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## **EDO NSW EBULLETIN – 12 August 2016: Number 970**

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**

#### **EDO NSW delivering professional development workshops for local council and Local Land Services**

Over the next few months we'll be delivering 13 full day professional development workshops in environmental law for local council and Local Land Services staff across NSW. This week we have been in the Hunter with around 80 staff from councils and LLS, and in Redfern speaking to staff from Sydney councils.

The workshops are supported by the NSW Government through its Environmental Trust. If you work with council or Local Land Service and you're interested in knowing more, please email [education@edonsw.org.au](mailto:education@edonsw.org.au).



*EDO NSW Outreach Director Emily Ryan presenting at the Hunter workshop*

### **New case: Millers Point Fund Inc v Lendlease Millers Point Pty Ltd & others**

You may have seen in the news that we are acting for community group, Millers Point Fund Inc, in its challenge to decisions by the NSW Planning Assessment Commission (PAC) on the Crown Casino development at Barangaroo in Sydney.

This is a complex case that relates to the approvals process, and subsequent modifications, through which the casino has come to be located on land that had been set aside as public parkland. The community group argues that the PAC did not apply the law properly when approving the casino's location.

[Read more »](#)

### **Australian climate mitigation laws and targets update**

We have received a lot of interest in our recent report [Planning for climate change: how the NSW planning system can better tackle greenhouse gas emissions](#). .

As part of our ongoing climate law reform work, we have updated the table from the report which summarises Australian State, Territory and Federal government climate mitigation laws and targets, to more accurately reflect measures currently in place in the ACT. You can [view the updated table online](#), or download the full [updated report](#).

We've also put the [slides from the publication launch on 27 July](#) online.

[Download the updated report »](#)

### **Court gives green light to CSG water treatment facility near Narrabri**

The Land and Environment Court has given a green light for Santos to operate its 'Leewood' CSG wastewater treatment facility near Narrabri and the world-renowned Pilliga State Forest in North-West NSW.

Our client People for the Plains, who was fighting for the community's right to have a say about the facility and to ensure the facility's environmental impacts were comprehensively assessed.

The public exhibition of major developments is a key foundation of a well-functioning planning system – it's a right that has been embedded in Australia's environmental law since the '70s. Public participation brings about better planning decisions and ensures transparency and accountability.

This is a complex area of the law, so we'll be looking very closely at the judgment to explore our client's options for appeal.

[Read more about the decision »](#)

## **Environmental Defender July 2016**

Want a quick, easy-to-read summary of what we've been up to? In the latest edition of our supporter newsletter, [Environmental Defender](#), we look back at some highlights from the past year. There's a report from a Mother's Day luncheon and forum fundraising event held in Ku-ring-gai, a feature on our International Programs Coordinator BJ Kim, and more.

[Read Environmental Defender online »](#)

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## **Court and Compliance Watch**

### **Council fined for noisy night works**

The NSW Environment Protection Authority (EPA) has fined North Sydney Council \$15,000 for failing to comply with a Prevention Notice in April 2016.

The Notice was issued after local residents complained about noise from works at the Berry Street Upgrade. The Notice directed the Council to cease noise generating work between 10pm and 7am, and required a noise management plan before starting works again. However, noisy works continued, causing significant distress in the surrounding community.

[Read more »](#)

### **Petroleum distribution company at Port Botany fined for non-compliance**

The NSW Department of Planning and Environment has fined Vopak Terminals Australia Pty Ltd \$15,000 for failing to comply with a condition on the volume of fuel dispatched from its Port Botany terminal.

The company transported more than the allowable limit of fuel by road tanker during March to February 2016.

[Read more »](#)

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## Law Reform and Policy Watch

### Recent EDO NSW submissions and reports

- [Planning for climate change: how the NSW planning system can better tackle greenhouse gas emissions](#), EDO NSW discussion paper
- [NSW Parliamentary Inquiry into Crown Land 2016](#), EDO NSW submission
- [Merits Review in Planning in NSW](#), EDO NSW discussion paper
- [NSW Biodiversity reform package 2016](#), EDO NSW submission
- [Protection of the Environment Operations Regulation – railway coal transport](#), EDO NSW submission
- [Review of Complying Development for Inland NSW](#), EDO NSW submission
- [Hawkesbury Shelf Marine Bioregion Assessment Suggested Management Initiatives](#), 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

- [Clarence Valley](#) – Amendment to minimum lot size, Bent Street, South Grafton.

