

NSW



DEFENDING THE ENVIRONMENT
ADVANCING THE LAW

EDO NSW

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EDO NSW EBULLETIN – 7 July 2017: Number 1013

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

What does Solomon Islands' first protected environmental area have to do with EDO NSW?

On a recent trip to Solomon Islands, our International Programs Coordinator BJ Kim was delighted to discover that EDO NSW played a part in Solomon Islands declaring its first ever protected area.

The Arnavon Community Marine Conservation Area, in the Arnavon Islands, is the biggest breeding ground in the South Pacific for critically endangered hawksbill turtles. Resources developed under our International Program were used by both the Arnavon community and the Solomon Islands Government to bring about this historic milestone in environmental protection in the Solomon Islands.

[Read more »](#)



We're looking for a Solicitor to join our team

We are seeking qualified applicants for the role of Solicitor to work with our Litigation Team. This is an exciting opportunity to work in the field of public interest environmental law.

Applications close Monday 17 July at 10am.

[Read the position description and how to apply »](#)

We're looking for a Communications Coordinator to join our team

Do you know a brilliant communicator who wants to use their skills to protect the environment?

We're looking for a new Communications Coordinator to help us highlight public interest environmental law, raise our profile, and build our supporter base. Applications for this part-time position close 10am on Monday 17 July 2017.

[Read the position description and how to apply »](#)

Professional Development Training for Local Council Staff in a Changing Legal Landscape – Biosecurity, Biodiversity, Coastal Development, Crown Land

New biosecurity laws commenced in NSW on 1 July 2017, and significant changes to laws regulating biodiversity, coastal development, and Crown land are expected to commence in the next 12 months. Navigating this changing legal landscape poses unique challenges for local council staff working for the benefit of their communities and the environment, particularly given the complexity of and interaction between these new legal frameworks.

As the acknowledged expert in public interest environmental law, EDO NSW is pleased to offer professional development for staff of local councils on environmental law. We can tailor a professional development program to suit your workplace, offer half and full day options, and can travel to you. We work with local councils and State Government departments across NSW to deliver targeted training to environmental decision-makers and enforcement officers. We offer competitive rates and unparalleled insight into the inner workings of environmental and planning laws.

Please contact us if you would like to discuss your training needs or to request a quote on your tailored program, or [visit our website](#) for more information.

Community Workshop in Lue – Mining and the law: What you need to know and how to have your say

We'll be holding a free workshop in Lue explaining how the community can have their say about the proposed Bowdens Silver Project. The workshop will include information about:

- The legal process for the assessment of mining developments
- The requirements for environmental assessment of the project
- How the community can have a say through the development assessment process and Community Consultative Committee

Please bring a plate to share.

When: Tuesday 15 August 2017, 5:30-8pm

Where: Lue Public School, Swanston Street, Lue

[Read more and register »](#)

Biodiversity law update

The public exhibition of the latest round of draft regulations and instruments for the NSW Government's biodiversity and land clearing laws has now concluded.

The new regime is due to commence on **Friday 25 August 2017**, despite there being certain components that have not been finalised.

We will continue to provide feedback on the aspects of the new regime that are still being developed, and we'll continue to work with communities concerned about the new laws.

Keep an eye on future eBulletins for updates on our ongoing biodiversity and native vegetation law reform and outreach work.

[Check out all our resources about the new laws »](#)

Court and Compliance Watch

Mining company fined for pollution

The NSW Environment Protection Authority (EPA) has fined EDI Mining \$15,000 for pollution offences.

The company allowed diesel fuel to leak from a valve at its Mount Thorley Blasting Services site. The EPA determined that a number of spills had likely occurred from this valve and also noted poor chemical storage and inadequate stormwater diversions which created the potential for soil contamination.

[Read more »](#)

Transport company fined for unsafe transport of goods

The NSW Environment Protection Authority has fined Crawfords Freighlines Pty Ltd, EDI Mining Blasting Services Pty Ltd, and Dyno Nobel Asia Pacific Pty Ltd for offences relating to the dangerous transport of goods.

Crawfords were fined \$48,000 and EDI Mining and Dyno Nobel were each fined \$8,000 for transporting dangerous ammonium nitrate in tanker trucks which were inappropriate and sub-standard.

