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EDO NSW EBULLETIN – 10 February 2017: Number 992

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

Environmental Defender January 2017

Environmental Defender, our supporter newsletter, is a great way to find out about our recent work.

In the latest edition, we introduce you to Elaine Johnson our Principal Solicitor. You can also read about our tenth birthday party in the Northern Rivers, and updates from some of our cases and policy work. Plus we have some interesting data for you from a survey on how Sydney residents engage in the NSW planning system.

[Read the latest Environmental Defender »](#)

Environmental Defender



EDO NSW supporter newsletter / January 2017



Meet our new Principal Solicitor, Elaine Johnson

I became the Principal Solicitor at EDO NSW in August 2016. As Principal Solicitor I supervise the litigation and advice team in all of the public interest environmental law matters that we take on for our many and varied clients.

Complementary measures: is carp herpes really a substitute for water in the Murray-Darling?

In Australia, our goal of restoring the health of the Murray-Darling Basin, Australia's largest river system, has shifted towards a goal of minimising the 'socio-economic impacts' associated with sustainable water use.

Check out our blog to find out more about how the Australian Government – contrary to the weight of scientific evidence – is returning far less water than is needed to restore the Murray-Darling and its wetlands, and instead focussing on complementary measures like carp herpes.

[Read more »](#)

Volunteer with us – event management

Do you have experience in event management? We're looking for a volunteer to help us with a number of exciting events that we are planning for this year. If you'd like to use your experience to help us continue to protect the environment through law, then we'd love to hear from you!

Please send your CV and a cover letter marked Att: Emily Ryan to recruitment@edonsw.org.au by next Friday 17 February 2017.

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 »](#)

Court and Compliance Watch

NSW environmental compliance data for 2016

The NSW Department of Planning and Environment has released a summary of compliance data for the 2016 calendar year. The data shows that the Department issued \$500,000 in penalties and conducted more than 800 inspections of Major Project sites across NSW. The data show a substantial increase in penalties and inspections on 2015.

[Read more »](#)

Recycler fined for stockpiling waste

The NSW Environment Protection Authority has fined Minto Recycling Pty Ltd \$15,000 for stockpiling waste in an open area of its waste facility on Pembury Road, Minto. Nearby business owners had complained about the impact of dust emanating from the site.

[Read more »](#)

Miner fined for unlawful waste storage

The NSW Environment Protection Authority has fined Epic Mining Pty Ltd \$15,000 for unlawful stockpiling of waste at its facility on Adams Road, Luddenham, in Western Sydney. Inspectors found that the company was stockpiling and processing materials not permitted under its environment protection licence.

[Read more »](#)

Energy company fined for ash dam dust

The NSW Environment Protection Authority (EPA) has fined Origin Energy Eraring Pty Ltd \$15,000 after dust from an ash dam at the company's Eraring Power Station was blown offsite during strong winds. The EPA's Environment Line received a number of calls from members of the public reporting large quantities of dust escaping from the premises.

[Read more »](#)

Company fined for waste storage breaches

The NSW Environment Protection Authority has fined Hi-Quality Waste Management Pty Ltd \$15,000 for exceeding the authorised amount of waste they are permitted to keep at their St Marys resource recovery and recycling facility. The facility, on Lee Holm Road, is licensed to accept materials including blast furnace slag, soils, building and demolition waste.

[Read more »](#)

Law Reform and Policy Watch

Implementation of the Biosecurity Legislative Framework

The Australian National Audit Office has released an audit of the biosecurity legislative framework, which was introduced in June 2016.

The audit assesses the effectiveness of the Department of Agriculture and Water Resources' implementation of the framework.

[Read more »](#)

Review of PAC's assessments of major development applications

The NSW Audit Office has released an audit of the NSW Planning Assessment Commission's (PAC) assessment of major development applications.

The audit finds that the PAC has improved its decision-making process, but identifies 'vital issues' that need to be addressed to ensure the PAC makes decisions in a consistent and transparent manner.

