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EDO NSW EBULLETIN – 25 August 2017: Number 1020

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
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EDO NSW News and Events

EDO Insider – CPD on Protecting the Murray-Darling Basin

Get the inside story on EDO NSW's work as featured in ABC's Four Corners exposé of alleged illegal water harvesting in the Murray-Darling Basin.

Hear from lawyers Dr Emma Carmody and Brendan Dobbie about what we're doing at both State and Federal levels to address major flaws in the way that our scarce and precious water resources are regulated.

All funds raised from this seminar go towards our core work helping the community to protect the environment through law. You can claim CPD points for this and all of our professional development seminars.

When: Tuesday 12 September 2017, 12:30-1:30pm.

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

Cost: \$75. A light lunch will be provided.

Numbers are strictly limited.

[Reserve your place now »](#)

We are very grateful to our pro bono partner McCabes for hosting this seminar.

EDO Insider – The Sirius Building Heritage Case CPD

The Land and Environment Court's judgment in the Sirius building heritage case is a seminal judgment on the listing provisions of the Heritage Act, which has been in

force for 40 years and came about as a result of the Green Bans of the 1970s in the Rocks.

The case challenged the Minister for Heritage's decision not to list Sirius on the Heritage Register, despite a recommendation by the Heritage Council that it be listed because of its rarity and aesthetic value.

So what does this judgment mean for Sirius, which also came about as a result of the Green Bans, and for other buildings with heritage value? Join the legal team who ran the case, barristers Bruce McClintock SC and Shane Prince, and EDO NSW solicitor Belinda Rayment, to find out.

All funds raised from this seminar go towards our core work of helping the community to protect the environment through law. You can claim CPD points for this and all of our professional development seminars.

When: Thursday 31 August, 12:30-1:30pm.

Where: Colin Biggers & Paisley, Level 42, 2 Park Street Sydney.

Cost: \$75. A light lunch will be provided.

Numbers are strictly limited.

[Reserve your place now »](#)

We are very grateful to our pro bono partner Colin Biggers & Paisley for hosting this seminar.

Climate Impacts of Coal before NSW Court

The Wollar Progress Association, represented by EDO NSW, is challenging the approval of the Wilpinjong coal mine extension on climate change grounds.

Our client alleges the approval was granted in breach of environmental laws which require the assessment of the greenhouse gas emissions of the mine, including the burning of the coal downstream in light of government climate policies. NSW currently has a target of net-zero emissions by 2050 under its 2016 Climate Change Policy Framework.

This is the first case to test these important laws which were designed to ensure the climate change impacts of mining are properly assessed and understood.

We are grateful to barristers Geoffrey Kennett SC and Joanna Davidson for their assistance in this matter.

[Read more »](#)

Court and Compliance Watch

Power company and construction company fined for asbestos waste

The NSW Environment Protection Authority (EPA) has fined Powercor Network Services Pty Ltd (Powercor) and TTR Construction and Excavation Pty Ltd (TTR) \$15,000 each for transporting asbestos contaminated waste to a facility that could not lawfully accept it.

In March 2016, drilling mud contaminated with asbestos was transported from a construction site in Alexandria to a waste facility in Western Sydney which was not licenced to receive waste containing asbestos. Powercor and TTR failed to notify the waste facility of the asbestos until the following day. The EPA also fined the director of TTR, Mr Todd Lindsay, \$7,500 as supervisor of works at the site.

[Read more »](#)

Law Reform and Policy Watch

New land management and conservation laws start today

The NSW Government's new approach to native vegetation management and biodiversity conservation starts today.

The *Biodiversity Conservation Act 2016* replaces the *Threatened Species Conservation Act*, the *Nature Conservation Trust Act* and parts of the *National Parks & Wildlife Act*. It establishes a new legislative scheme for protecting threatened species, populations, ecological communities and their habitats, a new assessment and offsets scheme, and new provisions for biodiversity conservation on private land.

The *Local Land Services Amendment Act 2016* replaces the *Native Vegetation Act 2003* and creates new rules for rural land clearing.

We will be releasing education materials such as fact sheets and online tutorials on these changes in the coming months.

[Read more »](#)

Recent EDO submissions and reports

- [Inquiry into the future of Australia's cities](#) – EDOs of Australia submission
- [Environmental Planning & Assessment Amendment \(Staged development Applications\) Bill 2017](#) – EDO NSW submission
- [Inquiry into the Environment and Infrastructure Legislation Amendment \(Stop Adani\) Bill 2017](#) – EDOs of Australia submission
- [Tax Deductible Gift Recipient \(DGR\) Reform Opportunities – Discussion Paper](#) – EDOs of Australia submission
- [NSW Travelling Stock Reserves Review 2017](#), EDO NSW submission
- [Review of Complying Development in Greenfield Areas](#), EDO NSW submission
- [Environmental assessments and approvals](#), EDOs of Australia submission
- [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

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

- [Kiama](#) – Planning proposal to amend LEP to enable subdivision of dual occupancies and multi-dwelling housing in residential areas.
- [Canterbury-Bankstown](#) – Planning proposal to implement housekeeping amendments.
- [The Hills Shire](#) – Planning proposal to require a minimum amount of non-residential floor space for shop top housing in the Box Hill Town Centre Interface Area.
- [The Hills Shire](#) – Planning proposal to amend LEP to facilitate high density residential development at 55 Coonara Avenue, West Pennant Hills.

