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## EDO NSW EBULLETIN – 24 March 2017: Number 998

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

### New case: residents group fights to protect critically endangered plant

In our new case, we're representing Residents Against Intermodal Development (RAID) Moorebank in their fight to protect *Hibbertia fumana*, a critically endangered species thought to be extinct for almost 200 years.

This delicate flowering shrub was recently rediscovered on the site of a proposed massive shipping container development in Moorebank, Western Sydney.

RAID is asking the Land and Environment Court to undertake a full reconsideration of the facility's approval, because the presence of the *Hibbertia* wasn't considered when the development was approved in December last year.

[Read more about the case »](#)



Image: The Royal Botanic Gardens & Domain Trust

## **Newly discovered frog gets some help from Kangy Angy and EDO NSW**

We're excited to report that we have helped a residents' group from Kangy Angy get an emergency listing for a rare frog on the NSW threatened species list.

Not much is known about the Mahony's Toadlet. So far, it has been found at only eight sites, in Myall Lakes, Port Stephens and the Central Coast. With the help of University of Newcastle scientist Simon Clulow, we wrote to the NSW Scientific Committee requesting that the toadlet be included on the NSW Threatened Species List on an emergency basis. On 6 March the Committee informed us that, after considering our request, the frog had received an emergency listing.

This is both good and bad news. To be listed as 'endangered' means the Mahony's Toadlet faces a very high risk of extinction in New South Wales in the near future. But listing is an important step toward protecting the species.

[Read more »](#)

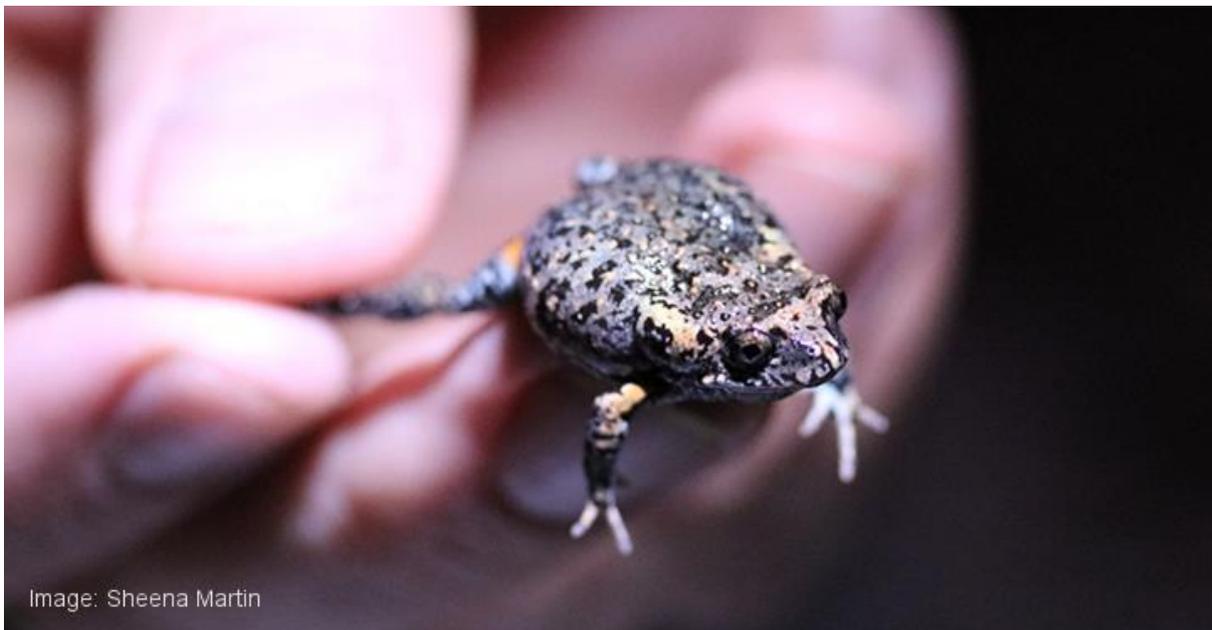


Image: Sheena Martin

## **Find out how to have your say on Santos' CSG activities in the Pilliga**

We're joining forces with CSG Free North West NSW to present two community workshops on Santos' proposed Narrabri Gas Project.

