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EDO NSW EBULLETIN – 26 May 2017: Number 1007

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

Whaling footage finally released – a win for public interest law!

Since 2012, we have been acting on behalf of our clients - Humane Society International and Sea Shepherd - to gain access to footage of the Japanese whaling fleet hunting whales in the Australian Whale Sanctuary off Antarctica. The footage was recorded by Australian customs but our clients were denied access it under Freedom of Information law on the grounds that it could affect Australia's relations with Japan.

On Tuesday the Information Commissioner ordered the Government to release the footage.

[Read more »](#)

Biodiversity reforms – free community seminars

We're running two free community events on the recently released draft regulations and instruments in support of the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016*, passed last year.

Come along to hear from EDO NSW lawyers about these important reforms:

Sydney

When: Thursday 1 June 2017, 12:30-1:30pm

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

[RSVP »](#)

Murwillumbah

When: Thursday 8 June 2017, 6-8pm

Where: Tweed Valley Uniting Church Hall, 2 Byangum Rd, Murwillumbah

[RSVP »](#)

[Read more about the reforms at our website »](#)

Some tables still available for our 2017 Gala Dinner

Thanks to everyone who has bought tickets to our [2017 Gala Dinner](#).

We've had a great response, and have been able to extend the number of tables to meet demand. So it's not too late to [book your ticket or table](#).

Our MCs, legendary comedy duo Roy & HG, and celebrity auctioneer Cecily Hardy will provide a fabulous night of entertainment. Hear from keynote speaker the Hon. Margaret Beazley AO, watch Dr Karl Kruszelnicki AM, and listen to the stories of some of the communities we've worked with to protect the environment through law.

When: Thursday 15 June 2017, 6:30-10pm

Where: Ivy Ballroom, Level 1, 320 George Street, Sydney (entrance at the end of Palings Lane)

We'd love you to be there. Don't miss out!

[Book your tickets now »](#)

Help heroes like Wendy

You've probably heard that our client Wendy Bowman was awarded the internationally prestigious Goldman Environmental Prize. We've represented Wendy since 2009 in her fight to save her local environment from the impact of a massive open cut coal mine.

Wendy is just one of the thousands of people we help every year across Australia and the Pacific. Your support will help us continue to provide legal representation to heroes like Wendy.

[Please make a tax-deductible donation to our Environmental Defence Fund.](#)

Since losing all our Federal Government funding in 2013, we have relied on the support of donors to continue our vital work. Thank you for helping us defend the environment through law

[Read more about Wendy and our work »](#)



Court and Compliance Watch

Maules Creek Coal Mine fined \$15,000 for road dust

The NSW Environment Protection Authority (EPA) has issued the Maules Creek Coal Mine with a fine of \$15,000 for failing to minimise or prevent air pollution from truck movements on haul roads.

During the surveillance operation EPA officers identified that water carts were not being used until sometime after trucks commenced using the road. It was in this time, between the commencement of truck movements and the observation of the first water cart on the road that the high levels of dust were observed.

[Read more »](#)

EPA fines companies \$91,500 for waste offences

Four waste companies in Sydney and Newcastle have been fined a total \$91,500 by the NSW Environment Protection Authority (EPA) for environmental offences.

Bingo Waste Services Pty Ltd has been fined \$30,000 for unlawfully transporting general solid waste to the Minto Recycling facility in August 2016. The facility is licenced to receive building and demolition waste and scrap metal only.

In relation to the same incident, Minto Recycling Pty Ltd has been fined \$30,000 for accepting that waste from Bingo Waste Services in contravention of their licence conditions. The company continued to accept loads of garbage even after being warned by the EPA that it was unlawful to do so.

Newcastle Recycling (NSW) Pty Ltd has been fined \$15,000 for failing to properly store diesel at its Tomago waste facility. The fine was issued after the company failed to act appropriately on three EPA warnings to improve its practices.

Clean Valley Pty Ltd has been fined \$15,000 for failing to adequately manage dust generated by activities at its Tomago waste facility near Newcastle. In addition, the company has also been fined \$1,500 for failing to install a weighbridge as required by its licence.