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

- **Woomera Prohibited Area Rule**

The Department of Industry, Innovation and Science is seeking public comment on the effectiveness of the current framework for access to the Woomera Prohibited Area (WPA) military land testing range. It has been recommended that the WPA military land testing range be opened up for resources exploration to the fullest extent possible, although the Department of Defence will remain the primary user of the area.

Feedback is sought on what the long-term effects of the current framework may be for the resources industry, what the experiences of stakeholders have been, and whether the framework has delivered on the Hawke Review in 2011.

Submissions are invited until Friday 9 September 2016.

[Read more and have your say »](#)

- **Information and Privacy Commission Draft Charter**

The NSW Information and Privacy Commission (IPC) is calling for public comment on its Draft Service Charter.

The Charter sets out the standard of service that stakeholders can expect from the IPC and also how to provide feedback on services received from the IPC.

Submissions are invited until Wednesday 31 August 2016.

[Read more and have your say »](#)

- **Men's Shed at Rouse Hill Regional Park**

The National Parks and Wildlife Service is seeking public comment on the proposal by Wildlife Community Hub Inc. to occupy an empty shed in Rouse Hill Regional

Park to establish a community Men's Shed. The proposed Men's Shed is located adjacent to Worcester Road, Rouse Hill.

Submissions are invited until Monday 5 September 2016.

[Read more and have your say »](#)

- **Charleyong Bridge, Marlowe**

NSW Roads and Maritime Services is seeking feedback on the Review of Environmental Factors and Species Impact Statement for the replacement of Charleyong Bridge over the Mongarlowe River, Marlowe. The bridge is located on Main Road 92 connecting Braidwood and Nowra via Nerriga.

Submissions are invited until Friday 26 August 2016.

[Read more and have your say »](#)

- **Bandon Road Corridor, Vineyard**

NSW Roads and Maritime Services is seeking feedback on the preferred Bandon Road corridor between Richmond Road, Marsden Park and Windsor Road, Vineyard.

Submissions are invited until Friday 2 September 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**

- [Gateshead](#) – Demolition of existing buildings and construction of new buildings for Hunter Sports High School – Submissions invited until Friday 9 September 2016.
- [Warkworth](#) – Relocation of section of the Golden Highway and powerlines for proposed United Wambo Coal Mine Project – Submissions invited until Thursday 22 September 2016.
- [Warkworth](#) – Modifications to the Wambo open cut coal mine and infrastructure for proposed United Wambo Coal Mine Project – Submissions invited until Thursday 22 September 2016.
- [Warkworth](#) – Modifications to the rail facilities for proposed United Wambo Coal Mine Project – Submissions invited until Thursday 22 September 2016.
- [Loxford](#) – Demolition and remediation of the former Hydro Aluminium Smelter at Hart St, Kurri Kurri – Submissions invited until Monday 12 September 2016.
- [Sydney](#) - Modification to consent for events and functions on the forecourt steps of the Sydney Opera House – Submissions invited until Wednesday 24 August 2016.
- [Hamlyn Terrace](#) – Planning Agreement for staged residential subdivision at Hamlyn Terrace, Wyong – Submissions invited until Wednesday 7 September 2016.
- [Port Macquarie-Hastings](#) – Planning Agreement for residential subdivision of land, Sovereign Hills – Submissions invited until Wednesday 7 September 2016.
- [Willoughby](#) – Concept Plan for residential development an associated infrastructure at Channel 9 site – Submissions invited until Friday 5 September 2016.
- [Broken Hill](#) – Modification to Silverton Wind Farm, including decreasing the number and increasing the capacity of turbines – Submissions invited until Friday 29 August 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**

- [Epping, VIC](#) – Staged redevelopment at Cooper Street for residential and commercial uses – Submissions invited until Tuesday 23 August 2016.
- [Laura, QLD](#) – Clearing of vegetation and related activities, Kingvale Station, Cape York – Submissions invited until Monday 22 August 2016.
- [Ravensthorpe, WA](#) – Expansion and other changes to Ravensthorpe Nickel Operations – Submissions invited until Friday 19 August 2016.

