

View our most recent eBulletin at www.edonsw.org.au/ebulletin

EDO NSW EBULLETIN – 10 November 2016: Number 983

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 & Events	EDO News & Events	Law Reform & Policy Watch
Have Your Say alerts	Community News	Support EDO NSW

EDO NSW News and Events

Law of the Land: Rise of the Environmental Defenders

We're delighted to announce that we've just published a book about the history of EDO NSW.

[Law of the Land: Rise of the Environmental Defenders](#), by Murray Hogarth, tells our 30 year story, from our formal launch of the office in 1985 to the recent attacks to our integrity and professionalism, the funding losses that followed, and the many successes along the way.

It's fantastic read for anyone who has been with us through good times and bad, or just anyone who wants to know more about our extraordinary journey.

[Order your copy now »](#)

To our Northern Rivers supporters – thank you

Thank you to everyone who came along on last Friday to the 10th birthday party of our Northern Rivers Office.

We had a great night travelling down memory lane, with a special showing of a TV news item on the office's opening, and a screening of the documentary film Sonic Sea.

We look forward to a successful future protecting the Northern Rivers environment through law.



Our 2015/16 Annual Report

It has been another brilliant year of public interest environmental lawyering for EDO NSW. Our 2015/16 Annual Report details our achievements over the year which included the reinvigoration of our Aboriginal Engagement Program, extensive work on the proposed NSW biodiversity law and policy reforms, and the delivery of frontline legal services to over 1,200 people. We trust you will find the report informative and inspiring.

[Read more »](#)

New case: Sydney community group fighting to protect 'brutalist' architectural heritage

Our new case is for Millers Point Community Association, who is challenging a decision by the NSW Minister for Heritage not to list the Sirius Building in Millers Point, Sydney, on the State Heritage Register.

Sirius is a public housing building owned by the NSW Government. The building is recognised internationally as a good example of 'brutalist' architecture – a 20th Century architectural style that might seem ugly to many people, but that many consider to be bold, uncompromising, truthful, functional and egalitarian.

It is an iconic building, not just as a rare example of 'brutalist' architecture, but also as a reminder of the 'green ban' movement of the 1970s led by Jack Mundey.

The NSW Heritage Council recommended that the building be listed, and the NSW Institute of Architects has called the building 'one of the most extraordinary sites on the harbour.'

[Read more »](#)

Court and Compliance Watch

Trees remain after damage to sewer

The Land and Environment Court has dismissed an application for the removal of five trees growing on a property in Leumeah, finding that while the trees probably caused damage to a sewer in the past, this issue has already been rectified as the sewer has been repaired. The Court determined that there is no reason to remove the trees based on a hypothetical possibility that future damage may occur.

[Read more »](#)

North Wyong's Rubbish King Pty Ltd fined \$15,000

The NSW Environment Protection Authority (EPA) has fined Rubbish King Pty Ltd \$15,000 for receiving waste, including construction and demolition waste, despite being ordered to cease operations on 30 September 2016.

A prevention notice is in place against Rubbish King North Wyong, which means that the EPA may fine anyone still using their services.

[Read more »](#)

Law Reform and Policy Watch

Reports of the independent Commonwealth Marine Reserves Review

EDOs of Australia has made a submission on reports released by the independent Commonwealth Marine Reserves Review. Building on our previous submissions, this submission comments on the planning and zoning proposals, policy implementation and specific impacts (climate change and mining), and makes brief comments on specific bioregions.

This is the latest stage of the Commonwealth marine bioregions review. The reports will inform the development of marine management plans.

[Read our submissions »](#)

Proposed Trans-Pacific Partnership Agreement

EDOs of Australia has made a submission to the Federal Government on the proposed Trans-Pacific Partnership Agreement.

The Agreement has a chapter on the environment (chapter 20). Our submission makes recommendations on how to improve national environmental laws in

response to the proposals outlined in chapter 20. It also makes recommendations on improving access to justice, and notes the impacts that Investor-State Dispute Settlement provisions of the Agreement could have on environmental law and policy reform in Australia.