The Environmental Impact Statement (EIS) for the project is currently on public exhibition until 22 May 2017.

The EIS is over 7,000 pages. These workshops will help you understand the EIS and support you to write the most powerful submission possible. An EDO NSW lawyer will take you through the assessment process so you know what to expect and how to respond.

### *Boggabri*

When: Monday 27 March, 9-10:30am

Where: Boggabri Tennis Club, Merton St, Boggabri

[Read more and RSVP »](#)

### *Narrabri*

When: Monday 27 March, 6-8pm

Where: Namoi Water, 3/69 Maitland St, Narrabri

[Read more and RSVP »](#)

## **NSW planning reforms 2017 – resources to help with your submission**

There's now just a week until submissions are due on the NSW Government's 2017 planning law reforms.

If you want to make a submission, you'll have to hurry, and we have lots of resources to give you a head start:

- [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.
- [Video and slides from the community seminar](#) we held at McCabes Lawyers in Sydney on Thursday 2 March 2017.

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.

[Read and share these resources »](#)

## **Our new professional development program**

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.

Know someone who might be interested? Why not [share the event page](#) with them?

When: Wednesday 5 April 2017, 12-1pm

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

Numbers are strictly limited, but there are still a few places left.

[Reserve your place now »](#)

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## Court and Compliance Watch

### Energy company ordered to repair damage to Yuraygir National Park

The Land and Environment Court has ordered Essential Energy to repair damage caused by it clearing and mulching vegetation in Yuraygir National Park, on the NSW Mid-North Coast.

The clearing occurred in October 2013 without the company first obtaining formal consent, and was found to have caused potential harm to biodiversity and habitat.

It is estimated that repairing the damage will cost over \$73,000. The company was also ordered to pay the prosecutor's (the NSW Office of Environment and Heritage) costs of \$95,000.

[Read more »](#)

### Pollution reduction program imposed on Clarence Colliery

The NSW Environment Protection Authority has imposed a legally binding Pollution Reduction Program on the environment protection licence for the Clarence Colliery, to improve water quality in the Wollangambe River.

The Program has been implemented after the Authority provided a report on the health of the Wollangambe River.

[Read more »](#)

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## Law Reform and Policy Watch

### Impacts of climate change on marine fisheries and biodiversity

Last Thursday our CEO Sue Higginson and Science Director Megan Kessler gave evidence on behalf of EDOs of Australia at a Senate Committee hearing examining the current and future impacts of climate change on marine fisheries and biodiversity.

You can read what we said in the [online transcript](#).

[Read our submission »](#)

### Recent EDO submissions and reports

- [Reducing emissions from the transport sector](#) – EDOs of Australia submission
- [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

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

## New legislation introduced to Parliament

### Australian Parliament

- *Carbon Credits (Carbon Farming Initiative) Amendment Bill*

A Government Bill to amend the *Carbon Credits (Carbon Farming Initiative) Act 2011* to address implementation issues in the crediting element of the Emissions Reduction Fund, primarily for savanna fire management projects in Northern Australia. The amendments correct drafting errors, and clarify the intent of the Act.

[Read the Bill »](#)

### NSW Parliament

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

## Local Environmental Plan tracking

- [Woollahra](#) – Amendment to height and floor space ratio controls, New South Head Road, Double Bay.
- [Ku-Ring-Gai](#) – Addition of 5 heritage conservation areas and extension of 6 existing heritage conservation areas.
- [Bega Valley](#) – Rezoning, lot size amendments and removal of deferred matter status for land in Millingandi, Tura Beach and Boydtown.
- [Blacktown](#) – Rezoning and reclassification of Alpha Park from public recreation to mixed use.
- [Inner West](#) – Deletion of 'shop top housing' as permitted business park land use.

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

- **Rehabilitation of mining and resources projects**

The Australian Senate Standing Committee on Environment and Communications is calling for public comments on the rehabilitation of mining and resources projects.

