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EDO NSW EBULLETIN – 21 October 2016: Number 980

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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Please join us to celebrate 10 years in the Northern Rivers

You're invited to celebrate the 10 year anniversary of EDO NSW's Northern Rivers Office.

To mark this important milestone, we'll be showing a fantastic documentary, Sonic Sea, followed by a Q&A and trip down memory lane with EDO NSW staff and friends. We'd love to see you there.

When: 4 November 2016, 6:30pm

Where: The Star Court Theatre, 126 Molesworth Street, Lismore NSW

[Read more and book your place »](#)



Sue Higginson, Jeff Smith, Brian Preston SC and Jessica Wood at the launch of the Northern Rivers Office on 15 July 2006.

Springvale mine case: appeal lodged

On behalf of our client 4nature, we've lodged an appeal challenging last month's Land and Environment Court finding that the approval for the Springvale mine extension was lawful.

This case is an important test of laws designed to protect Sydney's drinking water catchment – it's critical for the future of our precious water resources that the laws are fully tested.

[Read more »](#)

Recognising Aboriginal culture and heritage: our laws need improving

Current laws in NSW take a very Euro-centric, materialistic approach to protecting Aboriginal culture and heritage – they focus on the protection of 'stones and bones', but fail to properly recognise the spiritual and cultural connections to Country.

Australia's Aboriginal heritage is much greater than just physical, archaeological evidence. The law's 'materialistic' view of Aboriginal history misses the unique culture and spirit that connects us to Australia's past and continues to enrich our society today.

NSW heritage laws need reforming if they are to properly protect Aboriginal heritage. In our latest blog, Principal Solicitor Elaine Johnson explores the problems and outlines how our laws can be improved.

[Read more »](#)

Part-time Administrative Officer – join us to help defend the environment

We are looking for a part-time Administrative Officer to join us on a 12-month fixed term contract in our Sydney office. The position is for 2 days per week (Thursday and Friday).

The successful applicant will work as part of the Administration Team, under the supervision of the Operations Manager, and includes other Administrative Officers and a contracted Accountant/Bookkeeper. The team works flexibly to provide the administrative functions necessary to the operations of EDO NSW and to support its staff, management and clients.

[Read more about the position and how to apply »](#)

Thank you to our Board

We're privileged to have a dynamic Board helping guide us in our work defending the environment.

Our board members devote considerable time and expertise to maintain the values, integrity, independence and professionalism of EDO NSW. They provide their time voluntarily, and we are very grateful for their guidance and commitment.

[Meet our Board »](#)

Public Parkland v Private Casino

Our September appeal features our case for Millers Point Fund Inc, who is challenging last minute amendments that will see promised prime public harbour foreshore land at Barangaroo become a private 71 storey casino.

The concept plan for the development of Barangaroo was approved nearly a decade ago. It set aside important harbour foreshore land for a public park. But in June this year the NSW Planning Assessment Commission approved a change that will see the public park swallowed up by James Packer's Crown Casino. Our client says the Commission was wrong to remove public parkland for private profit.

Please help communities like Millers Point by [donating to our Environmental Defence Fund](#).

[Read more »](#)

Court and Compliance Watch

Court upholds development refusal based on heritage values

The NSW Land and Environment Court has dismissed an appeal by Zaw Zaw Aung, who was appealing the refusal of a development application on Lochville Street, Wahroonga, in Sydney. The developer sought to demolish a house, and construct a new building. Hornsby Shire Council successfully argued that the planned new building would clash with the heritage values of the Wahroonga (North) Heritage Conservation area.

[Read more »](#)

Barangaroo Delivery Authority fined for iron-laden water

The NSW Environment Protection Authority (EPA) has fined Barangaroo Delivery Authority \$15,000 for wrongly discharging iron-laden water from a stormwater tank into Nawi Cove, Sydney Harbour in May.

Maintenance works on water management infrastructure at Headland Park caused a large orange plume to be visible for several hours. The plume was the result of

naturally-occurring iron precipitate in groundwater, and did not pose a significant risk to the environment.

[Read more »](#)

Law Reform and Policy Watch

Public hearings on the review of rural bulk water service prices

The Independent Pricing and Regulatory Tribunal (IPART) NSW is holding public hearings on the review of the maximum prices that WaterNSW can charge for its bulk water services in rural areas. The prices set from the review will apply from 1 July 2017.

The hearings will include a presentation by WaterNSW outlining its pricing proposal, followed by a structured discussion on the key issues for the review.

There will be three hearings:

- Moree: Monday 31 October 2016, Max Centre, 1/30 Heber Street.
- Sydney: Monday 7 November 2016, SMC Conference and Function Centre, 66 Goulburn Street.
- Coleambally: Monday 14 November 2016, Coleambally Bowling Club, 3 Falcon Road.

The hearings follow on from IPART's public consultation on an issues paper released in September 2016, which is now closed for comment.