[Read more »](#)

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](#)

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

[NSW Parliament](#)

- *The NSW Parliament is in recess until 14 February 2017.*

Local Environmental Plan tracking

- [Bega Valley](#) – A range of amendments, including to zoning maps, heritage maps, heritage items, land use and floor space.
- [Bayside](#) – Amendments to land at Kingsland Road South, Bexley.
- [Hawkesbury](#) – Rezoning of site at Hawkesbury Valley Way and George Street, Windsor from low density residential to a neighbourhood centre, and amending height of buildings and lot size maps.
- [Inner West](#) – Amendment to allow additional permitted uses, 55-63 Smith Street, Summer Hill.
- [Parramatta](#) – An increase to maximum building height and floor space ratio for land at 470 Church Street.

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

- **Proposed overhaul of NSW planning laws – deadline extended**

The NSW Department of Planning and Environment is calling for public comments on significant changes to NSW's planning laws. The proposals would amend the Environmental Planning and Assessment Act 1979 across a number of aspects of the planning process, including community consultation, environmental impact assessment, building provisions, design, and enforcement.

Read our briefing note to get a head start on your submission: [Six big changes to the Planning Act in 2017 \(and three missed opportunities\)](#).

Submissions are invited until Friday 31 March 2017.

[Read more and have your say »](#)

- **Review of the Lobbying Act**

The NSW Department of Premier and Cabinet is reviewing the *Lobbying of Government Officials Act 2011* (NSW). The review aims to determine whether the policy objectives of the Act remain valid and if the terms of the Act remain appropriate for securing those objectives. The objectives of the Act are to increase transparency and enhance the regulation of lobbying.

Submissions are invited until Friday 24 February 2017.

[Read more and have your say »](#)

- **National Environmental Biosecurity Response Agreement**

The Australian Department of Agriculture and Water Resources is calling for submissions on the National Environmental Biosecurity Response Agreement (NEBRA)

The NEBRA, signed in 2012, establishes the national arrangements for responding to significant pest and disease incursions where there are predominantly public benefits.

The independent review is calling for views on the implementation and effectiveness of the agreement.

Submissions are invited until Friday 10 March 2017.

[Read more and have your say »](#)

- **Infrastructure SEPP review**

The NSW Department of Planning and Environment is calling for public submissions on proposed changes to the Infrastructure State Environmental Planning Policy (SEPP) 2007.

The proposed changes aim to improve the way NSW Planning and Environment plan and deliver future community infrastructure and upgrade existing services. One of the key changes proposed relates to how councils manage and maintain their lands.

Submissions are invited until Friday 24 March 2017.

[Read more and have your say »](#)

NSW Roads and Maritime Services consultations

- [Rooty Hill](#) – Improvements to the intersection of Francis Road and Willis Street – Submissions invited until Monday 13 February 2017.
- [Engadine](#) – Night work schedule for Heathcote Road – Submissions invited until Monday 13 February 2017.
- [Broadway](#) – Night work schedule for the intersection of Broadway and Chippendale Way – Submissions invited until Monday 13 February 2017.
- [Blacktown](#) – Proposed changes to line markings in the southbound lanes on Reservoir Road – Submissions invited until Monday 13 February 2017.
- [Kellyville](#) – Night work schedule for Memorial Avenue between Windsor Road and Old Windsor Road – Submissions invited until Thursday 16 February 2017.

- **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

- [The Rocks](#) – Foreshore and public domain works, Campbell's Cove, Sydney – Submissions invited until Friday 10 March 2017.
- [Thredbo](#) – Minor alterations at Schuss Ski Club Lodge – Submissions invited until Tuesday 21 February 2017 .
- [Broken Hill](#) – Recommencement of underground mining operations at the Broken Hill North Mine – Submissions invited until Monday 6 March 2017.
- [Balranald](#) – Development of the 200 MW Sunraysia Solar Farm and associated infrastructure – Submissions invited until Sunday 5 March 2017.
- [Eagleton](#) – Proposed hard rock reserve quarry, including clearing of vegetation and mine and road infrastructure – Submissions invited until Monday 6 March 2017.
- [Singleton](#) – Modification to conditions of the Ashton South East Open Cut Project – Submissions invited until Thursday 16 February 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

- [Springfield, QLD](#) – Development of Woogaroo Heights, a master planned residential development – Submissions invited until Monday 20 February 2017.
- Olive Downs, QLD – Development of a coal mine near Moranbah, including: a [mine site and access road](#); [project water pipeline](#); [electricity transmission line](#); and [rail spur](#) – Submissions invited until Friday 17 February 2017.
- [Roebourne Quarry, WA](#) – Expansion of the PMR Quarries T/A WA Limestone Pty Ltd Roebourne Quarry operations – Submissions invited until Thursday 16 February 2017.
- [Eglington, WA](#) – Residential and commercial development, Taronga Place – Submissions invited until Wednesday 15 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

The NSW Department of Industry Resources and Energy has received six applications for coal exploration licences. The period for public submissions has passed for all applications.