Issues under consideration by the Committee relate to the Australian Government's role and responsibilities, including the adequacy of existing regulations and policies, transparency, the effectiveness of rehabilitation and abandoned mine practices, and the potential environmental impacts of inadequate rehabilitation.

Submissions are invited until Monday 10 April 2017.

[Read more and have your say »](#)

- **Sydney Desalination Plant prices**

The Independent Pricing and Regulatory Tribunal (IPART) NSW has released its draft determination of the prices that customers would pay for water from the Sydney Desalination Plant over the next five years.

The Tribunal sets the maximum prices that can be charged when the desalination plant is in both shutdown and operation modes. It has released a methodology paper to show how it has calculated its pricing.

The prices proposed would apply for five years from 1 July 2017. No drinking water has been supplied from the plant since 2012.

Submissions are invited until Tuesday 18 April 2017.

[Read more and have your say »](#)

- **Victoria Street Station upgrade**

Transport for NSW is calling for public comments on accessibility improvements to Victoria Street Railway Station, Maitland. Changes include new lifts, canopies, and refurbishment of the heritage platform building.

Submissions are invited until Friday 7 April 2017.

[Read more and have your say »](#)

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

- *No new listings have been placed on exhibition since the last eBulletin.*

For a full listing of threatened species and endangered ecological community listings currently open for public comment, visit the [NSW Office of Environment and Heritage website](#) and the [Australian Department of the Environment website](#).

- **Fisheries assessments**

- [NSW Ocean Trap and Line Fishery](#) – Ongoing export accreditation – Submissions invited until Friday 28 April 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**

- [Perisher Valley](#) – Stormwater system upgrade, parking area, Perisher Ski Centre – Submissions invited until Friday 7 April 2017.
- [Yelgun](#) – Extension of trial period for cultural events and music festivals at North Byron Parklands – Submissions invited until Wednesday 26 April 2017.
- Eastern Creek – Two developer contributions: [Eastern Creek East](#); and [Eastern Creek West](#), Jacfin Pty Ltd – Submissions invited until Thursday 20 April 2017.
- [Thredbo](#) – Alterations and additions to Wintergreen Apartment 4– Submissions invited until Tuesday 4 April 2017.
- [Dunmore](#) – Extension to extraction area, Dunmore Quarry – Submissions invited until Monday 10 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

- [Paynesville, VIC](#) – Multi-lot residential subdivision, Paynesville Rd and Newlands Drive – Submissions invited until Wednesday 5 April 2017.
- [Glen Innes, NSW](#) – Construction of White Rock Solar Farm – Submissions invited until Friday 31 March 2017.
- [Aldoga, QLD](#) – Livestock handling facility, Mount Larcom Road – Submissions invited until Friday 31 March 2017.
- [Narrabri, NSW](#) – High pressure gas pipeline, Leewood to Pilliga West National Park – Submissions invited until Friday 31 March 2017.
- [Gold Coast, QLD](#) – Establishment of an ocean-side cruise ship terminal , Philip Park, Main Beach – Submissions invited until Thursday 30 March 2017.
- [Gosnells , WA](#) – Residential development, Southern River Rd and Matison Rd, Southern River – Submissions invited until Thursday 30 March 2017.
- [Collinsville, QLD](#) – Second stage of solar farm development, Strathmore Road, Springlands – Submissions invited until Thursday 30 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](#).

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## Community News

New this week

## **New website celebrates 25 years of Native Title recognition**

To celebrate 25 years of the recognition of Native Title, the National Native Title Tribunal has created a website, [www.nativetitle25.gov.au](http://www.nativetitle25.gov.au), with stories, images and videos on native title and the benefits brought by recognition.

Contributions to the site are welcome.

[Read more »](#)

## **NSW Supreme Court appointments**

Three new judges have been appointed to the NSW Supreme Court:

- Justice Julie Ward has been appointed Chief Judge of the Equity Division
- Justice Richard White has been elevated to the Court of Appeal
- Julia Lonergan SC will join the bench of the Supreme Court

[Read more »](#)

## **Aboriginal Cultural Awareness course**

The NSW Division of the Environment Institute of Australian and New Zealand (EIANZ) is holding a one day course with renowned Aboriginal environmental educator Clarence Slockee.