[Read our submission »](#)

NSW Climate Change Policy Framework released

The NSW Government has released a *NSW Climate Change Policy Framework*. The policy provides context for the government's approach to climate change. It sets two key objectives:

- Achieving net zero emissions by 2050.
- NSW being more resilient to a changing climate.

The government has also announced a funding package and released two draft climate change and energy savings documents for public consultation under an [environmental future funding package](#). For our thoughts on how the planning system can be improved to help mitigate the future impacts and costs of climate change, read our discussion paper [Planning for climate change: how the NSW planning system can better tackle greenhouse gas emissions](#).

[Read more »](#)

New legal opinion on climate risks and directors' duties

The Centre for Policy Development has released a new legal opinion on the extent to which Australian corporate law permits or requires company directors to take climate change into account when making decisions about company strategy, performance and risk disclosure.

The opinion has been provided by Noel Hutley SC and Sebastian Hartford-Davis on instruction from Sarah Barker and Maged Girgis of Minter Ellison Lawyers.

According to the opinion, 'it is likely to be only a matter of time before we see litigation against a director who has failed to perceive, disclose or take steps in relation to a foreseeable climate-related risk that can be demonstrated to have caused harm to a company.'

[Read more »](#)

Recent EDO NSW submissions and reports

- [Reports of the independent Commonwealth Marine Reserves Review](#), EDOs of Australia submission
- [Proposed Trans-Pacific Partnership Agreement](#), EDOs of Australia submission

- [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
- [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](#)

- *Civil Nuclear Transfers to India Bill 2016*

This Government Bill would regulate the export of nuclear material and nuclear-related items, with reference to obligations under international agreements regarding nuclear safeguards.

[Read the Bill »](#)

[NSW Parliament](#)

- *Aboriginal Land Rights Amendment (Local Aboriginal Land Councils) Bill 2016*

This Government Bill would amend the *Aboriginal Land Rights Act 1983* to provide for the making of performance improvement orders by the New South Wales Aboriginal Land Council, and to otherwise delineate the role of the Local Aboriginal Land Councils.

[Read the Bill »](#)

- *Biodiversity Conservation Bill 2016*

This Government Bill would repeal the *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001* and the animal and plant provisions of the *National Parks and Wildlife Act 1974* and make new provisions for the management of biodiversity in NSW.

[Read the Bill »](#)

- *Crown Land Management Bill 2016*

This Government Bill would make changes to the management of Crown land of NSW.

[Read the Bill »](#)

- *Fisheries Management Amendment (Shark Management Trials) Bill 2016*

This Government Bill would amend the *Fisheries Management Act 1994* and related legislation to facilitate shark management trials.

[Read more »](#)

- *Local Land Services Amendment Bill 2016*

This Government Bill would repeal the *Native Vegetation Act 2003* and to amends the *Local Land Services Act 2013* in relation to native vegetation land management in rural areas.

[Read more »](#)

Local Environmental Plan tracking

- [Sydney](#) – Removing the need for development consent when the operators of retail premises place displays of goods on the footway outside of their premises.

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

- **Middle Head draft master plan**

The Office of Environment and Heritage and the National Parks and Wildlife Service are calling for public comment on the Middle Head and Georges Head Masterplan, Sydney Harbour National Park.

The area's heritage and conservation value are significant factors under consideration. The master plan, prepared by Environmental Partnerships, is on public exhibition.

Submissions are invited until Friday 16 December 2016.

[Read more and have your say »](#)

- **Night work on Fairford Road, Bankstown**

Roads and Maritime Services is calling for public submissions on a proposed night work construction schedule. Work will include removing and replacing sections of asphalt, kerb and gutter, repairing concrete slabs, adjusting utilities and cleaning drains. This will occur five nights a week for a 20 week period, or alternatively, three nights a week for a 32 week period.

Submissions are invited until Friday 11 November.

[Read more and have your say »](#)

- **Nelligen Bridge replacement**

Roads and Maritime Services is calling for public submissions on the concept design and environmental impact assessment for a new bridge over the Clyde River at Nelligen. The new bridge would be built upstream of the existing bridge.

Once the new bridge is open the existing Nelligen Bridge would be removed.

Submissions are invited until Friday 18 November.