[Read more »](#)

Law Reform and Policy Watch

Recent EDO submissions and reports

- [Australia's Climate Change Policy Review](#), EDOs of Australia submission
- [Inquiry into National Water Reform](#), EDOs of Australia submission
- [Inquiry into the rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities](#), EDOs of Australia submission
- [Draft State Environmental Planning Policy \(Education Establishments and Child Care Facilities\) 2017](#), EDO NSW submission
- [State Environmental Planning Policy \(Infrastructure\) Amendment \(Review\) 2016](#), EDO NSW submission
- [Greater Sydney Commission's draft *Towards Our Greater Sydney 2056*](#), EDO NSW submission
- [NSW Marine Estate Threat and Risk Assessment Draft Report](#), EDO NSW submission
- [Surface Water Status and Issues Papers for the Barwon-Darling and Namoi catchments](#), EDO NSW submissions
- [Reducing emissions from the transport sector](#), EDOs of Australia submission

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

New legislation introduced to Parliament

Australian Parliament

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

NSW Parliament

- *Forestry Amendment (Public Enforcement Rights) Bill 2017*

This Private Members Bill would amend the *Forestry Act 2012* to allow third parties to bringing proceedings in relation to certain breaches of that Act or relating to that Act.

[Read more »](#)

- *Mining and Petroleum Legislation Amendment Bill 2017*

This Government Bill would amend certain mining and petroleum legislation to make further provision with respect to ancillary mining activities, enforceable undertakings and the administration and enforcement of that legislation; and for other purposes.

[Read more »](#)

Local Environmental Plan tracking

- [Parramatta](#) – Removal of height restriction and increase of floor space ratio for high density mixed use development including, George Street.
- [Coffs Harbour](#) - Rezone land at Pacific Street, Corindi Beach to facilitate low density residential development (33 lots), tourist development (motel) and business development (4750m2).

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

- **Extension: Western Slopes Pipeline Project**

The NSW Department of Planning and Environment is calling for public submissions on a survey application for the Western Slopes Pipeline Project. The pipeline is proposed to run between Narrabri and Condobolin and past the Pilliga State Forest.

Owners and occupiers of land parcels affected by the survey are particularly invited to make submissions.

Submissions are now invited until Friday 2 June 2017.

[Read more and have your say »](#)

- **Fisheries Management (Aquaculture) Regulation**

The NSW Department of Primary Industries is calling for public submissions on a draft Fisheries Management (Aquaculture) Regulation 2017.

The proposed Regulation will replace the *Fisheries Management (Aquaculture) Regulation 2012*, which is due to be repealed in September 2017.

Submissions are invited until Monday 19 June 2017.

[Read more and have your say »](#)

- **NSW Litter Prevention Strategy**

The NSW Environment Protection Authority is calling for public input into a draft NSW Litter Prevention Strategy. The Strategy aims to reduce the volume of litter in NSW by 40 percent by 2020. It also provides a framework for prioritising funding.

Submissions are invited until Monday 31 July 2017.

[Read more and have your say »](#)

- **NSW Illegal Dumping Strategy**

The NSW Environment Protection Authority is calling for public input into a draft Illegal Dumping Strategy 2017–20.

The Strategy coordinates action on education, enforcement and infrastructure to prevent people from dumping illegally, and to take strong action against those who persist in doing the wrong thing.

Submissions are invited until Monday 31 July 2017.

[Read more and have your say »](#)

- **Apiary sites on public lands**

The NSW Department of Primary Industries is calling for comments on a policy framework for the management of apiary sites on public lands in NSW.

The Department has released a discussion paper that will inform the development of a 'whole-of-government' policy framework for managing apiary sites on public lands, including in State forests, travelling stock reserves and National Parks.

Submissions are invited until Thursday 15 June 2017.

[Read more and have your say »](#)

- **Threatened Species and Endangered Ecological Community Listings**

- *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](#).

Major Project proposals: Invitation to comment

- [Thredbo](#) – Upgrade to Kosciuszko flow trail – Submissions invited until Thursday 8 June 2017.
- [Mandalong](#) – Modification to Mandalong Coal Mine – Submissions invited until Thursday 8 June 2017
- [Carcoar](#) – Modifications to Flyers Creek Wind Farm – Submissions invited until Friday 2 June 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

- [Franklin Harbour, TAS](#) – Franklin Harbour Foreshore Project – Submissions invited until Tuesday 6 June 2017
- [Magenta, NSW](#) – Wilfred Barrett Drive shared pathway project – Submissions invited until Monday 5 June 2017
- [Ipswich, QLD](#) – Inland rail calvert to Kagaru – Submissions invited until Monday 5 June 2017
- [Lake Macquarie, NSW](#) – Wyndham Way Eleebana residential subdivision – Submissions invited until Monday 5 June 2017.
- [Perth, WA](#) – Removal and replacement of pipes, Goldfields Water Supply Scheme – Submissions invited until Thursday 1 June 2017.
- [Hammond Park, WA](#) – Subdivision and development for residential purposes, Barfield Rd – Submissions invited until Thursday 1 June 2017.

