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EDO NSW EBULLETIN – 20 January 2017: Number 989

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

New case: Humane Society International v Department of the Environment and Energy

What does the Federal Government really think of NSW's biodiversity offsets policy for major projects? Our client, the Humane Society International (HSI), wants to find out.

HSI is seeking to gain access to documents held by the Australian Department of the Environment and Energy on the adequacy of NSW's biodiversity offsets policy for major projects. HSI argues that the public has a right to know why the Australian Government believes, despite evidence to the contrary, that the NSW policy meets national standards. On behalf of HSI, we are asking the Administrative Appeals Tribunal to find that it is in the public interest to release the documents under Freedom of Information laws.

[Read more »](#)



NSW shark netting trials: an exception that should not become a rule

This week the NSW Government released its first monthly report detailing the marine animals caught in shark nets being trialled on beaches on the North Coast of NSW. In the first 30 days of the State Government's controversial trial, nearly a third of animals caught in the nets died, including rays, a bottlenose dolphin and a green turtle.

The shark netting trials were approved under exceptional circumstances that bypassed the usual environmental assessment processes. It's critical that no further exemptions to our national environmental laws are granted to allow further shark netting, without a proper environmental assessment.

[Read more »](#)



A turtle caught in a shark net. Image: Coastal Watch

Case win: Community group forces stricter environmental protections for CSG project

We're delighted to report that our client, Western Downs Alliance, has successfully negotiated the addition of important environmental conditions to the Santos GLNG Gas Field Development Project in the Surat Basin, Queensland.

The conditions will ensure that Santos cannot dispose of CSG waste water into local rivers and streams without first having such plans assessed and approved by the Federal Environment Minister.

The case, which would have been the first to test the Federal Government's 'water trigger', didn't make it to court – the Minister and Santos agreed to add the conditions to the approval before the case was heard.

Many of you are concerned about the impacts of this substantial CSG project, and argue that it should not have been approved. But these new conditions should be seen as a win for environmental protection and the integrity of the water trigger, which is an important part of Australia's environmental laws

[Read more »](#)

How can you help defend the environment this year?

As an eBulletin subscriber, your support is important to us – you sustain us and help spread the word about defending the environment through law. But are you aware of all the ways you can get involved in our work? Why not check out 10 ways to defend the environment this year.

[Read more »](#)

Court and Compliance Watch

Waste management company fined for hazardous waste stockpile

The NSW Environment Protection Authority (EPA) has fined Cleanaway Operations Pty Ltd \$15,000 for illegally stockpiling hazardous waste at its Rutherford waste facility.

The EPA found that Cleanaway had stored waste on bare ground and driveways when it should have been stored in a covered area with bunding to prevent spills leaking into the environment. An inspection in September 2016 found open containers of used solvent, a damaged tank of bulk waste oil and a blocked stormwater drain.

[Read more »](#)

Law Reform and Policy Watch

Submission on Review of the load-based licensing scheme

This is a technical submission structured around questions asked in the Issues Paper released as part of the NSW Government's review of the load-based licensing scheme.

In our submission, we focus on the role of an effective load-based licensing scheme, pollutants covered by the scheme, and ensuring fees for the scheme are set in a way that will drive pollution reduction.

We also note that there are currently few policies or programs in NSW that adequately regulate cumulative impacts, and many industrial discharges are permitted at levels that are known to be above safe levels for human or environmental health. As a result, the NSW pollution management system, including the load-based licensing scheme, still falls significantly short of ensuring appropriate environmental protection. This review provides an opportunity to address some of these concerns.

[Read our submission »](#)

Shark net trial data released

The NSW Department of Primary Industries has released the first month's data from the six-month trial of shark nets on the North Coast.

The data show that, across a 30-day period at five locations on the North Coast, 31 animals were found alive in the nets and released, while 12 had died. Deaths included sharks, rays, a turtle and and a dolphin.

Read more about the trials [on our blog](#).