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

- **Woolgoolga to Ballina Highway Upgrade**

Roads and Maritime Services is seeking public comment on the draft urban design and landscape plan for the new bridge over the Richmond River at Broadwater.

Submissions are now invited until Friday 1 September 2017.

[Read more and have your say »](#)

- **Sturt National Park**

The Office of Environment and Heritage is seeking feedback on the Sturt National Park Review of Environmental Factors for the Reintroduction of Locally Extinct Mammals.

Submissions are now invited until Saturday 16 September 2017.

[Read more and have your say »](#)

- **Waste and recycling industry in Australia**

An inquiry into the waste and recycling industry in Australia including issues related to landfill, markets for recycled waste and the role of the Australian Government in providing a coherent approach to the management of solid waste.

Submissions are now invited until Friday 20 October 2017.

[Read more and have your say »](#)

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

The Western Australian Government has assessed 17 species for inclusion on the EPBC Act threatened species list. These include:

- *Andersonia annelsii*, a flowering plant;
- *Androcalva bivillosa*, a flowering plant;
- *Bertmainius colonus*, Eastern Stirling Range pygmy trapdoor spider;
- *Caladenia granitora*, granite spider orchid;
- *Caladenia leucochila*, Collie spider-orchid;
- *Conospermum galeatum*, a shrub;
- *Eremophila* sp. Narrow leaves;
- *Gastrolobium argyrotrichum*, Metricup pea;
- *Gastrolobium humile*, a flowering plant;
- *Hypocalymma sylvestre*, a spreading shrub;
- *Kunzea ericifolia* subsp. *Subulata*, a large shrub;
- *Leucopogon* sp. *Flynn*, a spreading shrub;
- *Petrophile nivea*, a shrub;
- *Pityrodia* sp. A flowering plant;
- *Pseudococcus markharveyi*, a mealybug; and
- *Stylidium semaphorum*, a trigger plant.

[View all applications »](#)

Submissions are invited until Friday 29 September 2017.

The NSW Government has assessed 13 species for inclusion on the EPBC Act threatened species list. These include:

- *Acacia meiantha*, a flowering plant;
- *Bossiaea fragrans*, an erect shrub;
- *Caladenia attenuate*, Duramana fingers;
- *Callistemon purpurascens*, Myrtaceae;
- *Diuris eborensis*, Donkey orchids;
- *Eucalyptus largeana*, Craven Grey Box;
- *Eucalyptus sp. Cattai*, a small tree;
- *Grevillea caleyi*, Caley's grevillea;
- *Pomaderris cocoparrana*, a shrub;
- *Pomaderris delicata*, a shrub;
- *Solanum bauerianum*, Bridal flower
- *Wollemia nobilis*, Wollemi pine; and
- *Zieria parrisiae*, Parris' Zieria.

Submissions are invited until Friday 29 September 2017.

[View all applications »](#)

The NSW Government has also made the following additional assessments:

- [Koala Phascolarctos](#), a koala – Submissions invited until Friday 13 October 2017.
- [Prostanthera gilesii](#), a shrub – Submissions invited until Friday 13 October 2017.
- [Rhodamnia rubescens](#), a shrub or small tree – Submissions invited until Friday 13 October 2017.
- [Rhodomyrtus psidioides](#), a shrub or small tree – Submissions invited until Friday 13 October 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

- [Parramatta](#) – Construction and operation of a light rail service from Westmead to Carlingford via Parramatta CBD and Camellia – Submissions invited until Monday 23 October 2017.

- [East Maitland](#) – Developer monetary contribution, Mount View Road – Submissions invited until Wednesday 20 September 2017.
- [Sydney](#) - Proposal to construct and operate the M4-M5 link between the proposed M4 East at Haberfield and the proposed M5 at St Peters – Submissions invited until Tuesday 10 October 2017.
- [Gerringong](#) – Proposal to modify the operational environmental management (OEM) requirement to enable Sydney Water to adopt its certified management systems, in place of preparing and implementing project specific OEMPs – Submissions invited until Friday 1 September 2017.
- [Holsworthy](#) – Proposal to modify the operational environmental management (OEM) requirement to enable Sydney Water to adopt its certified management systems, in place of preparing and implementing project specific OEMPs – Submissions invited until Friday 1 September 2017.
- [Milsons Point](#) – Landscaping proposal to create a public open space adjoining Harry's Park, Luna Park – Submissions invited until Monday 18 September 2017.
- [Gillieston Heights](#) – Proposal to subdivide land into 46 residential lots and 1 drainage reserve –Submissions invited until Thursday 14 September 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