- [Buckland, TAS](#) – Construction of an in stream dam on the Tea Tree Rivulet – Submissions invited until Thursday 1 June 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

- **Cottan-Bimbang National Park draft Plan of Management**

The National Parks and Wildlife Service (NPWS) is calling for comment on the draft Plan of Management for Cottan-Bimbang National Park and State Conservation Area (SCA), and The Cells SCA.

The draft plan is on exhibition until 14 August 2017 and outlines the parks' values and proposed management.

[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](#).

Community News

New this week

Fiona Wain Oration 2017

At this year's Sustainable Business Australia Fiona Wain Oration, sustainability strategist Maria Atkinson AM will explore how sustainability will be at the heart of a city's future prosperity.

When: Monday, 29 May 2017, 2pm
Where: Domain Theatre, Art Gallery of NSW, 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: [Heritage Project Officer](#); [Director - Governance](#)
- Environment Protection Authority: [Connected Communities Officer](#); [Senior Policy Officer](#); [Senior Community Engagement Officer](#); [Senior Legal Officer](#)

[More NSW environment positions »](#)

[From last week](#)

Research Symposium: Reshaping Justice

The Law and Justice Foundation of NSW is presenting a research symposium Reshaping Justice: Client-centred service delivery, technology and innovation.

The symposium will examine current issues facing the sector and how evidence-based research can be used to shape legal services that are responsive to client needs and interests. The keynote speaker is Professor Dame Hazel Genn QC.

When: Tuesday 20 June 2017, 9:30am-6:30pm

Where: New South Wales Parliament House Theatrette, 6 Macquarie Street, Sydney

[Read more »](#)

Australian Environment Review May 2017

The May edition of the Australian Environment Review (volume 32 no. 2) contains a case note on our Barangaroo case for Millers Point Fund Inc., as well as articles on the NSW Government's current planning reforms and the review of the national electricity market.

[Read more »](#)

Global Trends in Climate Change Legislation and Litigation: 2017 update

This London School of Economics report summarises key trends in climate change legislation and litigation. It is the sixth stock-take in a series of global climate legislation studies that dates back to 2010. The 2017 edition covers legislative activities in 164 countries, and for the first time includes analyses of climate change litigation.

[Read more »](#)

Threatened Species Recovery Fund: applications open

The National Landcare Programme is inviting community groups around Australia to apply for funding under the Threatened Species Recovery Fund. The Fund provides between \$20,000 and \$250,000 to help communities actively protect threatened species. Funding is distributed to eligible groups through a competitive funding round.

Applications need to be in by Thursday 15 June 2017.

[Read more »](#)

Essay prize on environmental law

The topic for this year's Australian Academy of Law's Annual Essay Prize is *How well do Australian legal institutions respond to climate change? How could that response be improved?*

The \$10,000 prize is open to anyone who is studying or has studied legal subjects at a tertiary level, or who is working or has worked in a law-based occupation.

If you're interested in entering, you need to submit an expression of interest by Friday 30 June 2017. Essays need to be submitted by Thursday 31 August 2017.

[Read more »](#)

Bushfire Conference: Fire, Fauna and Ferals

The NSW Nature Conservation Council's 11th biennial bushfire conference will explore how fire management can support ecological values across the landscape, from our backyards through to the bushland interface and beyond.

A conference field day will be held on Thursday 1 June, will visit North Head to see restoration and regeneration projects in action.

When: Tuesday 30 to Wednesday 31 May 2017

Where: Teachers Federation Conference Centre, 37 Reservoir Street, Surry Hills, Sydney

[Read more »](#)

2017 Regional Environment Conference

The Nature Conservation Council's 2017 Regional Environment Conference will be held in Lithgow. The conference is a chance for conservationists to network, learn new skills, and plan for community action.

On the second day of the conference, participants will go on a field trip to Maiyingu Marragu, Cox's River and Wolgan Valley.

Jemilah Hallinan, our Outreach Director – Community Programs, will take part in a panel session on mining impacts on nature in the Central West and present a workshop on the new Biodiversity Conservation Act.

When: Saturday 3 June to Sunday 4 June 2017

Where: Uniting Church Lithgow, 43 Bridge Street, Lithgow

[Read more »](#)

Support EDO NSW

Help us help community heroes

Every day, our dynamic public interest environmental law experts help communities in Australia and across the Pacific protect our environment through law. Those communities need us, and we need you!

[Please make your end of financial year tax-deductible donation to our Environmental Defence Fund..](#)

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](#)