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EDO NSW EBULLETIN – 17 February 2017: Number 993

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	Court & Compliance	Law Reform & Policy Watch
Have Your Say Alerts	Community News	Support EDO NSW

EDO NSW News and Events

Help plan for a sustainable future

As you will know, the NSW Government is proposing significant changes to planning legislation. Our expert planning lawyers are reviewing the proposed changes and will advise the community on what these changes mean for you and the environment. You can get involved by making a submission, attending our seminar, or by donating to help us inform the community about these changes.

Your [tax deductible donation](#) today will help us reach as many people as possible with information on the changes that will decide the way we care for our precious natural areas.

[Read more »](#)



Mining and the Law: a guide for the community

We've just updated our popular community guide [Mining Law in NSW: A guide for the community](#).

The guide is aimed at helping communities affected by mining and CSG. It offers landholders a step-by-step legal guide to dealing with mining companies, and understanding their rights and obligations under the law.

[Download the guide »](#)

NSW planning reforms free seminar full – but are you interested?

Our free seminar on Thursday 2 March 2017 about the proposed NSW planning reforms is now fully booked.

Disappointed you missed out? There may still be a chance to attend. We have a waiting list, and are exploring holding a second seminar. Register your interest by phoning us on (02) 9262 6989, and we'll add you to the waiting list and send you our analyses on the reforms.

[Read more about the seminar »](#)

Mid-level Donor Program Coordinator

We are looking for a talented and passionate fundraiser to lead a new Mid-level Donor Program. This role is core to expanding the impact our organisation is able to have by helping to develop sustainable fundraising. This person will be implementing and piloting new strategies aimed at engaging, cultivating, and supporting our current donors, as well as sourcing and encouraging new donors to become involved in supporting the legal protection of the environment.

Applications close at 9am on Monday 20 February 2017.

[Read more »](#)

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 »](#)

Court and Compliance Watch

Three waste operators fined after traffic incidents revealed illegal activity

The NSW Environment Protection Authority (EPA) has issued a total of \$53,000 in fines to three companies in South West Sydney and the Southern Highlands.

Soil company Amiterre Ag Solutions Pty Ltd was fined \$30,000, and Suez Recycling & Recovery Pty Ltd \$15,000 for operating an unlawful waste facility on a private property on Tourist Road, East Kangaloon.

A truck driver now trading as AACE Civil, was fined \$8,000 for illegally dumping building and demolition waste on a roadside reserve off Picton Road, Wilton, and for providing false and misleading information to the EPA.

The companies were caught after being involved in separate traffic incidents.

[Read more »](#)

Gold miner fined for monitoring breach

The NSW Environment Protection Authority has fined Broula King Joint Venture \$15,000 for failing to undertake monitoring required by the company's environment protection licence at its Cowra gold mine. The breach relates to monitoring of groundwater, dust and storm water discharge.

[Read more »](#)

Law Reform and Policy Watch

Planning Act EDO NSW briefing note: updated

We've updated our briefing note about the NSW Government's proposed amendment to our State planning laws, [Six big changes to the Planning Act in 2017 \(and three missed opportunities\)](#).

The update relates to our analysis on the Part 3A major projects pathway and the continuation of 'concept plans', and we are seeking further information from the Planning Department on these changes.

[Read more »](#)

Recent EDO submissions and reports

- [Six big changes to the Planning Act in 2017 \(and three missed opportunities\)](#), EDO NSW briefing paper
- [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

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

New legislation introduced to Parliament

[Australian Parliament](#)

- *Biosecurity Amendment (Ballast Water and Other Measures) Bill 2017*

This Government Bill proposes changes to legal requirements for controlling and managing ships' ballast water, which can be a way invasive marine pests and pathogens enter Australian waters. The amendments will mean that Australian law complies with the International Ballast Water Convention when it comes into force internationally on 8 September 2017.

[Read the Bill »](#)

- *Native Title Amendment (Indigenous Land Use Agreements) Bill 2017*

This Government Bill proposes to amend the *Native Title Act 1993* (Cth) regarding Indigenous Land Use Agreements.

The primary objectives of the Bill are: to confirm the legal status and enforceability of agreements which have been registered on the Register of Indigenous Land Use Agreements without the signature of all members of a registered native title claimant; to enable registration of agreements which have been made but have not yet been registered on the Register of Indigenous Land Use Agreements; and to ensure that in the future, registrations can be made without every member of the registered native title claimant to be a party to the agreement.

[Read the Bill »](#)

- *Infrastructure Australia Amendment (Social Sustainability) Bill 2017*

This Private Member's Bill proposes to amend the *Infrastructure Australia Act 2008* to require Infrastructure Australia to evaluate the social and community benefits of Infrastructure projects, giving equal treatment to economic and productivity gains.

[Read the Bill »](#)

- *Building and Construction Industry (Improving Productivity) Amendment Bill 2017*

This Government Bill proposes to amend a provision of the *Building and Construction Industry (Improving Productivity) Act 2016* that transitionally exempts building industry participants from the requirement to comply with enterprise agreement content rules issued as a condition of eligibility to submit expressions of interest, tender for or be awarded Commonwealth funded building work.