[Read more »](#)

Recent EDO submissions and reports

- [Review of the load-based licensing scheme](#), EDO NSW submission
- [Gwydir Water Resource Plan Surface Water – Issues Paper](#), EDO NSW submission
- [Proposed Medium Density Housing Code – Statement of Intended Effect and Draft Medium Density Design Guide](#), EDO NSW submission
- [Review of State Environmental Planning Policy on Koala Habitat Protection](#), EDO NSW submission
- [EIA Improvement Project – Environmental impact assessment for major projects](#), EDO NSW submission
- [Inquiry into flying-fox management in the eastern states](#), EDOs of Australia submission
- [Inquiry into the impacts of climate change on marine fisheries and biodiversity](#), EDOs of Australia submission
- [Senate Inquiry into retirement of coal fired power plants](#), EDOs of Australia submission
- [Productivity Commission Marine Fisheries and Aquaculture Inquiry: Draft Report](#), EDOs of Australia submission
- [Waste Avoidance and Resource Recovery Amendment \(Container Deposit Scheme\) Bill 2016](#), EDO NSW submission

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

New legislation introduced to Parliament

[Australian Parliament](#)

The Australian Parliament is in recess until 7 February 2017.

[NSW Parliament](#)

The NSW Parliament is in recess until 14 February 2017.

Local Environmental Plan tracking

- [Port Macquarie-Hastings](#) – Change to zoning to enable land to be developed for a multi-use regional sporting complex, Wauchope.

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

- **Nominations for additions to the list of protected species and communities**

The Australian Department of the Environment and Energy is calling for nominations for species, ecological communities or key threatening processes to be considered for listing under national environment law.

Any person may nominate a native species, ecological community or threatening process for listing under any of the categories specified in the *Environment Protection and Biodiversity Conservation Act 1999*. The theme for the assessment period is 'freshwater species and ecological communities', though nominations outside of the theme will also be considered.

Submissions are invited until Friday 31 March 2017.

[Read more and have your say »](#)

- **Threat abatement plan for the impacts of marine debris**

The Australian Department of the Environment and Energy is calling for public submissions on a Draft Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate Marine Species (2017).

Marine debris, particularly plastic, is harmful to marine wildlife. The draft threat abatement plan sets out a proposed national strategy and a guide to investment and effort by the governments, researchers and non-government organisations.

In October 2015 we made a submission to a Senate inquiry into the threat of marine plastic pollution. For more, read [How can we stem the tide of a plastic-polluted future?](#) by our Senior Policy & Law Reform Solicitor Nari Sahukar.

Submissions are invited until Thursday 13 April 2017.

[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

- Redfern – Two modifications to development at former Rachel Forster Hospital: [Mod 07](#); and [Mod 09](#) – Submissions invited until Monday 6 March 2017.
- [Sydney Olympic Park](#) – Mixed-use development, Fig Tree Drive – Submissions invited until Monday 6 March 2017.

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

- [Jabiru, NT](#) – Processing of bulk sample high grade ore, Ranger Uranium Mine – Submissions invited until Wednesday 1 February 2017.
- [Truganina, VIC](#) – Removal of native vegetation for industrial development, Robinsons Road – Submissions invited until Tuesday 31 January 2017.
- [Mount Kembla, NSW](#) – Dendrobium Mine extension, Cordeaux Rd – Submissions invited until Friday 27 January 2017.
- [Myalup, WA](#) – Limestone Excavation, Ludlow Road, – Submissions invited until Friday 27 January 2017.

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

Australian Environment Review December 2016

The latest edition of the Australian Environment Review (volume 31, no 9) contains papers on legal issues relating to natural disasters, including a case study of legal issues resulting from the earthquakes in Christchurch, New Zealand.

[Read more »](#)

How conservatives can lead on climate action under President Trump

Former US Republican Party Congressman Bob Inglis will speak at the University of Sydney about climate action from a conservative perspective. The event will be chaired by Robert Hill AC, with panellists Rob Stokes, NSW Minister for Planning, and Dr Scott Heron.

The event is free, but bookings are essential.

When: Tuesday 14 February 2017, 6pm – 7.30pm

Where: Business School Lecture Theatre, Abercrombie Building, University of Sydney, Abercrombie St, Sydney

[Read more »](#)

Young environmental lawyer of the year

Nominations are open for the Mahla Pearlman Award for the Australian Young Environmental Lawyer of the Year. The award is given to a young lawyer who has made a significant contribution to environmental law. Recipients have carried out extra work giving back to the legal community as well as to the community at large.

Nominations for the Award close Friday 10 February 2017.

