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## EDO NSW EBULLETIN – 3 February 2017: Number 991

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

#### **Six big changes to the Planning Act in 2017 (and three missed opportunities)**

The NSW Government is proposing to amend our State planning laws – updating the Act's objects and structure, clearer public participation requirements and timeframes, reforms to state and local decision-making panels, speeding up decisions on large and small development, and putting the final nail in the coffin of the former 'Part 3A' major projects pathway.

The community has until Friday 10 March 2017 to comment. The Government will then introduce a revised Bill to Parliament.

We've prepared a briefing note to explain some of the major changes and how the Bill relates to other reforms. We've also identified some missed opportunities – or ways to do better – that should be addressed before the Bill hits Parliament. This overview should give you a head start if you plan to comment. Our detailed submission to Government will be on the EDO NSW website ahead of the due date.

[Read more »](#)

#### **Community group gains access to key Murray-Darling documents**

On behalf of the Inland Rivers Network, EDO NSW has successfully used Freedom of Information laws to gain access to documents held by the Murray Darling Basin Authority (MBDA). The MBDA is a statutory agency whose key function is to implement the Basin Plan which sets out how water in the Murray-Darling Basin is to be shared between all users, including the environment.

IRN has gained access to a number of documents that shed light on the decision-making process underlying the Northern Basin Review. Under the Northern Basin Review the Government is seeking to reduce the amount of water available to the environment, including two struggling RAMSAR wetlands – the Macquarie Marshes and Gwydir Wetlands.

Read more »



*The Macquarie Marshes, one of the RAMSAR wetlands that may be affected by the Northern Basin Review. Photo, Bev Smiles*

### **Community group successfully opposes pig farm in Harden**

Our clients in Harden are celebrating after the NSW EPA and the Office of Environment and Heritage both indicated they would not approve a development application for a pig farm in the area.

While the council is the consent authority, the development needs to be signed off on by the EPA and OEHL due to its potential environmental impacts. A refusal from either agency would require council to refuse the application.

The Cunningham Valley Action Group sought our assistance over a year ago due to concerns about the impacts of the piggery, including air, noise and water pollution and odour. We assisted the group to actively engage in the assessment process by making submissions and meeting with the relevant agencies to express their concerns.

This case highlights the importance of early and active engagement in environmental issues in achieving positive environmental outcomes.

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## Court and Compliance Watch

### Local dog deaths lead to warning about using 1080 baits

The NSW Environment Protection Authority (EPA) is reminding the community about the dangers of 1080 pesticides following the recent deaths of two domestic dogs due to suspected 1080 poisoning near Cobar.

[Read more »](#)

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## Law Reform and Policy Watch

### Submission on the Clean Air for NSW Consultation Paper

The NSW Government released a Consultation Paper – Clean Air for NSW in 2016. Drawing on the extensive legal and technical analysis and advice we have undertaken for our community clients on air quality over many years, this latest submission makes recommendations for improving air quality in relation to specific actions and timeframes, integrating air quality into planning decisions, and monitoring and measuring air pollution.

[Read our submission »](#)

### Submission on the Koala SEPP Review (State Environmental Planning Policy 44 – Koala Habitat Protection)

The Koala SEPP was introduced in 1995 to conserve and manage koala habitat against local development impacts. This submission comments on NSW Government proposals to amend the SEPP's:

- Aims and Definitions
- Application to listed tree species and Local Council areas
- Development Assessment processes and Guidelines
- Plan-making provisions (proposed Local Planning Directions), and
- Local Environmental Study requirements.

The submission also lists 7 further issues that the Koala SEPP review should address.