- Cumnock No.1 Colliery Pty Ltd – Ravensworth
- Shoalhaven Coal Pty Ltd – Ben Bullen & Cullen Bullen (2 licences)
- Ulan Coal Mines Ltd – Bungaba, Bligh, Uarbry, Nandoura & Curryall
- Narrabri Coal Pty Ltd – Milner & Gorman (2 licences)

[View all applications »](#)

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

The right infrastructure at the right price

At the Grattan Institute's first Forward Thinking event for 2017, a panel will discuss how to get the right transport infrastructure at the right price.

When: Wednesday 15 February 2017, 5pm – 7:15pm

Where: Metcalfe Auditorium, State Library of New South Wales, Macquarie St, Sydney.

[Read more »](#)

‘Smarter’ water monitoring – supporting environmental assessments at a project-specific level

This EIANZ ‘PEP talk’ introduces case studies of a range of ‘smarter’ water monitoring techniques used in environmental monitoring programs. The talk will be presented by environmental scientist Dr Dan Evans.

When: Thursday 23 February 2017, 5:30pm – 8pm

Where: Beca, level 11-44 Market St, Sydney

[Read more »](#)

Pollution Incident Response Management Plans and Emergency Response events

The Australian Sustainable Business Group and Baker McKenzie are hosting a seminar and workshop on Pollution Incident Response Management Plans (PIRMPs) and Emergency Responses.

A morning seminar will explore the latest issues and design pointers for preparing a PIRMP and complying with the testing and training requirements.

An afternoon workshop will cover PIRMP preparation, training and testing.

When: Thursday 16 February 2017, 8:40am – 4:45pm

Where: Baker McKenzie, Level 27, AMP Centre, 50 Bridge St, Sydney

[Read more »](#)

Planning and environment law: reforms and their practical applications

This Legalwise seminar will explore recent legislative changes and directions in planning and environmental law. Sessions will be held on:

- Planning Reforms: What You Need to Know
- Proposed Reforms to Biodiversity and Native Vegetation Legislation
- Progress in NSW Wind Energy Development: The Lawyers' Snapshot
- An Update on Environmental Prosecution, Sentencing and Contempt

When: Tuesday 14 March 2017, 9am – 1:15pm

Where: UNSW CBD Campus, Level 6, 1 O'Connell Street, Sydney

[Read more »](#)

Women’s Environmental Leadership Australia – deadline extended

The application deadline for Women's Environmental Leadership Australia (WELA) 2017 has been extended to Monday 26 February 2017.

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

[Read more »](#)

Australian Environment Review January 2017

The first edition of the Australian Environment Review for 2017 (volume 31, no 10) includes an article on integrating climate change and water management policies by our own Policy and Law Reform Solicitor Dr Emma Carmody. The edition also contains articles on the Australian Government's 'engage early' guidelines, and marine protected areas.

[Read more »](#)

Female Senior Solicitor: Western NSW Community Legal Centre

Western NSW Community Legal Centre, based in Dubbo, is looking for a Female Senior Solicitor. The deadline for applications is Monday 6 March 2017.

All applicants must obtain an information package containing the selection criteria by contacting 02 6884 9422.

[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: [Team Leader, Planning Agreements](#); and [Senior Specialist Planner, Planning Agreements](#).
- Office of Environment and Heritage: [Director, Ministerial Services](#); and [Director Strategy, Coordination & Performance, Regional Operations Division](#).
- Environment Protection Authority: [Manager Forestry Policy & Programs](#); [Director Contaminated Land Management](#); and [Unit Head, Illawarra & South Coast / Goulburn & Southern Tablelands](#).

[More NSW environment positions »](#)

From last week

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 28 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 »](#)

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.

When: Friday 24 February 2017

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

[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 latest 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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