[Read more and have your say »](#)

- **Brisbane Water Drive Safety Review**

Roads and Maritime Services is seeking public comment on potential future safety improvements on Brisbane Water Drive between Glenrock Parade and Manooka Road, Point Clare.

Submissions are invited until Friday 25 November 2016.

[Read more and have your say »](#)

- **Consolidated gas and electricity consumer safety laws**

NSW Fair Trading is calling for public submissions on the consolidation of the gas and electrical consumer safety laws. It proposes combining these into a single Act.

Submissions are invited until 16 December 2016

[Read more and have your say »](#)

- **Cow Milk Production**

The Australian Pesticides and Veterinary Medicines Authority is calling for submissions with respect to substances that could be added to increase milk production in lactating dairy cows. It is considering an application for the approval of sometribove zinc and registration of Elanco Posilac, to be registered for this purpose.

Submissions are invited until 29 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**

- *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

- [Strathfield South](#) – Extension of the existing rail sidings of the Enfield Intermodal Logistics Centre including the expansion of the administration building for the intermodal terminal.

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

- [Miles, Queensland](#) – The Condabri South Extension Development Area will involve further development of CSG fields in the Surat Basin – Submissions invited until Wednesday 23 November 2016.
- [Lord Howe Island](#) – Wind Turbines, Lord Howe Island Renewable Energy Project Stage 2 – Submissions invited until Monday 21 November 2016.
- [Coogee, Sydney](#) – Fibre optic submarine cable that provides data and telecommunications services between the USA, American Samoa, New Zealand and New Caledonia – Submissions invited until Friday 18 November 2016.
- [Yarralumla, ACT](#) – Development at Turrana St for Bangladesh diplomatic mission – Submissions invited until Friday 18 November 2016.
- [Yarralumla, ACT](#) – Development at Moonah Place for India diplomatic mission – Submissions invited until Friday 18 November 2016.
- [Falls Creek, VIC](#) – Falls Creek Altitude Training Centre, Bogong High Plains Rd – Submissions invited until Friday 18 November 2016.
- [Balingup, WA](#) – Western Australia/South Western Hwy upgrade (Padbury Hill Stage 2) – Submissions invited until Friday 18 November 2016
- [Parkes, ACT](#) – Sale of ANZAC Park East and ANZAC Park West – Submissions invited until Friday 18 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

Position Vacant: Local Aboriginal Land Council Lawyer, Justice Connect

Do you yearn to contribute to social change? Are you passionate about the network of Local Aboriginal Land Councils across NSW and the not-for-profit sector?

Public interest and pro bono legal centre Justice Connect is seeking a lawyer for a two-year term to play a vital role in delivering training, tailored legal information and pro bono services to the 120 Local Aboriginal Land Councils across NSW.

The position is based in the Sydney office with opportunity to travel to regional areas as needed. Applications close Monday 28 November 2016.

[Read more »](#)

Call for nominations for authors for the Special Report 'Global warming of 1.5°C'

The Australian Government Department of the Environment and Energy is calling for nominations for experts to participate in the development of the ICC's special report on the impacts of global warming of 1.5 degrees Celsius above pre-industrial levels and related global greenhouse gas emission pathways.

Experts are sought to be Coordinating Lead Authors, Lead Authors and Review Editors.

Nominations need to be made to the Department by Wednesday 23 November 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: [Director Heritage Operations](#); and [Director Heritage Strategy](#).
- Office of Environment and Heritage: [Senior Conservation Planning Officer \(Dubbo & West NSW\)](#); and [Director Environment Protection Science](#).

[More NSW environment positions »](#)

From last week

North Coast Environment Council's 40th birthday party

The North Coast Environment Council was formed in 1976. The Council aims to assist North Coast groups protect precious places and build resilient communities.

The birthday celebrations will involve inspiring speakers – including Sue Higginson, EDO NSW Chief Executive Officer – plus music, street theatre, and delicious food.

When: Saturday 26 November 2016, 5pm

Where: Cavanbah Centre, 191 Harbour Drive, Coffs Harbour

[Read more »](#)

NELA national conference 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. Sue Higginson, our CEO, and Rachel Walmsley, our Policy and Law Reform Director, will both be speaking at the conference

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](#)