[Read our submission »](#)

### Recent EDO submissions and reports

- [Submission on the Clean Air for NSW Consultation Paper](#), EDO NSW submission
- [Submission on the Koala SEPP Review](#), EDO NSW submission
- [Draft Coastal Management State Environmental Planning Policy](#), EDO NSW submission

- [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
- [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

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**

- [Mount Druitt](#) - The planning proposal seeks to amend the Blacktown Local Environmental Plan 2015 to rezone and alter building heights within Old Mount Druitt village.
- [Summer Hill](#) – Planning proposal seeking to amend the Ashfield Local Environmental Plan 2013 to enable the use of Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage units at 55-63 Smith Street, Summer Hill.
- [Maitland](#) - Planning proposal seeking to prohibit places of public worship which are currently permitted with consent at Louth Park.
- [Tamworth](#) - Planning proposal seeking to rezone the Tamworth Velodrome for commercial use and to alter the floor space ratio to enable redevelopment of the site.
- [Burwood](#) - The proposal seeks to increase the maximum building height and floor space ratio for 42-50 and 52-60 Railway Parade, Burwood to facilitate a mixed use development.

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

- **Deadline extended for submissions on the Northern Basin Review**

The Murray-Darling Basin Authority is seeking public submissions on proposed amendments to the Basin Plan. The deadline for submissions on the Northern Basin has been extended from 10 February 2017 to 24 February 2017.

[Read more and have your say >>](#)

- **Threatened Species and Endangered Ecological Community Listing Consultations**

- [Lasiorhinus krefftii \(northern hairy-nosed wombat\)](#) - Submissions invited until 15 March 2017.
- [Burrhamys parvus \(mountain pygmy-possum\)](#) - Submissions invited until 15 March 2017.
- [Bettongia penicillata \(woylie\)](#) - Submissions invited until 15 March 2017.
- [Myrmecobius fasciatus \(numbat\)](#) - Submissions invited until 15 March 2017.
- [Zyzomys pedunculatus \(central rock-rat\)](#) - Submissions invited until 15 March 2017.
- [Crocidura trichura \(Christmas Island shrew\)](#) - Submissions invited until 15 March 2017.
- [Poplar Box Grassy Woodland on Alluvial Plains](#) – Submissions invited until Friday 10 March 2017.

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**

- [Randwick](#) - Modifications to construction in Stage 1 of the Residential Aged Care Facility, Sir Moses Montefiore Jewish Home. This includes; an additional building level, materials, layout, amendments and deletion of car parks - Submissions invited until Wednesday 15 February.
- [Thredbo](#) - Modify existing dwelling to create a granny flat at Snowdrift Apartment 1 - Submissions invited until Tuesday 14 February.
- [Thredbo](#) - construction of a car parking platform at Ski in Ski out Chalet - Submissions invited until Tuesday 14 February.

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**

- [Essendon Fields, VIC](#) - Essendon Airport car park extension - Submissions invited until Tuesday 14 February 2017.
- [Adelaide, SA](#) - Adelaide Festival Plaza Precinct Upgrade - Submissions invited until Monday 13 February 2017.
- [Wyndham-East Kimberley, WA](#) - Extension of Moonamang Road to the WA/NT border - Submissions invited until Friday 10 February 2017.
- [Cape Preston, WA](#) - CITIC Pacific Mining Management Pty Ltd are expanding the Sino Iron Ore Mine and export facilities - Submissions invited until Friday 10 February 2017.
- [Epping, VIC](#) - Commercial and industrial subdivision at O'Herns Road - Submissions invited until Thursday 9 February 2017.
- [Gingin, WA](#) - Brand Highway Widening and Passing Lanes Project - Submissions invited until Thursday 9 February 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](#).

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## **Community News**

### **Fingal Head and Letitia Spit Shorebird Survey**

You are invited to attend a FREE relaxing walk to learn about local shorebirds. The survey will take place on Saturday 11 February from 8:30am to 10:30am and will be led by David Charley of Wildsearch Environmental Services.

Bookings are essential. RSVP by 9 February.

For more information and to book, call Council on 02 6670 2400.

### **Position Vacant - Principal Solicitor, Central Coast Community Legal Centre**

Central Coast CLC seeks a Principal Solicitor to provide leadership and oversee the implementation of organisational priorities and strategic objectives while managing risk and meeting all compliance requirements.

Central Coast CLC provides free legal services (information and referral, advice, casework, representation, community legal education and systemic advocacy) to the Central Coast community from our office in Wyong as well as at outreach locations across our catchment area.

Applications close COB 6 February 2017.

All enquiries should be directed to Nassim Arrage on (02) 4353 4988.

## **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 »](#)

## **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 »](#)

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## **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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