[Read more »](#)

Soil company fined for using contaminated soil

The NSW Environment Protection Authority has fined Wallacia Soils Pty Ltd \$15,000 for using contaminated soil in a quarry rehabilitation project.

Soil contaminated with asbestos and heavy metals was used as fill at the rehabilitation site on Bents Basin Road in Wallacia on a number of occasions between February and August 2016.

[Read more »](#)

Law Reform and Policy Watch

Draft Marine Estate Management Regulation 2017 – submission

The NSW Marine State has released for consultation a draft regulation that would weaken protections for our marine environment.

The proposed regulation includes an amendment to delete a clause that provides a strict protection for the marine environment. Sanctuary and no-take zones are critical to the health of our marine parks. We do not support any weakening of these protections.

[Read our submission »](#)

Recent EDO submissions and reports

- [Draft Marine Estate Management Regulation 2017](#), EDO NSW submission
- [NSW biodiversity and land management reforms draft regulations and products](#), EDO NSW submission
- [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
- [NSW Marine Estate Threat and Risk Assessment Draft Report](#), 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 into Parliament since the last eBulletin*

[NSW Parliament](#)

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

Local Environmental Plan tracking

- [Ballina](#) – Rezoning of land on Henderson Drive, Lennox Head from medium density residential to low density to facilitate 25 lot subdivision.
- [Parramatta](#) – Amendment to development standards for site on Victoria Rd and Kissing Point Rd, Rydalmere (former Macquarie Boys High School).
- [Ku-Ring-Gai](#) – Rezoning of land on Diamond Beach Rd, Diamond Beach, primary production tourism and part environmental conservation.
- [Parramatta](#) – Amendment to enable redevelopment of land on Hassall St to facilitate a high density mixed use development.
- [Glen Innes Severn](#) – Various ‘housekeeping’ amendments.

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

- **Inquiry into the governance and operation of the Northern Australia Infrastructure Facility**

The Senate has referred an inquiry into the governance and operation of the Northern Australia Infrastructure Facility (NAIF) to the Senate Economics References Committee for inquiry and report.

The Committee is seeking written submissions from interested individuals and organisations. Submissions are due by 28 July 2017.

[Read more and have your say »](#)

- **Proposed access for Bundeena Eco Lodge**

The Office of Environment and Heritage is calling for public submissions on the proposed use of an existing fire trail within the Bundeena National Park as an access path to the Bundeena Coast Eco Lodge site.

Submissions are invited until Friday 4 August 2017.

[Read more and have your say »](#)

- **Environmental Impact Assessment (EIA) for State Significant projects. A Guidance Series**

The Department of Planning & Environment has developed a Guidance Series relating to Environmental Impact Assessment for State Significant projects. There are nine documents on public exhibition (summarised below).

Submissions are due by 1 September 2017.

The Department will also be conducting a series of community workshops throughout NSW.

[Read more and have your say »](#)

- Overview of the EIA Improvement Project

The provides an overview of the current approach to Environmental Impact Assessment for State significant projects, summarise proposed changes, introduced additional improvements being developed, explain how draft EIA guidelines will relate to each other, explain the relationship to other initiatives being undertaken by the Department and describe the next steps including how to make a submission in response to the exhibition of draft EIA Guidelines.

- Community Guide to EIA

The guide outlines the opportunities to participate at each phase of EIA, what information the community can expect to receive and how the community's knowledge and opinions will be used by the proponent and the Department.

- Scoping an Environmental Impact Statement

The guide helps proponents identify the key issues for assessment in the EIS by providing guidance on how to scope a project and setting out the requirements for engagement with the community and other stakeholders in the early phases of environmental impact assessment.

- Preparing an Environmental Impact Statement

The guide sets out the Department of Planning and Environment's expectations for the information to be presented by a proponent in an environmental impact statement to support decision-making and enable the community and other stakeholders to understand the project and its impacts.

- Responding to Submissions

The guide provides direction on the steps in the responding to submissions phase of environmental impact assessment, how to analyse and categorise issues raised and how to respond to these issues and the expected structure and content of a Submissions Report.

