

View our most recent eBulletin at [www.edonsw.org.au/ebulletin](http://www.edonsw.org.au/ebulletin)

## **EDO NSW EBULLETIN – 28 October 2016: Number 981**

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](#).

### **Contents**

**EDO News and Events**

**Court and Compliance Watch**

**Law Reform and Policy Watch**

**Have Your Say Alerts – Opportunities to Comment**

**Community News**

**Support EDO NSW**

---

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

#### **Sue Higginson on The Drum**

Our CEO Sue Higginson appeared on The Drum on ABC TV last Tuesday. The show gave Sue a great opportunity to respond to proposed changes to our national laws that would limit access to environmental justice in Australia. Sue reiterated the importance of ensuring that communities across Australia are able to access the justice system to ensure that nationally significant developments are approved and operate lawfully – not just people in the area in which a development takes place, as proposed. This is an important pillar of our democracy.

If you missed the show, you can still watch it on iView – skip to 15 minutes to see Sue in action.

[View on iView »](#)



## **Our Have Your Say program receives award**

We're over the moon – our Have Your Say program was 'highly commended' at this year's Justice Awards presented by the Law and Justice Foundation of NSW.

If you didn't know, [Have Your Say](#) is a program we launched in 2012 to help the community engage in environmental and planning decision-making. It consists of an online toolkit and listing of opportunities to comment, plus community workshops and email alerts.

Check it out and get involved.

[Have Your Say »](#)



*Emily Ryan, our Outreach Director, who developed our Have Your Say program, with the award.*

## **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 »](#)

## **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. Applications close on Monday.

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

## **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 Aboriginal land rights appeal**

The La Perouse Local Aboriginal Land Council (the LALC) has successfully appealed the 2010 refusal of its claim to land in Matraville, south of Sydney.

The case pivoted on whether a change made to the land's registration (from State of New South Wales as owner with the Land Commission of NSW) altered its status as 'claimable Crown land' under the New South Wales *Aboriginal Land Rights Act 1983*. The Court found that as the claim was made before the registration change, the land should have been considered claimable Crown land. The Court ordered the land to be transferred to the LALC, and awarded LALC costs.

[Read more »](#)

## **Poultry company fined for poisonous fumes**

The NSW Environment Protection Authority (EPA) has fined Bartter Enterprises \$15,000 after chlorine dioxide fumes caused the hospitalisation of 42 employees at the company's chicken processing plant at Beresfield. Bartter is a subsidiary of poultry producer Baiada.

An overdose of chlorine in Bartter's equipment sanitisation system caused the fumes. The incident was limited to internal areas of the plant. No offsite health or environmental impacts were detected from the fumes.

[Read more »](#)

---

## **Law Reform and Policy Watch**

### **Great Barrier Reef Report Card released**

The Federal Government has released its 2015 report card for the Great Barrier Reef, which details progress made on Reef Water Quality Protection Plan targets.

The report indicates that more needs to be done if the targets are to be met, with pollution loads high in most reef catchments and inshore marine environment and the seagrass in poor condition.

[Read more »](#)

### **State of the Climate report 2016 released**

The CSIRO and Bureau of Meteorology have released their 2016 State of the Climate report, the fourth of a biennial series that uses weather and climate science to monitor how our climate is changing.

The report shows that Australia is experiencing more extremely hot days and severe fire seasons.

[Read more »](#)

### **Data from second annual survey of fish in the Murray–Darling Basin released**

The Murray-Darling Basin Authority has released its second annual survey of fish populations across all catchments of the Murray-Darling Basin.

Data from the survey can be downloaded online.

[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

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

### NSW Parliament

- ***Land Acquisition (Just Terms Compensation) Amendment Bill 2016***

This Government Bill would amend the *Land Acquisition (Just Terms Compensation) Act 1991* to alter the rules on the acquisition of land on 'just terms' by the Government.

[Read the Bill »](#)

## Local Environmental Plan tracking

- [The Hills Shire](#) – Rezoning land in the Castle Hill North Precinct.
- [The Hills Shire](#) – Amendments relating to land at Commercial Road, Rouse Hill.
- [The Hills Shire](#) – High density residential development at Fairway Drive, Kellyville, and broadening of the scope of Clause 7.7 (Design Excellence).
- [The Hills Shire](#) – Mixed use development, Maitland Place, Baulkham Hills.
- [The Hills Shire](#) – Rezoning land, Cecil Avenue and Roger Avenue, Castle Hill, for apartments and commercial use.

- [The Hills Shire](#) – Development of a 20-unit residential building and 15 townhouses, McCausland Place, Kellyville.
- [Parramatta](#) – Amendments to correct minor planning anomalies.

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

- **Minimum standards for managing construction and demolition waste**

The NSW Environment Protection Authority is calling for submissions on a number of proposals relating to the construction and demolition waste sector, including setting minimum standards in waste management, and improving landfill practices and the handling of asbestos.

