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EDO NSW EBULLETIN – 10 March 2017: Number 996

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](#).

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

EDO NSW News and Events

Our new professional development program is launched

Lawyers and planners: we're excited to announce the launch of our new professional development program for environment and planning professionals.

The first session, [EDO Insider – CPD on the Barangaroo Crown Casino Case](#), will look at how the Crown Casino got the go ahead on land that was set aside for a public park at Barangaroo, Sydney.

You can claim CPD points for this and all of our professional development seminars. The session costs \$85, with all funds raised going towards our core work of helping the community to protect the environment through law.

When: Wednesday 5 April 2017, 12-1pm

Where: McCabes Lawyers, 19 Martin Pl, Level 38, MLC Centre, Sydney,

Numbers are strictly limited.

[Reserve your place now »](#)

NSW planning reforms 2017 – resources to help with your submission

If you're working on a submission on the proposed changes to NSW planning laws, we have a number of resources that can help:

- [Submission](#) – we've published our submission four weeks early so you can read what we're saying about the reforms.
- [Briefing note](#) – a summary of the key issues
- [Podcast](#) – listen to an overview of key issues and missed opportunities.

If you're disappointed you couldn't make it to our community seminar on the reforms, we'll be releasing a video of the seminar soon. Keep an eye out in future eBulletins.

This is a great opportunity to tell the NSW Government what you would like planning laws to do better, and how you would like to engage in the planning system.

[Share these resources with your networks »](#)

Celebrating the women who have made EDO NSW successful

On International Women's Day, 8 March, we celebrated the incredible women who have made EDO NSW what it is today.

From our very first solicitor, Judith Preston, to our current Chair, the Hon Jane Mathews AO, we have collected some pictures of just some of the committed and inspirational women who have guided EDO NSW throughout the years, working with our team, our clients, and our supporters to protect the environment through law.

[View and share the images online »](#)



Deadline extended for community comments on environmental impact of Santos' Pilliga CSG project

The NSW Department of Planning and Environment has extended the deadline for public comment on the environmental impact statement (EIS) for Santos' proposed coal seam gas project near Narrabri and the world-renowned Pilliga State Forest.

The extension comes after much pressure – [including from EDO NSW](#) – for the public to have more time to digest the 'enormous' 7,000 page EIS.

The EIS will now be on exhibition until Monday 22 May 2017. Details on how to make a submission are at the [Major Project Proposal page for the project](#).

You may recall that we are representing community group People for the Plains in appealing a court decision that gave Santos the green light to operate its 'Leewood' wastewater treatment facility, which is part of this controversial project. [Read more about the case](#).

Help plan for a sustainable future

As you will know, the NSW Government is proposing significant changes to planning legislation. These are the laws that will shape the way our cities and rural centres are developed, and will define how our precious natural areas, plants and animals are protected in the years to come.

Your support can help to make sure that your community has a voice in this conversation.

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 »](#)

Court and Compliance Watch

Fines issued for damage caused by pipeline work

The NSW Department of Planning and Environment's January 2017 compliance report shows that \$60,000 in fines were issued for compliance breaches that damaged farm and Crown land.

The Department issued four fines worth \$60,000 for planning compliance breaches on the Young to Wagga Wagga Looping Pipeline that damaged land near Young and Cootamundra.

[Read more »](#)

Developer fined \$105,000 for developing land without consent

The Land and Environment Court has found in favour of Cumberland Council in challenging the development of land without consent in Guildford NSW. The developer, Mr Badaoui Habib, pleaded guilty to the offence and was ordered to pay the discounted fine of \$105,000 plus costs.

[Read more »](#)

Developers fined \$80,000 each for building without consent

The Land and Environment Court has found in favour of Burwood Council against developers Liverpool Developing and Erector Group for undertaking building work at 48-252 Liverpool Road, Enfield without consent. Both companies pleaded guilty to the breach and were each fined \$80,000 each.