[Read more »](#)

Mahla Pearlman Oration 2017

Professor Jane McAdam, University of New South Wales, will deliver the 2017 Mahla Pearlman Oration, *Should I Stay or Should I Go? Shaping International Responses to Climate Change, Disasters and Displacement*.

The Mahla Pearlman Australian Young Environmental Lawyer of the Year Award will be presented at the Oration. The Oration is free.

When: Thursday 9 March 2017, 5pm – 7pm

Where: Court 21, Federal Court of Australia, Queens Square, Sydney

[Read more »](#)

Future of environmental law symposium

The Law Council of Australia's 2017 Future of Environmental Law Symposium will focus on the interrelation of business law and the environment. It will also honour the contributions of the Hon Justice Michael Barker of the Federal Court of Australia, and Professor Christine Trenorden, founding member and Senior Judge of the South Australian Environment, Resources and Development Court.

When: Friday 10 March 2017, 9am – 5pm
Where: The Langham, 89–113 Kent Street, Sydney

[Read more »](#)

Lawyers Weekly partner of the year awards

The Lawyers Weekly Partner of the Year Awards recognise outstanding performance by partners in law firms across a range of categories, including planning and environment, native title, and energy and resources.

Nominations for this year's award need to be lodged by Friday 3 February 2017.

[Read more »](#)

Senior environment and planning vacancies

A number of key environment and planning positions are currently open:

- Office of Environment and Heritage: [Director Sustainability Programs](#); [Director Community & Compliance](#); [Director Park Cultural Values And Planning](#); [World Heritage Area Advisory Committee \(Chair and four members positions\)](#).
- Department of Planning & Environment: [Senior Scientist, Koala Ecologist; Team Leaders, Regional Planning \(2 positions\); Specialist Planning Officers \(2 positions\); and Specialist Planning Officer](#).
- Department of Justice: [Associate To The Chief Judge Of The Land And Environment Court](#).

[More NSW environment positions »](#)

From last week

Environmental law year in review

The Australian Centre for Climate and Environmental Law (ACCEL) is holding its inaugural 'Year in Review' in February 2017. At this one-day event, speakers will provide insights on the implications of key developments in climate and environmental law in 2016, in areas such as biodiversity, coastal management, natural resources, and mining.

Our CEO Sue Higginson and our Policy & Law Reform Director Rachel Walmsley will both be presenting at the event.

Early bird registrations close on Friday 27 January 2017.

When: Friday 24 February 2017

Where: Stockland Building, level 18, 133 Castlereagh St, Sydney

[Read more »](#)

Online database of international coal litigation strategies

The Environmental Law Alliance Worldwide (ELAW) has launched Coal Litigation Strategies, an online tool for grassroots lawyers working on cases relating to proposals to build or expand coal-fired power plants.

The tool includes a description of legal strategies used around the world and a database of administrative and court decisions. The site is expected to grow as new cases are run.

[Read more »](#)

Climate Change and Environmental Legislation

How can climate change be accommodated within environmental law? This one day conference will consider how environmental laws can be reformed to accommodate climate change and sustainable development concepts, internationally and in Western Australia.

The conference is being presented by NELA WA, the International Bar Association, Glen McLeod Lawyers and Murdoch University.

When: Friday 17 February 2017

Where: Murdoch University, 90 South St, Murdoch, WA

[Read more »](#)

Environmental Law: What Can We Do Better?

A selection of papers from the National Environmental Law Association Conference 2016 are now available online, including our Policy and Law Reform Director Rachel Walmsley's presentation on '[Biodiversity laws – Are we making progress?](#)'

[Read the papers online »](#)

Women's environmental leadership program 2017

Are you a woman, an active environmentalist and living in Australia? The Women's Environmental Leadership Australia (WELA) program is calling for applications for its 2017 program.

WELA is designed by and for women environmentalists. The 12-day 2017 residential program will examine critically ideas about women taking even more environmental leadership in Australia.

Applications for WELA 2017 close on Friday 10 February 2017.

[Read more »](#)

Support EDO NSW

Help protect our precious biodiversity

The NSW Government has passed legislation that changes the way we will manage biodiversity in NSW, and it's not good news for the environment.

Even though the biodiversity and local land services bills have been passed, many of the details on how to implement these laws have not yet been decided. We still have a lot of work to do, and we need your help.

[Your donation](#) will help us continue working to ensure that our laws will protect our biodiversity for generations to come.

[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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