[Read the Bill »](#)

- *Fisheries Legislation Amendment (Representation) Bill 2017*

This Government Bill provides for explicit recognition of recreational and Indigenous fishers in Commonwealth legislation. It requires the Australian Fisheries Management Authority to have regard to ensuring that the interests of all fisheries users are taken into account in Commonwealth fisheries management decisions.

[Read the Bill »](#)

NSW Parliament

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

Local Environmental Plan tracking

- [Ballina](#) – Inclusion of deferred land in the Emigrant Creek and Marom Creek drinking water catchment areas.
- [Randwick](#) – Amendment to planning controls for the Kensington and Kingsford Town Centres.
- [Penrith](#) – Amendment to zoning, building height and lots size, Victoria Street, Werrington.

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

- **Regional Strategic Weed Management Plans**

NSW Local Land Services is calling for public submissions on Regional Strategic Weed Management Plans for 2017 to 2022.

The plans address key biosecurity risks at a regional level and propose strategies and actions aligned with the *Biosecurity Act 2015* due to commence in 2017. Key aspects of the plans include weed management, risk assessment and prioritisation, plan implementation and measurements of success.

Submissions are invited until Wednesday 8 March 2017.

[Read more and have your say »](#)

- **Cape Byron Preliminary Visitor Master Plan**

The National Parks and Wildlife Service and the NSW Office of Environment and Heritage are seeking your feedback on the Cape Byron Preliminary Visitor Master Plan, Cape Byron State Conservation Area.

Covering environmental, cultural and spiritual values of the Cape, the plan aims to identify and assess options for improving the visitor experience and for transporting people to the Cape.

Submissions are invited until Monday 27 March 2017.

[Read more and have your say »](#)

- **Draft Floodplain Management Plan for the Lower Namoi Valley**

The NSW Department of Primary Industries - Water is calling for public comments on a Draft Floodplain Management Plan for the Lower Namoi Valley. The Plan includes management zones, rules and assessment criteria for granting or amending approvals for flood works within the plan area.

Throughout March 2017 the Department is also offering individual appointments for Narrabri, Wee Waa, Walgett and Pilliga.

Submissions are invited until Thursday 13 April 2017.

[Read more and have your say »](#)

- **Roads and transport consultations**
 - [Ashfield](#) – Increase in spaces at Ashfield Station commuter car park – Submissions invited until Thursday 2 March 2017
 - [Homebush](#) – Intersection changes, Hill Road and Carter Street – Submissions invited until Monday 6 March 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

- [Ryde](#) – Conversion of signage to digital, M2 Motorway – Submissions invited until Friday 17 March 2017.
- [East Boggabri](#) – Modification to equipment sound power levels, Tarrawonga Coal Mine – Submissions invited until Thursday 23 February 2017.
- [Jerrys Plains](#) – Modification to mining activities at Hunter Valley Operations South complex – Submissions invited until Friday 10 March 2017.
- [Parramatta](#) – Modification to concept and Stage 1 Demolition, Western Sydney Stadium – Submissions invited until Wednesday 22 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

- [Surat Basin, QLD](#) – Development of CSG resources, Spring Gully project – Submissions invited until Tuesday 28 February 2017.
- [Clare, QLD](#) – Vegetation clearing for high value agriculture, Barratta Rd – Submissions invited until Friday 24 February 2017.
- [Marble Bar, WA](#) – Upgrade of Marble Bar Road at Coongan Gorge – Submissions invited until Friday 24 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](#).

Community News

New this week

Biodiversity Conservation Trust Board – expressions of interest

The NSW Government is inviting applications for membership on the new Biodiversity Conservation Trust Board from those with the relevant skills and experience.

Expression of interest, including a cover letter and resume, need to be provided by Friday 10 March 2017. For details, scroll to the [bottom of this page](#).

[Read more »](#)

Acting Centre Manager, Northern Rivers Community Legal Centre

The Northern Rivers Community Legal Centre based in Lismore NSW is seeking an Acting Centre Manager. This is a 6 month fixed term position. Expressions of interest are due by 4pm on Tuesday 21 February 2017. Requests for an expression of interest kit and all other inquiries should be directed to: Jennifer Nielsen, Chairperson, jennifer.nielsen@scu.edu.au.

Senior roles at environment and planning agencies

A number of key senior positions are currently being advertised at NSW environment and planning agencies:

- Plan Making & Urban Renewal: [Principal Legal Officer](#); [Senior Legal Officer](#); [Legal Officer](#); and [Paralegal](#).
- Department of Planning and Environment: [Biodiversity Conservation Trust Board members](#); [Director - Resource Assessment](#); [Senior Project Officer](#); [Director – Regions](#) (3 positions); and [Senior Specialist Planner, Planning Agreements](#).
- Environment Protection Authority: [Manager Forestry Policy & Programs](#).

[More NSW environment positions »](#)

From last week

‘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 »](#)

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 »](#)

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 plan for a sustainable future

The NSW Government is proposing significant changes to planning legislation. Our expert planning lawyers are reviewing the proposed changes and will advise the community on what these changes mean for you and the environment.

[Your donation](#) will help us reach as many people as possible with information on the changes that will decide the way we care for our precious natural areas.

[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.

[Subscribe to this weekly eBulletin](#)