[Read more and register »](#)

Independent Review of the Building Professionals Act 2005 Final Report

The NSW Government has released the final report of the statutory review of the Building Professionals Act 2005. Also released is the Government's response to the review, which addresses the report's 150 recommendations and outlines the Government's plan for implementing the reforms, including the consultation with the public and industry.

As part of the response, a new Board has been appointed to help oversee implementation of the reforms. A draft Bill is proposed to be released for public consultation in early 2017.

[Read more »](#)

Recent EDO NSW submissions and reports

- [Government Information and Public Access Act 2009 \(GIPA Act\) – Draft Guidelines concerning fees and charges](#), EDO NSW submission
- [Draft Wind Energy Assessment Policy](#), EDO NSW submission

- [Waste Avoidance and Resource Recovery Amendment \(Container Deposit Scheme\) Bill 2016](#), EDO NSW submission
- [Licence to kill: Commonwealth environmental approval for Adani's Carmichael coal mine project](#), EDOs of Australia discussion paper
- [Productivity Commission's Regulation of Agriculture: Draft Report](#), EDOs of Australia submission
- [Technical submission on the draft Offsets Payment Calculator](#), EDO NSW submission
- [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

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

New legislation introduced to Parliament

[Australian Parliament](#)

- *Register of Foreign Ownership of Agricultural Land Amendment (Water) Bill 2016*

This Government Bill establishes a national register of foreign interests in Australian water entitlements. The Bill is awaiting its Second Reading in the House of Representatives.

[Read the Bill »](#)

[NSW Parliament](#)

- *Crown Land Management Bill 2016*

This Government Bill aims to consolidate laws dealing with the ownership, use and management of NSW Crown land into one single Act.

[Read the Bill »](#)

- *Climate Change Bill 2016*

This Private Member's Bill provides a framework for action on climate change mitigation and adaptation in NSW, sets targets for the reduction of greenhouse gas emissions, and provides for monitoring and reporting of the impacts of climate change on people, communities and ecosystems in NSW.

[Read the Bill »](#)

- *Mining Amendment (Climate Protection—No New Coal Mines) Bill 2016*

This Private Member's Bill amends the *Mining Act 1992* (NSW) to prohibit the grant of new authorisations to prospect for or mine coal.

[Read the Bill »](#)

- *Plastic Shopping Bags (Prohibition on Supply by Retailers) Bill 2016*

This Private Member's Bill prohibits retailers from supplying non-biodegradable plastic shopping bags to their customers.

[Read the Bill »](#)

Local Environmental Plan tracking

- [Blacktown](#) – Amendment to allow Transport Workers Union NSW Headquarters to use a site on John Hines Avenue, Minchinbury Estate.

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

- **Improving the Environmental Impact Assessment process**

The NSW Department of Planning & Environment is reviewing the Environmental Impact Assessment process for State significant projects in NSW, including the post approval phase of projects.

The Department is calling for public submissions on a discussion paper, after which it will develop draft guidelines for public consultation in 2017.

Submissions are invited until Sunday 27 November 2016.

[Read more and have your say »](#)

- **NSW Vapour Recovery Guidelines**

The NSW Environment Protection Authority (EPA) is asking for submissions on its proposed changes to the NSW Standards and Best Practice Guidelines for Vapour Recovery and Petrol Service Stations. Vapour recovery (VR) control equipment aims to capture petrol vapours before they enter the atmosphere. It is proposed that VR requirements be introduced at petrol service stations across metropolitan areas of New South Wales.

In November and December the EPA will be holding community workshops on the Guidelines in Sydney, Newcastle, Wollongon and Parramatta.

Submissions are invited until Friday 28 October 2016.

[Read more and have your say »](#)

- **Discussion paper: Hunter Special Infrastructure Contribution Plan**

The NSW Department of Planning and Environment is calling for public submissions on a proposed new Hunter Special Infrastructure Contribution Plan. The Plan defines the financial contribution that new developments should make towards the cost of infrastructure. The Plan will replace the draft 2011 Lower Hunter Special Infrastructure Contribution Plan.

The Department seeks feedback on the cost-sharing approach, the scope of infrastructure that could be included, and the implementation of the new plan.

Submissions are invited until 16 December, 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 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

- [Sydney](#) – New function centre at northern end of eastern side of the Sydney Opera House – Submissions invited until Monday 21 November 2016.
- [Port Botany](#) – Port Botany expansion modification – Submissions invited until Friday 4 November 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

- [Cairns, QLD](#) – Upgrade and revitalisation works, Shields Street – Submissions invited until Thursday 3 November 2016.
- [Dysart, QLD](#) – Development of the Saraji East underground mine – Submissions invited until Tuesday 1 November 2016.
- [Morabah, QLD](#) – Construction and operation of extension to Grosvenor Coal Mine – Submissions invited until Monday 31 October 2016.
- [Coffs Harbour, NSW](#) – Management of vegetation, Coffs Harbour Regional Aerodrome – Submissions invited until Friday 28 October 2016.
- [Albany, WA](#) – South Coast Highway Cheynes East Intersection upgrade and realignment – Submissions invited until Friday 28 October 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

- **Deua Catchment Parks Draft Plan of Management**

The Deua Catchment Parks Draft Plan of Management provides an opportunity for members of the community to have a say in the future management of Berlang and Majors Creek State Conservation Areas and Frogs Hole Nature Reserve in the Southern Tablelands.

