monday 6 June 2016.

[Read more and have your say »](#)

- **Newcastle Inner City Bypass**

NSW Roads and Maritime Services is calling for submissions on changes to the Rankin Park to Jesmond section of the Newcastle Inner City Bypass. The changes are designed to provide traffic relief to the surrounding road network, in particular the existing route of Lookout Road, Croudace Street and Newcastle Road.

Submissions are invited until Thursday 9 June 2016.

[Read more and have your say »](#)

- **New Dubbo Bridge**

NSW Roads and Maritime Services is planning for a new bridge across the Macquarie River in Dubbo, and is seeking community feedback on six corridor options for the new bridge. 'Drop-in' sessions for viewing project information and speaking with the project team are being held in June.

Submissions are invited until Monday 13 June 2016.

[Read more and have your say »](#)

- **Airport North Precinct Proposal**

The NSW Government is planning to upgrade the roads north of Sydney Airport. NSW Roads and Maritime Services is calling for submissions on a Review of Environmental Factors that examines the potential impacts of the Airport North precinct proposal and outline measures to reduce and manage these impacts.

Submissions are invited until Monday 13 June 2016.

[Read more and have your say »](#)

- **Manns Road Upgrade, Stockyard Place**

NSW Roads and Maritime Services is planning to upgrade Manns Road between Stockyard Place, West Gosford and Narara Creek Road, Narara. The proposed design includes widening the road to provide two lanes in each direction with a central median strip and controlled intersections, and replacing the bridge over the creek near the intersection of Manns Road and Nells Road. Copies of the design can be viewed at specific locations in Gosford.

Submissions are invited until Friday 17 June 2016.

[Read more and have your say »](#)

- **Parramatta Road and Shaftesbury Road**

NSW Roads and Maritime Services are seeking feedback on changes to the intersection of Parramatta Road and Shaftesbury Road, Concord. Changes include widening Parramatta Road on the northern side and Shaftesbury Road on the western side, removing trees and landscaping.

Submissions are invited until Friday 24 June 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 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

- [Miandetta](#) – Nyngan scandium open cut mine development and associated infrastructure – Submissions invited until Friday 24 June 2016

- [Darling Harbour, Sydney](#) – Construction and operation of interactive display system – Submissions invited until Monday 27 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

- [Kandanga, QLD](#) – Kandanga Creek timber bridge replacement, Goomong Road – Submissions invited until Wednesday 8 June 2016
- [Mt Derrimut, VIC](#) – Proposed industrial development, 210 Swann Drive – Submissions invited until Monday 6 June 2016
- [Laverton North, VIC](#) – Construction of three warehouses and associated infrastructure – Submissions invited until Monday 6 June 2016
- [Urquhart Pt, North QLD](#) – Development of a small-scale, open-cut bauxite mine with supporting infrastructure – Submissions invited until Friday 3 June 2016
- [Orford, TAS](#) – Stabilisation works including excavation and dredging, installation of geofabric mega-containers, and transfer of sand – Submissions invited until Friday 3 June 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](#).

Community News

Conservation on rural properties – free workshop

Do you live in Sydney but also have a property in the country? Do you want to learn more about sustainable land practices to conserve and restore your rural property?

Greater Sydney Local Land Services is running a free workshop on conservation on rural properties for absentee rural landholders living in Sydney. Bookings are essential.

The event, which includes a light supper, will provide attendees with an introduction to:

- Benefits of conservation
- Developing a property plan
- Conservation in real life – a landholder's experience

When: Thursday 16 June, 2016, 6:15-8:30pm

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

[Read more and RSVP »](#)

Position at Nature Conservation Council: Project Officer (Hotspots),

Nature Conservation Council of NSW has a vacancy for a Project Officer to provide operational support to the NCC Hotspots Fire Project team.

Working with the Hotspots team, the Project Officer provides office management, administration (including budget) and program promotion support, reporting to the Healthy Ecosystems Program Director.

[Read more »](#)

2016 Justice Awards: call for nominations

The Law and Justice Foundation of NSW is calling for nominations for its annual Justice Awards. The Awards recognise the contributions that individuals and organisations have made to improving access to justice in NSW, particularly for socially and economically disadvantaged people.

This year the Justice Awards dinner will be held on Thursday 13 October 2016 at the Strangers' Dining Room, Parliament House, Macquarie Street, Sydney.

Nominations close on Thursday 30 June 2016.

[Read more »](#)

EPLA Twilight Seminar - The criminal jurisdiction of the Land and Environment Court

The fourth EPLA Twilight Seminar of 2016 is on the criminal jurisdiction of the Land and Environment Court: Prosecuting and defending environmental crime.

Thomas Spohr, senior solicitor at the Office of the DPP, will present on 'Prosecutor's duties, from the perspective of both the prosecutor and the defendant' and Michelle England, Barrister-at-law from 2 St James' Hall, will speak on 'The jurisdiction generally, including procedure and strategy'.

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

When: Wednesday 15 June 2016, 5:30-7:30 pm

Where: Martin Place Chambers, Level 32, 52 Martin Place, Sydney

[Read more »](#)

Endangered Fauna Workshop & BBQ

The Hunter & Central Coast Regional Environmental Management Strategy is holding a community information day to raise awareness of threatened and endangered animals. The session is free and lunch will be provided.

When: Saturday 18 June, 9am-1:30pm

Where: Clarence Town Reserve, meet at Langlands Road, Glen Oak, Clarence

[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:

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 »](#)

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 »](#)

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.

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