[Read more »](#)

Maules Creek Coal Mine performance reviewed

The NSW Environment Protection Authority (EPA) has completed an independent Mandatory Environmental Audit of the Maules Creek Coal Mine.

The audit finds that the mine's noise management systems and procedures are appropriate, effective and consistent with good practice. However, the audit also included recommendations around the deployment of real time noise monitoring and improvements to compliance monitoring reports.

The EPA is undertaking a joint review of dust management practices at Maules Creek Coal Mine with the Department of Planning and Environment. The review is expected to be completed by the end of March 2017.

[Read more »](#)

Law Reform and Policy Watch

Environmental Planning and Assessment Amendment Bill 2017 – EDO NSW submission

In this detailed 28 page submission, we comment on key issues in the Bill and identify missed opportunities that should be addressed before the Bill is introduced to Parliament. Our analysis is structured around the Government's 10 themes for reform.

See our other resources on these important reforms:

- [Briefing note](#): Six big changes to the Planning Act in 2017 (and three missed opportunities)
- [Podcast](#): Planning reform, an expert view from EDO NSW

[Read the submission »](#)

Developing a NSW Koala Strategy – EDO NSW submission

We've made a submission responding to the NSW Government's call for input on a Koala Strategy for NSW.

We strongly support a whole-of-government approach to the protection of koalas. In our submission, we:

- Identify laws and policies that need to be improved to secure the future of koalas, and provide examples where planning laws and biodiversity protections are failing.
- Show that the new biodiversity and land clearing laws due to commence in 2017 do not address – and may even exacerbate – the problems of declining koala populations.
- Reiterate several important issues that have yet to be addressed in the review of the *State Environmental Planning Policy - Koala Habitat Protection* (SEPP 44), such as cumulative impacts and climate change readiness.

- Argue that, given the very significant decline of several key NSW koala populations, the NSW Scientific Committee should review the koala's threat status in NSW, and clarify the relationship with federal listings and recovery plans.

[Read the submission »](#)

Inquiry into shark mitigation and deterrent measures – EDOs of Australia submission

In this EDOs of Australia submission, we explore the legal exemptions that have allowed shark netting and shark culling to operate in NSW, Queensland and WA, without full environmental impact assessment.

We strongly recommend that all existing shark cull measures, and any new proposals, should be subject to full and rigorous assessment.

For more on the NSW shark net trials, read EDO NSW's blog [NSW shark netting trials: an exception that should not become a rule](#).

[Read the submission »](#)

Draft Social Impact Assessment Guidelines – EDO NSW submission

We strongly support the objectives of the Draft Social Impact Assessment Guidelines released by the NSW Government, particularly the commitment to assessing cumulative impacts. In this submission, we make a number of recommendations to strengthen the Guidelines further, including:

- A process should be set out that ensures the independence of social impact assessments, and the community should be involved in decisions about who gets to undertake an assessment.
- Further detail should be included on reviews of ongoing social impacts and how 'unforeseen impacts' should be addressed.
- Clear timeframes should be set for expanding the application of the Draft Guidelines to other types of State Significant Developments.

[Read the submission »](#)

State of the Environment report 2016

The Australian Department of the Environment and Energy has released Australia's State of the Environment report 2016.

The report finds that, since the last report in 2011, policies and management practices have achieved some improvements in the state and trends of parts of the Australian environment. However, it also finds that the main pressures facing the Australian environment today remain the same – climate change, land-use change, habitat fragmentation and degradation, and invasive species. It notes that 'it is clear that some parts of Australia's environment are not yet being managed sustainably'.

In addition, the report finds that interactions between pressures are resulting in cumulative impacts, amplifying the threats faced by the Australian environment, particularly in coastal areas.

The report concludes that ‘without substantial changes, there is doubt about the capacity of our natural capital to continue to provide the services required to support Australia’s economy and wellbeing in the longer term.’

The 2016 report has a new interactive digital platform, [SoE Digital](#).