Submissions are invited until Thursday 17 November 2016.

[Read more and have your say »](#)

- **Far West Initiative**

The NSW Government is calling for public comment on a consultation paper, *The Far West Initiative: Improving outcomes for the people of Far Western NSW*, and an accompanying Background Paper. The papers set out a number of options for governance and service delivery in NSW's far west communities. The far west covers eight local councils: Balranald, Bourke, Brewarrina, Broken Hill, Central Darling, Cobar, Walgett and Wentworth.

There is no specific deadline yet set for submissions, other than 'after the end of October'.

[Read more and have your say »](#)

- **Land and Sea Transport method**

The Australian Government Department of the Environment and Energy is calling for public submissions on an update to the Land and Sea Transport method. The method enables businesses to earn carbon credits by reducing the emissions intensity of vehicles in the land and sea transport sectors.

A number of updates are proposed, including an extension of the method's scope to include shifting the transport of certain freight to rail instead of road.

Submissions are invited until Monday 21 November 2016.

[Read more and have your say »](#)

- **Marine Order for Liquefied Gas Carriers and Chemical Tankers**

The Australian Maritime Safety Authority is calling for public submissions on an order relating to Liquefied gas carriers and chemical tankers. The order sets out requirements for minimising accidental pollution, and the loading, stowing and carriage in vessels of dangerous liquid chemicals and liquefied gases.

Submissions are invited until Friday 25 November 2016.

[Read more and have your say »](#)

- **Homebush Station upgrade**

Transport for NSW is planning a number of upgrades to Homebush Station, Sydney, including improving accessibility, refurbishing of heritage buildings and upgrading CCTV surveillance. Work is planned to commence in 2017 and take around 18 months.

Submissions are invited until Tuesday 8 November 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**

- [Northern Territory Marine Aquarium Fishery](#) – Export approval extension – Submissions invited until Thursday 24 November 2016.

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

- [Mayfield West](#) – Increased capacity of Mayfield West Recycling Facility, McIntosh Drive – Submissions invited until Friday 25 November 2016.
- [Sydney Olympic Park](#) – Building for the NSW Rugby League Centre of Excellence, Sydney Olympic Park – Submissions invited until Friday 25 November 2016.
- [Moorebank](#) – Rail terminal facility, Moorebank Precinct West – Submissions invited until Friday 25 November 2016.
- [Blacktown](#) – Developer monetary contribution, Oakdale Central Land and the Oakdale South Land – Submissions invited until Wednesday 23 November 2016.
- [Hawkesbury](#) – Developer monetary contribution, Pitt Town (Phillip Thomas Cleary) Planning Agreement – Submissions invited until Wednesday 23 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

- [Otway Basin, VIC](#) – Offshore seismic survey for gas exploration – Submissions invited until Wednesday 9 November 2016.
- [Adelaide, SA](#) – Adelaide Festival Centre plaza precinct upgrade – Submissions invited until Friday 4 November 2016.
- [Narrabeen Beach, NSW](#) – Construction of submarine fibre optic cable between Australia and Japan – Submissions invited until Friday 4 November 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

New this week

### Pathways to a Sustainable Economy

The program is now online for this conference organised by the Griffith Centre for Sustainable Enterprise. The conference aims to 'reality check' Australia's current pathway in achieving the Paris Agreement commitments.

On the first day of the conference our Senior Policy and Law Reform Solicitor Nari Sahukar will be presenting on our report [Planning for climate change: how the NSW planning system can better tackle greenhouse gas emissions](#).

When: Monday 28 to Tuesday 29 November 2016

Where: Griffith University, South Bank Campus, 226 Grey St, South Brisbane

[Read more »](#)

### Masters in Conservation Leadership

Applications are open for the Cambridge Masters in Conservation Leadership. The University of Cambridge full-time, eleven month course is aimed at graduates from around the world with at least three to five years of relevant experience in biodiversity conservation. The course focuses on issues of management and leadership, aiming to develop conservationists with enhanced awareness of the

complex drivers of biodiversity loss, and the ability to act and lead effectively. A range of scholarships are available.

Applications must be in by Wednesday 7 December 2016.

[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](#); and [Team Leaders](#) (3 ongoing positions).
- Office of Environment and Heritage: [Senior Regulatory Auditor](#); [Senior Program Officer](#); [Senior Conservation Planning Officer \(a\)](#); [Senior Conservation Planning Officer \(b\)](#); and [Senior Project Officer](#).
- Environment Protection Authority: [Director Resource Recovery](#); [Director Sydney Industry](#); [Senior Operations Officer](#); [Manager Regional Operations \(Central West Region\)](#); and [Manager Regional Operations \(Metropolitan Infrastructure\)](#).

[More NSW environment positions »](#)

From last week

### **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 »](#)

### **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 »](#)

## **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 »](#)

---

## **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.

---

[Subscribe to this weekly eBulletin](#)