- Community and Stakeholder Engagement

The guide describes how the Department of Planning and Environment expects proponents to engage with the community and other stakeholders during environmental impact assessment for State significant projects

- Approach to Setting Conditions

The guide describes the approach the Department of Planning and Environment will adopt when drafting recommended conditions for State Significant projects or modifications to State Significant projects.

- Modifying an Approved Project

The guide aims to provide direction on whether changes during State Significant projects are permissible under existing terms of approval, require an application to modify the existing consent or require a new application.

- Peer Review

The guide sets out a methodology for independent peer review, including criteria to determine the suitability of a peer reviewer, review practice, review reporting and post approval requirements. It will provide for greater consistency in peer review.

- **Amendments to *Environmental Planning and Assessment Act 1979***

The NSW Department of Planning & Environment is calling for public submissions on proposed amendments to the *Environmental Planning and Assessment Act 1979*.

The amendments relate to staged State significant, regionally significant and complex local development applications. They aim to clarify the level of assessment required for concept proposals and subsequent staged applications.

Submissions are invited until Monday 24 July 2017.

[Read more and have your say »](#)

- **Surveying and Spatial Information Regulation 2017**

The NSW Department of Finance, Services and Innovation is calling for public submissions on the draft *Surveying and Spatial Information Regulation 2017* and the accompanying Regulatory Impact Statement.

The regulation sets out technical and administrative standards for land and mining surveys in NSW.

Submissions are invited until Friday 21 July 2017.

[Read more and have your say »](#)

- **Alexandria to Moore Park Connectivity Upgrade**

NSW Roads and Maritime Services is calling for public submissions on road changes in the Sydney suburbs of Alexandria, Waterloo, and Moore Park, including pedestrian and cyclist improvements, clearways, and improvements at key intersections. The changes are planned to integrate with two major projects: the CBD and South East Light Rail and WestConnex.

Submissions are invited until Friday 7 July 2017.

[Read more and have your say »](#)

- **Hunter Sports & Entertainment Precinct**

Venues NSW is calling for public submissions on proposed amendments to the Hunter Sports & Entertainment Precinct.

Submissions are invited until Thursday 30 November 2017.

[Read more and have your say »](#)

- **Roads and transport consultations**

[Chatswood](#) – Weekend clearways on the Pacific Highway from Chatswood to Artarmon – Submissions invited until Friday 7 July 2017

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

- [*Cucumis althaeoides*](#), a climbing herb – submissions invited until Friday 25 August 2017.
- [*Grevillea rivularis*](#), a shrub – submissions invited until Friday 25 August 2017.
- [*Uperoleia mahonyi*](#), Mahony's Toadlet – submissions invited until Friday 25 August 2017.
- [*Pimelea cremnophila*](#), a shrub – submissions invited until Friday 25 August 2017.

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

- [Penrith](#) – Construction of Penrith Resource Recovery Facility – Submissions invited until Monday 14 August 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

- [Gladstone, QLD](#) – Clinton Channel Widening – Submissions invited until Tuesday 18 July 2017.
- [Carmel, WA](#) – Clearing on Canning Road – Submissions invited until Monday 17 July 2017.

- [Toolern Creek VIC – Ballarat line upgrade](#) – Submissions invited until Monday 17 July 2017.
- [Derby, WA – Feral cat bat trail at Yampi Sound Defence Training Area](#) – Submissions invited until Friday 14 July 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

- **Royal National Park, Heathcote National Park and Garawarra State Conservation Area**

The National Parks and Wildlife Service (NPWS) is calling for public submissions on discussion papers for the development of a new plan of management for the Royal National Park, Heathcote National Park and Garawarra State Conservation Area.

The discussion papers relate to themes such as recreational activities, visitor destinations, Aboriginal cultural heritage and landscapes, mountain biking, commercial activities and protecting park values.

Submissions are invited until Monday 28 August 2017.

[Read more and have your say »](#)

- **Euston Regional Park**

The National Parks and Wildlife Service is calling for public submissions on the Euston Regional Park Draft Plan of Management. The draft plan provides the community with the opportunity to have a say in the future management directions for Park, located in the far west of New South Wales adjacent to Euston, approximately 80 kilometres east of Buronga and 80 kilometres west of Balranald.

Submissions are invited until Monday 2 October 2017.