[Read more »](#)

Upland swamps addendum to Biodiversity Offsets Policy for Major Projects finalised

The NSW Office of Environment and Heritage has finalised and released its Addendum to the NSW Biodiversity Offsets Policy for Major Projects: Upland swamps impacted by longwall mining subsidence.

This addendum extends the offsets policy to the calculation and provision of biodiversity offsets for the subsidence impacts of longwall coal mining on upland swamps and associated threatened species.

[Read more »](#)

Recent EDO submissions and reports

- [Environmental Planning and Assessment Amendment Bill 2017](#) – EDO NSW submission
- [Developing a NSW Koala Strategy](#), EDO NSW submission
- [Inquiry into shark mitigation and deterrent measures](#), EDOs of Australia submission
- [Draft Social Impact Assessment Guidelines](#), EDO NSW submission
- [Murray Darling Northern Basin Review](#), EDOs of Australia submission
- [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

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

New legislation introduced to Parliament

[Australian Parliament](#)

- *No new relevant Bills have been introduced since the last eBulletin*

NSW Parliament

- *Mining Amendment (Climate Protection—Phasing Out of Coal Mining) Bill 2017*

A private members Bill to amend the *Mining Act 1992* for the purpose of phasing out mining for thermal coal over a 10-year period to reduce greenhouse gas emissions and address climate change.

[Read the Bill »](#)

- *Local Government Amendment (Rates—Merged Council Areas) Bill 2017*

A NSW Government Bill to amend the *Local Government Act 1993* with respect to the maintenance of pre-merger rate paths for land in newly merged councils.

[Read the Bill »](#)

Local Environmental Plan tracking

- [Bega Valley](#) – Rezoning and amendment of lot sizes as well as removing the deferred matter status for land in Millingandi, Tura Beach and Boydtown.
- [Lismore](#) – Rezoning of land on Blue Knob Road, Nimbin, to Large Lot Residential.

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

- **Santos' Narrabri Gas Project – deadline extension**

Development of coal seam gas field comprising up to 850 gas wells on up to 425 well pads over 20 years. [Read more about the case we are running about the Leewood waste water facility, which is part of this project.](#)

Submissions are now invited until Monday 22 May 2017.

[Read more and have your say »](#)

- **Marine threat & risk assessment**

As part of its Marine Estate Management Strategy, the NSW Marine Estate Management Authority is calling for submissions on its *NSW Marine Estate Threat and Risk Assessment Draft Report*. The Authority is asking commenters to consider the evidence used to determine the risk levels and provide evidence of their own. Evidence includes scientific research or reports, supporting background reports or unpublished data or research.

Submissions are invited until Friday, March 31, 2017.

[Read more and have your say »](#)

- **Consultation for the NSW Regional Ports Strategy**

The NSW Department of Industry is calling for submissions on its Ports Strategy which will help to identify options that best meet the needs of all stakeholders at each regional port and to assist in prioritising specific actions for each location.

Submissions are invited until Sunday 9 April 2017.

[Read more and have your say »](#)

- **Planning for a new Ku-ring-gai Chase National Park plan of management**

Before drafting a new plan of management for Ku-ring-gai Chase National Park, the NSW Office of Environment and Heritage and the National Parks and Wildlife Service are inviting community input on a number of important issues.

The issues will be outlined in a number of discussion papers, and the agencies are calling for anyone interested to register to receive notification when the discussion papers are ready.

Registrations are invited until Friday 8 December 2017.

[Read more and have your say »](#)

- **Governance of the Great Barrier Reef Marine Park Authority**

The Australian Department of Environment and Energy is calling for submissions on the role and composition of the Great Barrier Reef Marine Park Authority's Board in supporting the functions of the Authority.

The review will provide recommendations and advice on any changes to improve the corporate governance arrangements of the Authority and any legislative or administrative amendments required to make such changes.

Submissions invited until Tuesday 4 April 2017.