Submissions are invited until Monday 13 February 2017.

[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

[New this week](#)

Call for applications – 2017 Law Society Committees

The Law Society of NSW is calling for expression of interest in joining its committees.

The Society's Environmental Planning and Development Committee represents the Law Society and its members on policy and practice issues in relation to planning and environmental law.

Expressions of interest can be lodged via an [online form](#).

[Read more »](#)

NELA national conference 2016 – early bird registrations extended

Early bird registrations for this year's National Environmental Law Association conference have been extended to Tuesday 25 October 2016.

The theme of this year's conference is 'Environmental Law - What could we do better?' The conference brings together leading experts to discuss persistent challenges in environmental and cultural heritage management, and how effectively current laws and policies are achieving the multiple aims of sustainable development. The conference will open with an address by Professor Tim Flannery.

When: Friday 18 November 2016

Where: King and Wood Mallesons, Level 50 Bourke Place, 600 Bourke Street, Melbourne

[Read more »](#)

Senior roles at environment and planning agencies

A number of key senior positions are currently being advertised at NSW environment and planning agencies:

- Department of Planning and Environment: [Senior Planning Officer](#); [Team Leaders](#) (3 ongoing positions).
- Office of Environment and Heritage: [Senior Conservation Planning Officer \(a\)](#); [Senior Conservation Planning Officer \(b\)](#); [Senior Project Officer](#);
- Environment Protection Authority: [Manager, Intelligence and Analysis](#), [Principal Analyst](#), [Intelligence](#) and [Policy Officer](#).
- Office of Local Government: [Executive Officer, Illawarra & South Coast / Wollongong & The South Coast](#).

[More NSW environment positions »](#)

From last week

Sustainable Litigation initiative launched

The Sustainable Litigation initiative seeks to improve the environmental sustainability of the civil litigation system in NSW.

This collaborative project aims to build on advances in sustainability made in the NSW legal sector to identify and promote the next tier of sustainability opportunities.

The project is initiated by the Australian Legal Sector Alliance (AusLSA) and funded by the NSW Office of Environment and Heritage.

[Read more »](#)

North Coast Energy Forum

This year's forum theme is 'The local energy revolution: solar plus batteries plus us'. The focus will be on how solar and batteries are revolutionising the energy system from a centralised to a localised model in which power returns to the people.

Speakers include NSW Parliamentary Secretary for Renewable Energy Adam Marshall, energy journalist Giles Parkinson, academic and author Dr Mark Diesendorf and community energy expert Nicky Ison.

When: Friday 25 November 2016, 9am-5pm

Where: Coffs Harbour Showground, 123 Pacific Hwy, Coffs Harbour

[Read more »](#)

Australian Environment Review

This month's Australian Environment Review is a bumper edition. There's a note on our case *People for the Plains Inc v Santos*, plus articles on 'lawfare' and the politics of public interest environmental litigation, environmental advocacy, and a report from the Australian Panel of Experts in Environmental Law (APEEL).

[Read more »](#)

Legal Help Gateway to close the justice gap

Justice Connect is one of ten finalists in the Google Impact Challenge, with a proposal to build a Legal Help Gateway – an online portal that will match pro bono lawyers with people who need legal help.

Votes are being taken for the ten finalists. The winner will receive additional funding to realise their project. Voting closes on Wednesday 26 October 2016.

[Read more »](#)

Hope in the Dark: National Environment Meeting 2016

The National Environment Meeting (NEM) is a forum for environmentalists across Australia to meet, network, and discuss key issues facing the environmental movement. This year the meeting has been expanded to include academic and public streams.

When: Thursday 20 to Sunday 23 October 2016

Where: Various venues, The University of Sydney, Camperdown, Sydney

[Read more »](#)

Annual Charity Trivia Night

The Law Society of NSW Young Lawyers Environment and Planning Law Committee is holding its Annual Charity Trivia Night Extravaganza in October.

Join friends and colleagues for a night of fun and trivia, to see who will take home the coveted perpetual Environment and Planning Law Committee trophy, and a share of other great prizes up for grabs throughout the night.

Drinks and light refreshments provided. It's \$50 per person (\$40 Students/NGOs), or \$350 for a table of eight.

When: Tuesday 25 October 2016, 6-11pm

Where: Henry Davis York, 44 Martin Place, Sydney

[Read more »](#)

Finalists announced for the 2016 Green Globe Awards

The 33 finalists for this year's Green Globe Awards have been announced. The Awards celebrate excellence, leadership and innovation in sustainability.

Winners will be announced at the Green Globe Awards Ceremony on Thursday 27 October 2016 at the Art Gallery of NSW, Sydney.

[Read more »](#)

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 environment.

[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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