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## EDO NSW EBULLETIN – 31 March 2017: Number 999

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

#### **Analysis: the ever changing face of Barangaroo**

How did a casino and hotel building come to dominate Barangaroo in Sydney?

The massive urban renewal project underway on public land at Barangaroo has had its fair share of controversy. It has been criticised for its ever-increasing bulk and scale, for being an abuse of the planning process, for representing bad value to the NSW public and has been the subject of two court cases, the most recent concerning the location of the Crown Sydney casino.

Our latest blog takes an in-depth look at how the Barangaroo development has changed since the first award-winning design was released in 2006.

[Read more »](#)



## **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 »](#)

## **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 »](#)

## **NSW planning reforms 2017 – today's the day**

Today is the last day for submissions on the NSW Government's 2017 proposed changes to planning laws.

Thanks to everyone who made a submission on these reforms. We hope the resources we produced helped. Here's a rundown of these resources:

- [Our submission](#).
- [Briefing note](#) – a summary of the key issues
- [Podcast](#) – 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.

It may be some time before we hear about the outcome of this public consultation. We'll bring you news and analysis when the time comes.

If you would like to help support our work on future policy and law reforms, please make a tax deductible donation to our [Environmental Defence Fund](#).

[Read more and view all our resources »](#)

## **Our new professional development program**

Lawyers, planners, and environmental professionals: have you got your tickets for our first CPD seminar?

[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 Pl, 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**

### **Developer fined for clearing protected vegetation in Wollongong**

A project manager has been fined \$62,500, plus costs, for unlawfully clearing protected vegetation and breaching conditions of development consent.

The cleared land in the Wollongong suburb of Warrawong consists of Illawarra Subtropical Rainforest, and includes the endangered White-flowered Wax Plant, or *Cynanchum elegans*.

[Read more »](#)

### **Ku-ring-gai Council wins appeal against council merger**

The NSW Court of Appeal has found has ruled that the plan to forcibly merge Kur-ring-gai and Hornsby councils cannot proceed in its current form.

[Read more »](#)

### **Central Coast company fined for polluting and unlawful waste storage**

The NSW Environment Protection Authority has fined EBH Environmental Services, based in Berkeley Vale on the Central Coast, a total of \$30,000 for water pollution and unlawful waste storage.

The company was fined \$15,000 for water pollution at its resource recovery facility at Craftsman Avenue. Water with high pH, high alkalinity and the presence of metals was washed into stormwater drains due to poor maintenance.

The company was also fined \$15,000 for operating an unlawful waste facility on Apprentice Drive.

[Read more »](#)

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## Law Reform and Policy Watch

### 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](#)

- *Ozone Protection and Synthetic Greenhouse Gas Management Legislation Amendment Bill 2017*

A Government Bill to implement Australia's international obligations to improve the effectiveness and efficiency of programs to reduce hydrofluorocarbon emissions.

[Read the Bill »](#)

- *Petroleum and Other Fuels Reporting Bill 2017*

A Government Bill to establish a mandatory reporting regime for statistics on petroleum, other fuels such as biofuels, and fuel-related products. The information would facilitate compliance with international reporting and stockholding obligations, and allow the publication of aggregate fuel statistics for Australia. See also subsequent amendments in the *Petroleum and Other Fuels Reporting (Consequential Amendments and Transitional Provisions) Bill*.

[Read the Bill »](#)

- *Renew Australia Bill*

A Private Members Bill to establish a government authority to plan and deliver clean energy projects and manage the closure of coal power plants to enable Australia to meet a renewable energy target of 90 percent by 2030.

[Read the Bill »](#)

## NSW Parliament

- *Transport Administration Amendment (Transport Entities) Bill 2017*

A Government Bill to amend the *Transport Administration Act 1988* to convert Rail Corporation New South Wales into a State owned corporation, plus other amendments to the management of public transport in NSW.

[Read the Bill »](#)

## Local Environmental Plan tracking

- [Inner West](#) – Amendment to facilitate redevelopment of Norton Street, Leichhardt, site for seniors housing.

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

- **Extension: Dalton Power Project**

The NSW Department of Planning and Environment has extended the deadline for public comment on the proposed 2-year extension of the Dalton Power Project.

Submissions are now invited until Thursday 13 April 2017.

[Read more and have your say »](#)

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

The Australian Department of the Environment and Energy has extended the deadline for submissions on its review of the governance of the Great Barrier Reef Marine Park Authority. The Independent Reviewer, Dr Wendy Craik AM, has released a background paper to support submissions to the review.

Submissions are now invited until Friday 7 April 2017.

[Read more and have your say »](#)

- **Great Barrier Reef Marine Park Authority permission system fees**

The Great Barrier Reef Marine Park Authority is inviting public feedback on its current permission system fees. Permission system relates to activities within the Great Barrier Reef marine parks such as tourism operations, facilities such as jetties and moorings, dredging, and educational programs.