[Read more and have your say »](#)

- **Roads and transport consultations**

- [Bankstown](#) – Safety improvements, Stacey Street – Submissions invited until Monday 13 March 2017.
- [Newcastle](#) – Safety improvements, Stewart Avenue – Submissions invited until Monday 13 March 2017.
- [Newell Highway](#) – Upgrade between Mungle Back Creek and Boggabilla, north of Moree – Submissions invited until Tuesday 28 March 2017.
- [Birchgrove, Sydney](#) – Concept design for upgrade of Birchgrove Wharf – Submissions invited until Tuesday 28 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**

- [Commonwealth Coral Sea Fishery](#) – Agency Application on ecological sustainability – Submissions invited until Thursday 30 March 2017.

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

- [Parramatta](#) – Western Sydney Stadium stage 2 design and construction – Submissions invited until Friday 7 April 2017.
- Woolooware – Two modifications to Cronulla Sutherland Leagues Club, Captain Cook Drive: [Concept Plan](#) and [retail/club precinct](#) modification – Submissions invited until Friday 7 April 2017.
- [Walgett](#) – Construction, operation and upgrading of Walgett Solar Farm photovoltaic plant – Submissions invited until Thursday 6 April 2017.
- [Darlington](#) - Redevelopment of buildings for mixed use for student accommodation and educational facilities - Submissions invited until Friday 7 April 2017.
- [Tahmoor](#) – Saddlers Rest Pty Ltd, developer contribution, York Street – Submissions invited until Tuesday 4 April 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

- [Great Australian Bight](#) – Oceanographic research expedition to obtain high resolution records of Cretaceous climate – Submissions invited until Wednesday 22 March 2017.
- [Toolara Forest, QLD](#) - Coondoo Creek Bridge Replacement, Tin Can Bay Rd– Submissions invited until Friday 17 March 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 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

Marine Biodiversity in Areas Beyond National Jurisdiction – Australia’s Continuing Role

Establishing a coherent international regime to conserve high seas biodiversity is key to securing healthy and productive oceans into the future. At this forum, leading experts will look at governance of the high seas and how to address the threats to marine biodiversity.

Our very own Policy and Law Reform Director Rachel Walmsley will be presenting on opportunities for Australian law reform to meet domestic, regional and global challenges through a national ‘Oceans Act’.

When: Thursday 16 March 2017, 9:00am-5:00 pm

Where: Australian Museum, 1 William St, Sydney

[Read more »](#)

Fire Ants Down Under: National Emergency Tour

From 20 to 24 March, the Invasive Species Council is holding a series of fire ant forums across Australia. At the forums, US fire ant expert Dr Robert Puckett will send a clear message that a failure to eradicate red fire ants in Queensland will eventually have devastating consequences for Australia.

Forums will be held in Brisbane, Canberra, Sydney, Melbourne and Perth. Details for the Sydney event below.

When: Wednesday 22 March 2017, 6:30pm

Where: New Law Lecture Theatre, 106 New Law Annexe, University of Sydney

[Read more »](#)

NSW Planning Changes Workshop

The Better Planning Network is holding a free workshop on the NSW Government's proposed changes to planning laws.

The workshop will explore the nature of the NSW planning and development system and whether it might be time to consider a different model altogether.

Our Outreach Director – Professional Programs Emily Ryan and senior planner John Mant will present, and there will be a questions and comments session.

When: Sunday 19 March 2017, 3:30-7pm

Where: Redfern Town Hall, 73 Pitt St, Redfern

[Read more »](#)

One Day Intensive – Environment and Planning Law

This one day intensive is organised by the New South Wales Young Lawyers Environment and Planning Law Committee.

The intensive is aimed at all levels – from solicitors and barristers seeking an introduction to Land and Environment Court practice, to more experienced practitioners wishing to refresh their knowledge and skills in environment and planning law.

Cost: Members \$498; non-members \$590.

When: Saturday 25 March 2017

Where: Level 3, Law Society of NSW, 170 Phillip Street, Sydney

[Read more »](#)

The Climate Institute to close

The Climate Institute has announced that it will cease to operate on Friday 30 June 2017. The Institute's Board announced that the decision comes as a result of being unable to establish the viable level of funding that would enable the Institute to continue in a meaningful, sustainable form.