The interactive course will provide an insight into, and an understanding of, Australia's first inhabitants, including Aboriginal use of native Australian plants of the Sydney region.

Cost: \$60 members, \$90 non-members (lunch included)

When: Saturday 22 Apr 2017, 8:30am-4:30pm

Where: Lane Cove National Park - Jenkins Hall, Max Allen Rd (off Lady Game Drive), Lane Cove National Park, Chatswood, Sydney

[Read more »](#)

## **Earth Hour turns 10**

Tomorrow, Saturday 25 March 2017, Earth Hour celebrates its 10<sup>th</sup> birthday.

What can you do to celebrate this event, started in Australia, that has raised so much awareness about environmental protection?

- Before you leave work today, make sure you completely switch off your computer or lap top, turn off the lights and air-con.
- Put a reminder in your calendar for Saturday, 25 March from 8.30-9.30pm to switch off all your lights at home.

- Let others know you are participating in Earth Hour to show your support for the next generation.

[Read more »](#)

### **Community workshop on Santos' proposed Narrabri CSG Project**

Our CEO, Sue Higginson, will be presenting at the Wilderness Society's community workshop on Santos' proposed Narrabri Gas Project. Attendees will find out about CSG in the Pilliga and will get tips on how to make a submission on the Environmental Impact Statement for the project, which is currently on public exhibition until Monday 22 May 2017.

When: Thursday 6 April 2017, 6-7:30pm

Where: GetUp! Office, 14/338 Pitt St, Sydney

[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 & Program Officer](#); [Senior Planning Officer](#); [Senior Planning Officer](#); and [Senior Planning Officers \(6 positions\)](#).
- Office of Environment & Heritage: [Scientist Vegetation Mapping](#); and [Senior Project Officer](#); [Senior Scientist](#).
- Environment Protection Authority: [Unit Head, Waste Levy Compliance](#);

[More NSW environment positions »](#)

[From last week](#)

### **Safeguard our Crown Lands Community Forum**

This community forum will provide participants with knowledge of the new legislation and the skills and motivation to improve the management of crown lands and to reduce the likelihood of their inappropriate disposal or conversion to freehold.

Our Outreach Director - Professional Programs Emily Ryan will be presenting on recent changes to Crown Lands legislation.

Tickets are \$45 (\$38 concession), and include morning and afternoon tea, and lunch.

When: Saturday 13 May 2017, 5:30pm

Where: Rahamim Ecology Centre, 34 Busby St, South Bathurst

[Read more »](#)

## **SOS Green Spaces Community Forum**

At this Total Environment Centre forum, community groups will discuss how we can better protect Green Spaces in the Greater Sydney Area and other urban centres across NSW.

Our Outreach Director – Professional Programs Emily Ryan will speak on how new and proposed legislation and the Greater Sydney Commission District Plans will impact the protection of Green Spaces as well as the best protection mechanisms.

When: Saturday 1 April 2017, 10am-3pm  
Where: Mitchell Theatre, 280 Pitt St, Sydney

[Read more »](#)

## **Start Something Workshops**

If you have a bright idea that would help your natural environment, you may be interested in the Start Something Workshops series.

These free workshops help budding entrepreneurs and environmental groups focus on three skills areas: shaping your idea; finding finance; and telling your story.

The next workshop is in Ewingsdale, in the Northern Rivers, this Saturday 18 March 2017. There will also be a workshop in Albury for the Murray-Riverina community on Saturday 25 March 2017.

[Read more »](#)

## **The Trump Administration and the Future of US Environmental Law**

Professor Robert L Glicksman, George Washington University Law School will speak about the impact of the changed political landscape in the USA on US environmental law.

If the President and his legislative allies have their way, US environmental law will become unrecognisable to anyone familiar with its substance and process over the past half century.

When: Tuesday 4 April, 6.00-7.30pm  
Where: Level 2, Law School Foyer, Sydney Law School, Eastern Avenue, The University of Sydney

[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.

Applications close Sunday 2 April 2017.

[Read more »](#)

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## **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.

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