- [Pannawonica, WA](#) – Proposal to extend the existing operations by developing an adjacent iron ore deposit – Submissions are invited until Tuesday 5 September 2017.
- [Mt Gambier, SA](#) – Proposal to establish a new quarry – Submissions are invited until Tuesday 5 September 2017.
- [Balliang East, VIC](#) – Proposal to upgrade Geelong-Bacchus Marsh Road between Heales Road, Lara and Fiske Street, Bacchus Marsh – Submissions invited until Tuesday 5 September 2017.
- [Dwellingup, WA](#) – Proposal to upgrade Pinjarra Williams Road – Submissions invited until Monday 4 September 2017.
- [Lennox Crossing, ACT](#) – Design and construction for the installation of fibre optic to three properties located in Lawson Crescent – Submissions invited until Monday 4 September 2017.
- [Port Hedland, WA](#) – Proposal to remove and replace 33 existing channel markers within the Port of Port Hedland – Submissions are invited until Friday 1 September 2017.
- [Mawson, ACT](#) – Subdivision of Block 29, Section 36, Mawson into two parcels – Submissions are invited until Friday 1 September 2017.
- [Crossman, WA](#) – Proposal to upgrade the Albany Highway/Crossman Road and Albany Highway/Crossman-Dwarda Road intersections – Submissions invited until Friday 1 September 2017.

- [Mount Hart, WA](#) – Field efficacy trial of the Hisstory bait, intended for feral cat control and potential hazards to northern quolls – Submissions invited until Wednesday 30 August 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

- **Crawney Pass National Park Draft Plan of Management**

The NSW National Parks and Wildlife Service is seeking public comment on the Crawney Pass National Park Draft Plan of Management.

Crawney Pass National Park has significant natural and cultural values. The park lies within the traditional Country of the Nungaroo and Wanaruah peoples and protects habitat for 9 threatened native animal species and 3 plant species of conservation significance. The park is also part of a regional corridor providing habitat connectivity along the Liverpool Range and is located within the broader Great Eastern Ranges Initiative conservation corridor.

Submissions are due by 20 November 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

- **3 coal exploration licence applications west of Ravensworth**

The NSW Department of Planning & Environment has received three applications for coal exploration licenses west of Ravensworth, NSW. The period for public submissions on all applications ends on 31 August 2017.

[View all applications »](#)

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

EDO ACT seeking part-time Policy and Communications Director

The EDO (ACT) is seeking a self-motivated person to work as its Policy and Communications Director, responsible to the Chief Executive Officer/Principal Solicitor. The Policy and Communications Director will assist in all areas of the EDO's core functions and deliver activities in the areas of policy and law reform and legal education.

The position is for 3 days per week but, as EDO ACT is co-located in the Legal Aid office, the opportunity exists for the successful applicant to also engage in 2 days employment with the Legal Aid Helpdesk.

The Legal Aid Commission of ACT is seeking a part-time Helpdesk Solicitor to assist with the provision of legal information and advice to people contacting Legal Aid either by telephone or in person.

[Read more »](#)

Position vacant – Solicitor, private practice (environmental sustainability)

A sole practitioner in the renewable energy development industry is seeking a colleague to expand a practice with an environmental sustainability theme. Services to main, current client (based in North Sydney) relate to landowner agreements (options for lease, purchase and easements, in NSW and other Australian jurisdictions), planning law and contractual advice. Potential exists to expand the client base in the renewables industry, in property development and associated general practice.

Would suit a solicitor with at least 3-5 years' post-admission experience seeking part-time work (approximately one day per week initially) in an expanding and satisfying field.

Please send CV and covering letter to David Robinson, robinsond@idx.com.au, mob 0405 127 224.

NELA national conference papers available online

The National Environmental Law Association held its national conference in Brisbane on 4 August 2017 on the theme 'Addressing Past Harm, Managing Future Risks'. Papers and presentations from the conference are now available online.

[Read more »](#)

PIAC advocacy workshops

The Public Interest Advocacy Centre is holding a two day advocacy workshop which will provide an opportunity to plan an effective strategy about issues affecting your community. You will complete strategy planning, learn the best ways to have your issue considered by parliament, prepare your advocacy tool kit, write a media release, and negotiate for your best outcomes.

Tuesday 17 October and Wednesday 18 October, 9:00 – 4:30

[Read more »](#)

Green-Go Short Film Contest 2017

This short film competition aims to showcase creative minds by producing movies that raise awareness about specific problems or show solutions. The 7th edition of the contest has now launched. The contest has reached 9 million people, with applicants from more than 40 countries. This year's categories are targeted towards environmental issues and the Earth's future.

Applications close 1 October 2017.

[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 »](#)

Support EDO NSW

We need your help to keep fighting

EDO NSW has been providing critical legal support to communities for 30 years. We are the only legal centre in NSW specialising in public interest environmental issues. As a not-for-profit, non-government organisation, we rely on our donors to help fund our programs and services.

Your support is vital to ensuring that community groups and individuals across Australia and the South Pacific have access to environmental justice.

[Find out more here »](#)

[Make your donation online here »](#)

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