- [Chittering, WA](#) – Clearing of vegetation and development of 36 Rural Conservation lots, Rosewood Drive – Submissions invited until Friday 19 August 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**

New this week

### **New Website on NSW Mining and CSG for Landholders**

NSW Farmers has launched a website to provide landholders information on mining and coal seam gas in NSW.

The site aims to improve landholders' awareness of mining and coal seam gas activity in their region, improve their capacity to negotiate access arrangements with exploration companies, and improve their awareness of the NSW Government's Strategic Regional Land Use Policy package and how it applies to mining and coal seam gas activities.

[Read more »](#)

## **Women in Law Awards – nominations close today**

Today is the last day to nominate for the Lawyers Weekly fifth annual Women in Law Awards.

The awards recognise the achievements of women who have challenged, influenced or changed the practice of law in Australia.

[Read more »](#)

From last week

## **Australian Legal Sector Sustainability Project launch**

The Australian Legal Sector Alliance will be holding a breakfast launch for its Sustainability Project. Justice Tim Moore of the NSW Land and Environment Court will lead proceedings on 'Applying the Sustainability Lens to Civil Litigation', with guest speakers Kathy Merrick, Partner at Henry Davis York, and Martijn Wilder AM.

When: Tuesday 16 August, 7.30-9.30am

Where: Justice and Police Museum, Albert Street, Sydney

[Read more »](#)

## **Aurora Internship Program applications open**

The on-line application period for the summer 2016/17 round of Aurora internships runs from Monday 1 August to Friday 26 August.

The Aurora Internship Program supports under-resourced host organisations by introducing law, anthropology and some other social science students and graduates to career opportunities in native title, land rights, policy development, social justice and the broader Indigenous sector.

[Read more »](#)

## **Improvements made to national renewable energy map**

An enhanced user interface for the Australian Renewable Energy Mapping Infrastructure (AREMI) has been released. AREMI is designed to help project developers and researchers find out where renewable energy can add the most value in the National Electricity Market.

[Read more »](#)

## **Australian Environment Review Vol 31 No 5 August**

The latest edition of Australian Environment Review contains a number of articles on sea, coastal environments and fishing laws, with analyses from NSW, Australia, New Zealand, the UK, Timor Leste, Indonesia and the UN's Convention on the Law of the Sea. Included in the edition is a preliminary analysis of NSW Coastal Law Reform.

[Read more »](#)

## **Australian Water Survey**

The Australian Water Association, the national peak body that delivers information, expertise and collaboration for sustainable water management to Australia's water professionals, has launched a national survey on Australia's key water issues.

Open to everyone, responses will be used to create report on industry and community perspectives, and will shape the Association's education initiatives and policy advocacy campaigns. The survey runs until Friday 12 August.

[Take the survey »](#)

## **Police powers and protest laws update: impacts on environmental activism**

The NSW Young Lawyers Criminal Law and Environment & Planning Law Committees are holding a seminar on the impact of the new protest laws on environmental protesters.

Our own Kira Levin will give an overview of what the protest laws mean for environmental protesters, and will provide a checklist for lawyers. David Porter, Senior Solicitor, UNSW Policing Practice at Redfern Legal Centre, will provide an overview and analysis of the new laws.

Cost: Members \$120; Non-Members \$156

When: Tuesday 30 August 2016, 5-6:30pm

Where: The Law Society of NSW, Level 3, 170 Phillip Street, Sydney

CPD units: 1.5.

[Read more »](#)

## **Building the new economy: activism, enterprise and social change**

Early bird registrations are now open for the New Economy conference. The conference will explore what types of future economic systems we want to build in Australia. The conference will include an interactive plenary session on Day 2, which will enable interested participants to co-design a Charter for a Coalition for a New Economy, and those Interested are invited to propose a creative range of

participation, including: papers, mini-workshops, performances, games or other interventions.

When: Tuesday 16 to Wednesday 17 August 2016

Where: Glebe Town Hall, Sydney

[Read more »](#)

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## Support EDO NSW

Your support is vital to ensuring that people have access to environmental justice.

[Your donation](#) will help us 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

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 July 2016 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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### Environmental law advice line

Phone us for free initial legal advice on planning and environmental law matters.

EDO NSW online

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