The Climate Institute was established 12 years ago to provide independent advocacy and research towards climate change solutions.

[Read more »](#)

Update on Pacific responses to climate change

At this lunchtime event, members of the Pacific Calling Partnership and Edmund Rice Centre will report on recent visits to Kiribati and Fiji.

Presenters will provide first-hand descriptions on how the inhabitants of Kiribati and Fiji are responding to climate change, and will report on strategic directions for climate action in the Pacific. BYO lunch.

When: Monday 13 March 2017, 12:30pm-3pm

Where: Edmund Rice Centre, 15 Henley Rd, Homebush West, Sydney

[Read more »](#)

Mangrove Creek Catchment Crawl

Join Central Coast Waterwatch for a fun and hands on tour of the Mangrove Creek Catchment. Participants will travel by bus and explore the creek for native flora and fauna, conduct water testing and learn about hanging swamps.

Morning tea, lunch, bus travel and report of information collected on the day will be provided. Cost: \$10 Adult, \$5 Child

When: Saturday 18 March 2017, 8:30am-3pm

Where: Rumbalara Environmental Education Centre, 149 Donnison St, Gosford

[Read more »](#)

Regional Director, IUCN Oceania Regional Office

The International Union for the Conservation of Nature (IUCN) is looking for a Regional Director based at its Oceania Regional Office, Suva, Fiji.

This senior leadership position provides an exciting opportunity to be at the forefront of the implementation of the regional program for the IUCN Oceania Region.

[Read more »](#)

Key roles at environment and planning agencies

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

- Department of Planning and Environment: [Senior Policy Officer](#); [Senior Project Management Officer](#); Manager, [Housing Delivery](#); [Director, Housing Delivery](#); [Director Decision Support, Environment](#); [Senior Policy Officer](#); [Director, Greater Parramatta](#); and [Biodiversity Conservation Trust Board members](#).
- Environment Protection Authority: [Principal Technical Advisor Waste Assessment](#); [Policy Officer Hazardous Incidents & Environmental Health](#).

[More NSW environment positions »](#)

From last week

Key leadership role at Central Coast Community Legal Centre

Central Coast Community Legal Centre is seeking a dynamic, innovative and resourceful person with a passion for social justice to lead the organisation through a

time of change. This key leadership role can be filled by a practicing solicitor or by a person with developed managerial skills and experience. Applications close 5pm on Tuesday 21 March 2017.

[Read more »](#)

Come on Coffs Harbour – plant trees for koalas

The National Parks & Wildlife Service (NPWS) is calling on the Coffs Harbour community to once again get involved in its Tree Parents project.

The Tree Parents project was launched in 2014, with over 100 enthusiastic and competitive local volunteers having planted 600 trees in a degraded eucalypt plantation in the national park near East Boambee.

Another 600 trees are now ready to be planted and nurtured. The NPWS is planning to begin phase two of the project in May 2017. To find out more or to sign up to be a Tree Parent, contact Martin Smith at the local NPWS Coffs Jetty office on (02) 6652 0907.

[Read more »](#)

Environmental Research Program Grants – Now Open

The NSW Environmental Trust is now inviting Expressions of Interest (EOIs) to its Environmental Research Program. The closing date for Research EOIs is 13 March 2017.

This year's Research Program is offering grants of up to \$150,000 for applied research projects resulting in practical application under the following themes:

1. Contaminants and Pollution
2. Biodiversity
3. Climate Adaption
4. Mechanisms for Social Engagement.

[Read more »](#)

Transitions Film Festival

Transitions Film Festival is a social and environmental impact film festival that will screen in Sydney in March. The festival aims to present positive, solutions-focused films and showcase cutting-edge ideas from around the world.

The program includes films on climate change, marine plastic pollution and renewable energy. The festival will also screen in Melbourne, Brisbane and Adelaide.

When: Thursday 9 to Friday 24 March 2017

Where: Various venues around 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 »](#)

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](#)