[Read more and have your say »](#)

- **Kemendok National Park**

The National Parks and Wildlife Service is calling for public submissions on the Kemendok National Park Draft Plan of Management. The draft plan provides the community with the opportunity to have a say in the future management directions for Park, located in the far west of New South Wales, approximately 40 kilometres south-east of Buronga and 36 kilometres north-west of Euston.

Submissions are invited until Monday 2 October 2017 2015.

[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](#)

New content here

Marine Campaigner

Australian Marine Conservation Society and the Nature Conservation Council of NSW are looking for an energetic and experienced campaigner with a diverse skillset to build on a campaign to secure a multiple-use marine park for the Sydney region.

The position is part time (3 days per week) and is located at the Nature Conservation Council's office in Sydney. Applications close 9am on Monday 24 July 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: [Principal Energy Advisor](#); and [Director Energy Programs](#).
- Office of Environment and Heritage: [Director, Parkland Development & Strategy](#).
- NSW Environment Protection Authority: [Senior Operational Policy Officer](#).

[More NSW environment positions »](#)

From last week

Workshop on shared spaces in Greater Sydney

The Greater Sydney Commission is holding a 'community challenge' workshop on how to maximise the effective use of shared spaces in Sydney, and how to open up private spaces for shared public uses.

The workshop aims to bring together big thinkers, experts, practitioners and passionate Sydneysiders to explore some of the big opportunities to grow and improve Greater Sydney.

The workshops will also be available online.

When: Saturday 22 July 2017

Where: Bicentennial Park

[Read more »](#)

Workshop on active transport in Greater Sydney

The Greater Sydney Commission is holding a 'community challenge' workshop on how best to encourage walking and cycling for short trips to reduce congestion on public transport and help create a more liveable city.

The workshop aims to bring together big thinkers, experts, practitioners and passionate Sydneysiders to explore some of the big opportunities to grow and improve Greater Sydney.

The workshops will also be available online.

When: Saturday 29 July 2017

Where: Bicentennial Park

[Read more »](#)

2017 NSW Coastal Conference

Registrations are now open for the 26th annual NSW Coastal Conference.

With the theme "The Next Wave", conference sessions will focus on the new coastal management framework.

When: Wednesday 8 to Friday 10 November 2017

Where: Shoal Bay Country Club, Port Stephens

[Read more »](#)

The Age of Consequences film screening

Sustainable Business Australia is hosting a free screening of The Age of Consequences; a film that investigates the role of climate change as an “accelerant of instability”.

The documentary looks at how climate change exacerbates catalysts for conflict. The film looks at how extreme weather events can have grave implications for the peace and security in the 21st century. The screening will be followed by a panel discussion.

When: Monday 10 July 2017, 6-8pm

Where: Auditorium, University of Sydney, Business School, H70, Abercrombie St & Codrington St, Sydney

For more information contact (02) 8267 5782 or sba@sba.asn.au.

Future Ready: Rehabilitation, project closure and decommissioning seminar series

Governments around Australia are looking to tighten regulatory arrangements for ensuring adequate rehabilitation is carried out when projects are abandoned or closed.

This Norton Rose Fulbright seminar series explores the tightening of regulatory arrangements for rehabilitation when projects are abandoned or closed. Environment and Planning experts will examine proposed changes to regulatory and policy arrangements for project closure and decommissioning, and for securing compliance with rehabilitation obligations.

For further information contact [Sarah Taripo](#).

When: Tuesday 25 July 2017, 7:45am

Where: Level 18, Grosvenor Place, 225 George Street, Sydney

[Register »](#)

Summary report on outfalls around coastal Australia

The Clean Ocean Foundation has released its community summary into outfalls around coastal Australia. The summary is part of the National Outfall Database produced by the Clean Ocean Foundation for the Marine Biodiversity Hub.

The Foundation is also asking recreational water users to take part in an online survey.

[Read more »](#)

Australasian Groundwater Conference

The theme of the Australasian Groundwater Conference 2017 is 'Groundwater Futures: Science to Practice'. The plenary session on day 3 will be on groundwater and the law.

When: Tuesday 11 to Thursday 13 July 2017

Where: UNSW, Sydney

[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](#)