Submissions are invited until Monday 24 April 2017.

[Read more and have your say »](#)

- **Review of Australia's climate change policies**

The Australian Department of the Environment and Energy is calling for public submissions on a discussion paper for the 2017 review of Australia's climate change policies.

The discussion paper provides background to Australia's emissions reduction policies and its 'Paris Agreement' targets, and poses questions across sectors of the economy, research and innovation, and potential policy initiatives.

Submissions are invited until Friday 5 May 2017.

[Read more and have your say »](#)

- **Planning policy changes for container deposit scheme**

The NSW Department of Planning and Environment is calling for public comment on amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to facilitate the forthcoming cash for containers scheme. The amendments would allow recycling equipment such as reverse vending machines to be considered exempt development.

Submissions are invited until Wednesday 26 April 2017.

[Read more and have your say »](#)

- **Roads and transport consultations**

- [Windsor](#) – Windsor Bridge replacement – Submissions invited until Friday 7 April 2017.
- [Bella Vista](#) – Vehicle activated traffic lights, Norwest Boulevard roundabout – submissions invited until Wednesday 5 April 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**

- [West Singleton](#) – Extension to the South Bates Underground Mine at Wambo Mine – Submissions invited until Tuesday 2 May 2017.
- [Maroota](#) – 20-year extension to Old Northern Road Quarry – Submissions invited until Tuesday 11 April 2017.
- [Eastern Creek](#) – Developer monetary contribution, Archibold Road – Submissions invited until Thursday 27 April 2017.
- [Tahmoor](#) – Developer monetary contribution, River Road – Submissions invited until Thursday 27 April 2017.
- [Thirlmere](#) – Developer monetary contribution, Rita Street – Submissions invited until Thursday 27 April 2017.
- [Warners Bay](#) – Developer monetary contribution, Fairfax Road – Submissions invited until Wednesday 26 April 2017.

- [Thredbo](#) – Installation of new window, Creekside Apartments, Crackenback Drive – Submissions invited until Tuesday 11 April 2017.
- [Perisher Valley](#) – External and internal alterations, Cronulla Alpine Club – Submissions invited until Tuesday 11 April 2017.
- [Sydney](#) – Construction of 51-storey building with hotel, apartments and shops, 201 Elizabeth St – Submissions invited until Monday 1 May 2017.
- [Metz](#) – Development of solar farm, Bailey Park – Submissions invited until Sunday 7 May 2017.
- [Kooragang](#) – Installation of irrigation system cooling tower effluent, BOC Kooragang – Submissions invited until Friday 7 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**

- [Albion Park, NSW](#) – Princes Motorway extension to bypass the suburb of Albion Park Rail – Submissions invited until Wednesday 12 April 2017.
- [Whyalla, SA](#) – Whyalla Solar Farm Project – Submissions invited until Wednesday 12 April 2017.
- [Edithvale, VIC](#) – Removal of Edithvale and Bonbeach level crossings – Submissions invited until Friday 7 April 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**

- **Horton Falls National Park**

The draft plan provides the community with the opportunity to have a say in the future management directions for the Horton Falls National Park Conservation Area Zone 1. The Park is in the New England Tablelands, NSW.

Submissions are invited until Monday 3 July 2017.

[Read more and have your say »](#)

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

### **Regarding Sydney Park: exhibition to support EDO NSW**

In April, artist Janet Kossy will exhibit a series of works on Sydney Park, parts of which are being acquired for Sydney's WestConnex project.

We're thrilled to say that Janet has generously pledged to donate net proceeds to EDO NSW. So Sydneysiders, get along to the gallery and show your support!

When: Wednesday 19 April to Tuesday 25 April 2017

Where: The Corner Gallery, 88-90 Percival St, Stanmore, Sydney

[Read more »](#)

### **International Bar Association Conference Scholarship**

The Energy, Environment, Natural Resources and Infrastructure Law Section of the International Bar Association is offering a scholarship to attend the 2017 IBA Annual Conference to be held in Sydney in October 2017.

The scholarship will be awarded to young lawyers who wish to participate in the conference, but who face financial difficulties in doing so.

Applications are open to all qualified lawyers age 35 and under. The deadline for applications is Sunday 7 May 2017.

[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: [Technical Specialist](#); [Senior Policy & Program Officer](#); [Senior Planning Officer](#); and [Senior Planning Officers \(6 positions\)](#).
- Office of Environment & Heritage: [Compliance and Regulation Officer](#) (Central & North Coasts); [Scientist Vegetation Mapping](#); [Senior Project Officer](#); and [Senior Scientist](#).
- National Parks & Wildlife Service: [Senior Project Officer](#).
- Office of Local Government: [Principal Project Officer](#) (Illawarra & South Coast).

[More NSW environment positions »](#)

From last week

### **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 »](#)

### **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 »](#)

### **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 April 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 »](#)

### **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 »](#)

### **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 »](#)

### **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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